

Turkstra Mazza

Hamilton London Toronto

Scott Snider
Professional Corporation
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Direct Line 519 434 3684
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529 3663
ssnider@tmalaw.ca

VIA EMAIL & COURIER

May 8, 2020

City of Hamilton
50 Main Street East, 5th Floor
Hamilton, ON L8N 1E9

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

**Re: Notice of Objection to Designation
1389 Progreston Road, Flamborough (Evergreen Farm)
Incomplete Notice of Intention to Designate – Served April 23, 2020
Our File No. 13489**

We are counsel to John Ernest (Jack) Dennison, the owner of 1389 Progreston Road (“subject property”), in this matter.

On April 23, 2020, Mr. Dennison was served with a Notice of Intention to Designate (“NOID” or “Notice”) for the subject property under Section 29 of the *Ontario Heritage Act* (“OHA”), RSO 1990, c. O.18, as amended. This Notice did not include a full statement explaining the cultural heritage value or interest of the property and did not include any description of the heritage attributes of the property. This was clearly contrary to the Notice obligations under Section 29(4)(b) of the OHA. The Notice did direct Mr. Dennison to the City’s website which did not have the required information posted until a week later. And yet, on April 23rd, Mr. Dennison was also served with a letter from the City’s Chief Building Official purporting to void demolition and building permits that had been issued to Mr. Dennison in accordance with all applicable law.

Furthermore, there is no evidence that the City consulted with its Municipal Heritage Committee before issuing the NOID. This is also contrary to the OHA and in particular Section 29(2) of the Act.

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

Attn: Ms. A. Holland, City Clerk
May 8, 2020

Page 2

Setting aside these important procedural errors, the Notice has had a profound impact on our client's plans for the subject property. The applications for the building permits were made in 2018 and a number of steps were taken to prepare for the demolition in accordance with the demolition permit including disconnecting the gas to the home, disconnecting the furnace, removing the electrical panel and preparing the interior for the removal of the furnace. Mr. Dennison's plan was to begin pouring footings for the new dwelling this past April. All of this has been put on hold by virtue of the NOID.

Given the impact of the NOID, Mr. Dennison immediately retained a team of experienced consultants to do what apparently the City has never done: a proper assessment of the heritage attributes of the home, an engineering assessment of the structural condition of the home and an evaluation of the planning merits of the proposed designation. This team included the following:

1. **Leah D. Wallace, MCIP RPP, Consulting Heritage Planner.** Ms. Wallace is a former member and Chair of the Local Architectural Conservation Advisory Committee for the Town of Flamborough, was the Heritage Planner and Senior Planner at the Town of Niagara-on-the-Lake and has been a planner/heritage planner for over 35 years.
2. **Mark Shoalts, P. Eng. of Shoalts Engineering.** Mr. Shoalts is not only a professional engineer but he is also a member of the Canadian Association of Heritage Professionals and the current president of the Ontario Association of Heritage Professionals. He has extensive experience in structural engineering in the heritage conservation context.
3. **John Ariens, MCIP RPP, IBI Group.** Mr. Ariens is a Hamilton- based land use planner well known to the City with decades of planning experience.

The NOID Should Be Withdrawn:

In addition to the procedural errors, the NOID is not justified. The Reports/assessments of Ms. Wallace, Mr. Shoalts and Mr. Ariens are attached. While the assessments go into considerable detail, the fundamental conclusion can be easily stated: the designation of the residence on the subject property is not justified and the NOID should be withdrawn. The technical conclusions can be summarized as follows:

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

Attn: Ms. A. Holland, City Clerk
May 8, 2020

Page 3

- i) **Ms. Wallace: Heritage Attribute Assessment Report for House:** Ms. Wallace concludes that the house on the subject property does not meet the criteria of design/physical value, associative value or contextual value. As such, there is no basis in the OHA or Ontario Regulation 9/06 for the designation of the house.
- ii) **Mark Shoalts: Structural Condition Assessment and Recommendations:** Mr. Shoalts' engineering assessment found that the house has serious structural issues that would require extensive and difficult repairs to enable it to remain in service. Any attempt to restore the oldest sections of the house would require extensive and extremely invasive work to replace the failing structure, the very nature of which would destroy much of the original interior and exterior finishes that remain. The house would need to be outfitted with completely new interior and exterior finishes, leaving the appearance to the world at large of a new dwelling.
- iii) **John Ariens: Planning Opinion:** Mr. Ariens finds that the City's Rural Hamilton Official Plan does not contain any heritage designations for the subject property nor does it identify Progreston Road as a Heritage Road. He concludes that it would not be appropriate to designate the existing house.

All of these experts make other recommendations for some recognition of the history of the property that would not include the designation of any part of the house under the OHA. In short, there is no basis for interfering with Mr. Dennison's plans to demolish the existing residence and construct of a new home on the subject property.

As Council is aware, if it does not withdraw the NOID and issue a notice of withdrawal, our client's objection must be referred to the Conservation Review Board for a hearing and report. This process will take a considerable amount of time which is particularly uncertain given the COVID-19 pandemic emergency. We urge Council to act on the clear and persuasive recommendations of the experts retained by Mr. Dennison and withdraw the NOID for the existing house on the property. Mr. Dennison should be permitted to proceed with his construction project while considering other options for recognizing the history of the property as recommended by his experts. These discussions can proceed without the profound interference in Mr. Dennison's plans for the house on the property.

In the meantime, pursuant to Section 29(5) of the OHA, we hereby attach our clients' Notice of Objection. As noted, we are also attaching the reports of Ms. Wallace, Mr. Shoalts and Mr. Ariens.

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

Attn: Ms. A. Holland, City Clerk
May 8, 2020

Page 4

Yours truly,



Scott Snider

SSnd
13489/4
Att'd.

cc: Steve Robichaud, Director of Planning
Anita Fabac, Manager of Development Planning: Heritage and Design
Ed VanderWindt, Chief Building Official: Director, Building Division
Miranda Brunton, Cultural Heritage Planner
Jennifer Sheryer, City Solicitor
Alissa Golden, Cultural Heritage Specialist
Jack Dennison, Property Owner

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

IN THE MATTER of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18;

AND IN THE MATTER of the Notice of Intention to Designate 1389
Progreston Road, Flamborough, as a property of cultural heritage value.

NOTICE OF OBJECTION TO DESIGNATION

John Ernest (Jack) Dennison, through his solicitors, Turkstra Mazza Associates, hereby makes a written Notice of Objection to the City of Hamilton (the "City") to the proposed designation of the subject property located at 1389 Progreston Road under Part IV of the OHA.

RELIEF REQUESTED:

1. The immediate withdrawal of the Notice of Intent to Designate ("NOID").

FACTUAL BACKGROUND:

2. A detailed description of the factual context can be found in the attached *Heritage Attribute Assessment Report for House of Ms. Leah Wallace*, Heritage and Planning Services, dated May 7, 2020. (See **Attachment 1**).
3. The property was added to Hamilton's Municipal Register of Properties of Cultural Heritage Value or Interest as a non-designated property in December 2019. The basis for including the subject property in the Register was a preliminary evaluation of the property that was conducted as part of the Waterdown Village Built Heritage Inventory, although the lands are not located in or near Waterdown. This evaluation indicated that the property "may be added to the work plan for designation should circumstances warrant this action". While the subject property was added to the Register, the owner was never given notice and the Register list was not updated on the website.

May 8, 2020

4. The NOID was issued as a result of direction from Hamilton Council on April 22, 2020. There is no evidence that the property was added to any work plan for designation nor that any further research or evaluation was undertaken relating to the designation beyond what was included in the preliminary evaluation noted above.
5. There is no indication that Council consulted with the City's Municipal Heritage Committee before issuing the NOID as required under Section 29(2) of the OHA.
6. No person from the City or from any City of Hamilton Heritage Committee attended at the property to physically evaluate the house and the property.

REASONS FOR OBJECTION:

7. Simply put, the house on the subject property does not meet any of the prescribed criteria in Regulation 9/06 for determining cultural heritage value or interest. The house does not have design value or physical value, the house does not have historical or associative value and the house does not have contextual value.
8. This evaluation is described in detail in Ms. Wallace's report. (Attachment 1).
9. The Statement of Cultural Heritage Value or Interest (the "Statement") places considerable emphasis on the original log cabin that was constructed by James Kievel. The Statement makes reference to the "adaptive reuse" of the log cabin which was allegedly incorporated into the home in the early 1870s. In fact, there is no evidence of the original log cabin in the existing dwelling or elsewhere on the property.
10. The house does not have design/physical value. It has undergone significant alterations over the years including construction of a number of structurally unsound and unattractive additions. The house is not a rare, unique,

May 8, 2020

representative or early example of a style, type, expression, material or construction method. Nor does it display a high degree of artistic merit or craftsmanship.

11. The front porch posts are of modern construction and have been installed upside down. Shoalts Engineering conducted a Structural Condition Assessment of the house. (**"Shoalts Assessment", Attachment 2**). Shoalts concluded that the house has serious structural issues that would require extensive and difficult repairs if it were to remain in service. Any attempt to "restore" the house would require the removal and replacement of much of the substandard construction. It would require extensive and extremely invasive work to replace the failing structure which would destroy much of the original interior and exterior finishes that remain. Following "restoration, the house would need to be outfitted with completely new interior and exterior finishes. The appearance to the world would be of a new dwelling.
12. The house also does not have historical/associative value. It does not reflect the work of an architect, artist, builder, designer or theorist who is significant to a community. The designer and builder of the house are not known. The house is not associated with the original owner, James Kievel, as it does not contain any remnants of the original log cabin. Any associative value of the house with milling and industry in the area is tentative at best.
13. The house does not have contextual value in and of itself. The house is merely one component of the landscape. The Statement refers to it as a "local landmark" but offers no verification of this determination or what components of the property contribute to its "landmark" status. The house itself is not a landmark and is not important in defining the character of Progreton.
14. As noted in the Planning Analysis (**IBI Group- Attachment 3**), the City's Rural Hamilton Official Plan does not contain any heritage designations for the subject

May 8, 2020

property and Progreston Road is not designated as a Heritage Road. The Policies for Carlisle do not identify any heritage significance to the home or property or Road. There is no current, in-force planning policy that would recognize the subject property as of heritage significance.

15. Such further and other grounds as counsel may advise.

All of which is respectfully submitted.

Dated this 8th day of May, 2020.

A handwritten signature in blue ink, appearing to read "Scott Snider".

Scott Snider
Shelley Kaufman
Turkstra Mazza Associates
15 Bold Street
Hamilton ON L8P 1T3

Attachment 1

1389 Progreston Road, Carlisle, City of Hamilton

Heritage Attribute Assessment Report for House



7/5/2020
Heritage and Planning Services
Leah D. Wallace, MCIP RPP

1. INTRODUCTION	4
Subject Lands	4
2. DESCRIPTION OF HOUSE	5
3. CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST ..	12
Design or Physical Value	12
Historical or Associative Value	12
Contextual Value	13
Identification and Significance and Heritage Attributes of the House at 1389 Progreston Road	13
1. Physical Value	13
2. Associative Value	14
3.Contextual Value	14
4. CONCLUSION	14
APPENDIX I –NOTICE OF INTENTION TO DESIGNATE – STATEMENT OF SIGNIFICANCE & HERITAGE ATTRIBUTES.....	16
NOTICE OF INTENTION TO DESIGNATE 1389 PROGRESTON ROAD, FLAMBOROUGH (EVERGREEN FARM)	16
Statement of Cultural Heritage Value or Interest	16
Historical/Associative Value	16
Design/Physical Value	17
Contextual Value	17
Description of Heritage Attributes	17
Written Notice of Objection.....	18
APPENDIX II – NOTICE OF INTENTION TO DESIGNATE 1389 PROGRESTON ROAD – SERVED ON THE OWNER	19
BIBLIOGRAPHY	20

CURRICULUM VITAE.....21

CAREER HISTORY 21

APPOINTMENTS AND AWARDS 22

PUBLICATIONS AND PRESENTATIONS 22

1. Introduction

This report is prepared at the request Jack Dennison, the owner of 1389 Progreston Road in Carlisle, City of Hamilton. It assesses the cultural heritage value or interest of the house on the property using *Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest*, with particular emphasis on the Design or Physical value of the building. This report does not address other structures or features on the property nor does it provide additional research regarding the history of the property and its owner. It should be read in conjunction with the report produced by Shoalts Engineering which assesses the structural condition of the house.

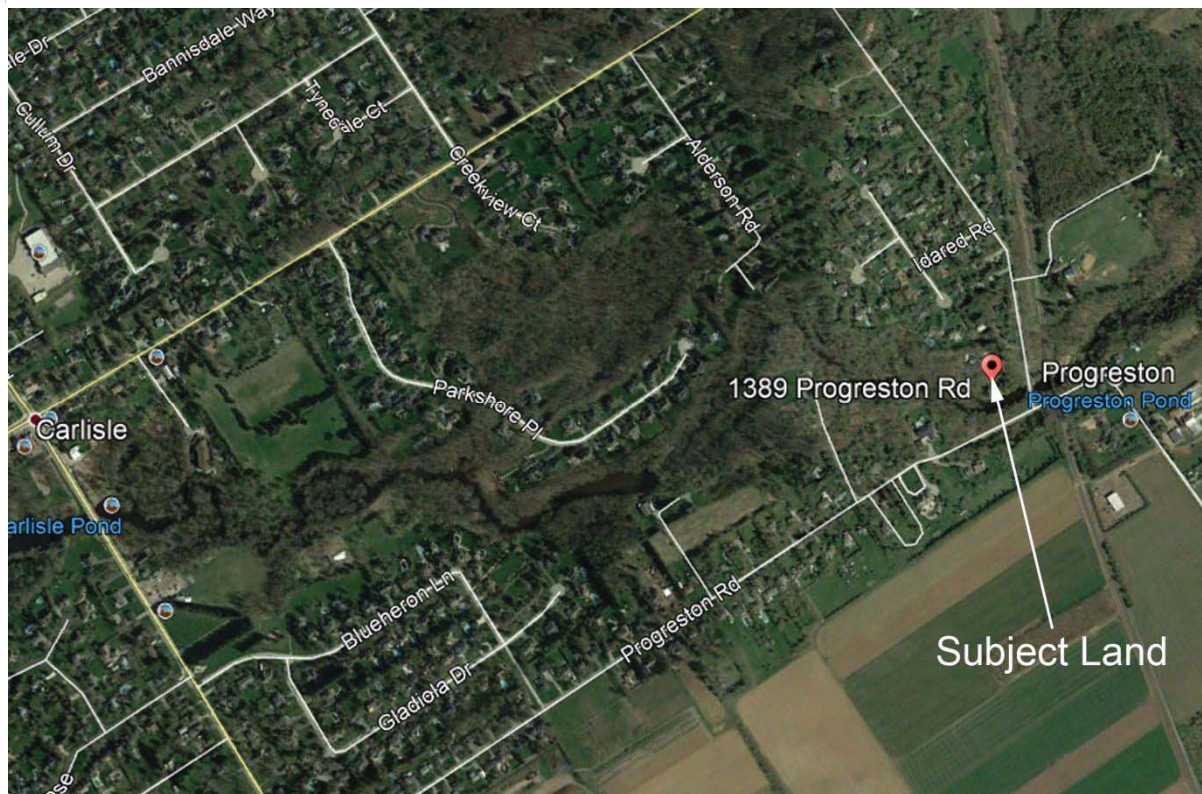
The house was included in the Description of Heritage Attributes in the full Notice of Intention to Designate 1389 Progreston Road, Flamborough (Evergreen Farm), which was published on the City of Hamilton's web site on April 30, 2020. **(APPENDIX I)**. This notice was published seven (7) days after the owner and the Ontario Heritage Trust received the simplified version of the Notice of Intention to Designate **(APPENDIX II)**, which was also published in the *Hamilton Spectator* on April 23, 2020 and served on the owner. The owner never received the full notice with the Statement of Significance and the list of heritage attributes, as required in Section 29(4)(b) of the Ontario Heritage Act (OHA) Instead, he was directed to the City's web site via the notice. When he was unable to find the full description, he was directed to the posting via an email from City staff on April 30, 2020, the same day the posting was published on the City's web site.

Subject Lands

The property is located on the northwest corner of Progreston Road and Green Springs Road Carlisle, in the former Town of East Flamborough, City of Hamilton. The property consists of approximately 10.4 acres (4.2 hectares). Bronte Creek runs through the property. The subject house sits on a height of land above the creek. There are also a barn and drive shed, which is partially converted into a garage, on the property to the west of the house.

The property was added to the Register of City of Hamilton Municipal Register of Properties of Cultural Heritage Value or Interest as a non-designated property in December 2019, though the owner, who applied to demolish the house in 2018, was not notified of this fact and Register list was not updated on the web site. In their August 2019 meeting notes the Inventory and Research Working Group indicated that a preliminary evaluation of the cultural heritage value or interest of 1389 Progreston Road was conducted as part of the Waterdown Village Built Heritage Inventory, although the lands are not located in or near Waterdown; but in Carlisle. They also indicated that, in future, the property *may be added to the work plan for designation should circumstances warrant this action*. In December 2019, Council approved the recommendations of the working group and added the property to the Register, though the owner, who had applied to the Building Department to demolish the house, never received notice of this inclusion.

On April 22, 2020, Councillor J. Partridge made motion at Council directing staff to take appropriate action to designate 1389 Progreston Road under Part IV of the OHA and notice was given on the next day. There is no indication that the property was added to the work plan or that any further research and evaluation was undertaken relating to the designation other than the preliminary evaluation. There is also no indication that Council consulted with the municipal heritage committee before giving notice of intention to designate as required in Section 29(2) of the OHA. No person from the city or from any City of Hamilton heritage committee attended at the property to physically evaluate the house and the property.



2. Description of House

The following description of the house is based on observations made on a site visit carried out on April 27, 2020.

The house is a symmetrical three bay 1 ½ storey frame building clad in board and batten siding. The gable roof is intersected by the two steeply pitched dormers containing round arched windows. The central entrance is flanked by two (2) bay windows. The shallow porch is supported by four (4) posts, one of which has fallen, and is surmounted by a low pitched roof which is slightly higher than that covering the bay windows. Decorative scroll work exists between the posts, though some of this decoration fell when the post collapsed.

Several additions to the house were made over the years, particularly to the rear and on the north side of the building. Some are clad in board and batten siding while others are clad in wide clapboard.

The interior of the house has been altered over the years and it is difficult to discern the original arrangement or purpose of the rooms although a small portion of the original layout of the front rooms does remain as do the two early bay windows. Trim has been removed or altered in most of the rooms as have walls and openings between rooms. The second floor was altered in the 20th century extinguishing any original details.

The additions to the house are architecturally undistinguished and in poor condition. A general discussion of the physical condition of the house can be found in Mark Shoalts' structural report.



Figure 1: 1389 Progreston Road, Facade from Progreston Road



Figure 2: Rear Elevation, 1389 Progreston Road

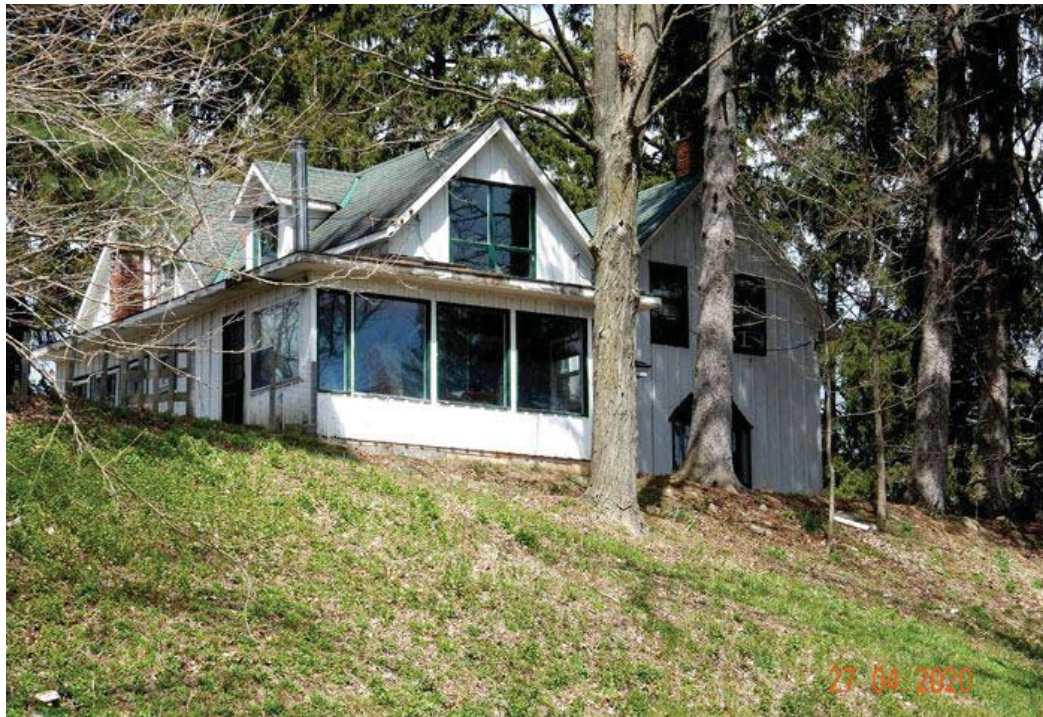


Figure 3: South Elevation, 1389 Progreston Road from Bronte Creek



Figure 4: Rear Elevation, 1389 Progreston Road



Figure 5: North Elevation, 1389 Progreston Road



Figure 6: Rear Elevation, 1389 Progreston Road



Figure 7: Corner of Porch and Gable Above, 1389 Progreston Road



Figure 8: Interior Front Room with Bay Window, 1389 Progreston Road



Figure 9: Interior Rear Addition, 1389 Progreston Road



Figure 10: Interior Ground Floor New Trim and Damage Ceiling and Plaster, 1389 Progreston Road



Figure 11: Interior Second Floor Room, Flooring Removed, 1389 Progreston Road

The house is Gothic Revival in Style. The design of the structure is derived from such publications as *Cottage Residences* written in 1840 by the American architect A.J. Downing. Designs based on Downing's work tend to be picturesque in composition and eclectic in their selection of architectural detail. Another 19th century promoter of the Gothic cottage style was the Canada Farmer which identified these types of dwellings as cheap country dwelling houses and provided plans and drawings for their construction. ¹

Common details of the Gothic style in Ontario were:

- The simple pointed window
- A decorative vergeboard or bargeboard
- Hood moulds]
- Multiple dormers and gables
- Bay windows
- Verandas
- Steep roof
- Frame buildings finished with board and battens.

Though the house at 1389 Progreston Road does not display all of the characteristic details of the Gothic Revival style, it does have several including bay windows, a relatively steep roof and board and batten cladding.

3. Criteria for Determining Cultural Heritage Value or Interest

Ontario Regulation 9/06 prescribes criteria set out in subsection (2) for the purposes of determining cultural heritage value or interest. A property may be designated if it meets one or more of the criteria listed in the Regulation. These criteria include:

Design or Physical Value

1. It is rare, unique, representative or early example of a style, type, expression, material or construction method; or
2. Displays a high degree of craftsmanship or artistic merit; or
3. Demonstrates a high degree of technical or scientific achievement.

Historical or Associative Value

1. It has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community; or
2. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or

¹ John Blumenson, *Ontario Architecture*, Fitzhenry & Whiteside, 1990, p.41

3. Demonstrates or reflects the works or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

Contextual Value

1. Is important in defining the character of an area; or
2. Is physically, functionally, visually or historically linked to its surroundings; or
3. Is a landmark.

Identification and Significance and Heritage Attributes of the House at 1389 Progreton Road

This evaluation only pertains to the house and not to any other structures on the property.

1. Physical Value

Physically the house has undergone a number of significant alterations over the years including construction of a number of structurally unsound and unattractive additions that have detracted from its Gothic Revival style. The house is not a rare, unique, representative or early example of a style, type, expression, and material or construction method nor does it display a high degree of artistic merit or craftsmanship. This resulted in accelerated deterioration of the building. There are a number of Gothic Revival buildings in the former East Flamborough that better represent the Ontario version of this style; are of more robust construction and are in better condition. Some of these include:

- 134 Main Street South, Waterdown
- 50 Mill Street North, Waterdown
- 62 Mill Street North, Waterdown
- 370 8th Concession Road, East Flamborough Township
- 561 7th Concession Road, East Flamborough Township
- 512 9th Concession Road, East Flamborough Township
- 259 Campbellville Road, East Flamborough Township

Mr. Shoalts has indicated that the original house sits on a stone foundation over a crawl space. The construction is circular sawn lumber and the oldest section of the house is of vertical plank construction. Heavy timber framing indicative of an early date is not in evidence nor is there any evidence of an original log cabin. This fact was also observed on April 27, 2020 site visit.

The suggestion of the existence of the cabin may come from other documentation and is noted in the 1997 publication entitled *and they came to East Flamborough*.² Since the log

² Waterdown-East Flamborough Historical Society, *...and they came to East Flamborough*, 1997, p.68

cabin was not incorporated into the new house in the late 1860's, there is no adaptive reuse of an existing early log cabin.

There is general agreement between the consultants who visited the site that the front porch posts are of modern construction and can be purchased at any building centre. They have been installed upside down. The decorative scroll work was then installed between the posts. There is no evidence that the scroll work came from the house. The City of Hamilton has not provided any early images that might show the scroll work in its original position. In any case, the porch is of poor construction and would have to be replaced.

While there are several original 2 over 2 bay windows, most of the windows have been replaced with modern windows with lower casement openings and much of the window trim has also been replaced. The front door is a modern replacement that is not appropriate to either the style or age of the house.

2. Associative Value

The house does not reflect the work of an architect, artist, builder, designer or theorist who is significant to a community. The designer and builder of the house are not known. The house is not associated with the original owner, James Kievel since it does not contain any remnants of the original log cabin constructed by James Kievel. While Freeman Green and his wife constructed the house and converted the original grist mill to a woollen mill, there has not been a mill on the site or any milling activity since 1911, when the mill burned. The associative value with milling and industry in Progreston is tentative.

3. Contextual Value

The contextual value of the physical house on its own has very little value on its own and is only one component of the landscape. The Statement of Cultural Heritage Value or Interest asserts that the property is *considered to be a local landmark* but offers no verification of this determination or what components of the property contribute to its landmark status. The house itself, divorced from the property, is not the landmark and is not important in defining the character of Progreston.

4. Conclusion

There is no evidence that additional research was undertaken on the property at 1389 Progreston Road by City staff or the heritage committee beyond the preliminary notes provided by the Inventory and Research Working Group in August, 2019. The notes provided by the Working Group appear to have been derived from previous research undertaken by such groups as the Waterdown-East Flamborough Heritage Society. At no time did any committee member or any City staff attend at the property to make on site observations and notes. No additional reports or historical research was provided in between December 2019 when City Council approved adding the property to the City of

Hamilton Municipal Register of Properties of Cultural Heritage Value or Interest as a non-designated property and when Councillor J. Partridge tabled a motion to proceed with issuing the Notice of Intention to Designate the property on April 22, 2020. There is no evidence that the Municipal Heritage Committee was consulted before Council's decision, although this is a requirement under the Section 29(2) of the OHA.

On April 27, 2020, during a site visit, it was determined that the house had suffered from unsympathetic alterations over the years including later additions and interior alterations that obliterated any original features that might remain. In appropriate construction methods and shoddy construction accelerated deterioration of both the exterior and interior of the building. Any restoration of the structure would result in removal of most of the remaining original features which would have to be replaced in kind resulting in a facsimile of the original house.

Some of the heritage attributes listed in the Statement of Significance published by the City on April 30, 2020 do not exist or are modern interventions of no architectural or historical significance including the covered porch with wooden columns and decorative bargeboard. The semi-circular windows below the front gables are modern replacements added in 1982 by the current owner. A site visit by City staff and heritage committee members could have determined these facts and also confirmed that the log cabin built by James Kievel was not incorporated into the house when it was constructed in the second half of the 19th century.

The Regulation 9/06 review of the house undertaken in this report concluded that, on its own, it does not meet the criteria of Historical/Associative, Design/Physical or Contextual Value. However, the setting of the house, not the house itself, on a promontory overlooking Bronte Creek and Progreston Road, has some value within the context of the entire property and its landscape and in the context of the development of the community of Progreston. With the understanding the much of the original features still extant on the exterior of the existing house cannot be salvaged and would have to be replaced; a new house, located in the same place on the property with a similar mass and scale, design and materials, will afford the same contextual value to the landscape as the existing structure.

APPENDIX I – Notice of Intention to Designate – Statement of Significance & Heritage Attributes

Notice of Intention to Designate 1389 Progreston Road, Flamborough (Evergreen Farm)

APRIL 30 2020

The City of Hamilton intends to designate 1389 Progreston Road, Flamborough, under Section 29 of the Ontario Heritage Act, as being a property of cultural heritage value.

Statement of Cultural Heritage Value or Interest

Freeman Green, son of 'Billy Green the Scout', and his wife Harriet Ann Howard purchased the property from James Kievel in 1869. The property included the former owner's four room log house and building, constructed circa 1855, that previously served as a grist mill. In the early 1870s, the Green's added significant additions to the original four room log cabin. Freeman and Harriet started a woolen mill in the former grist mill building. The Progreston Woolen Mill became an important pillar in the local economy as the mill processed wool from local farmers and employed local knitters. In addition to processing wool, the mill also produced yarn and blankets. Operation of the mill was passed through the Green family until it burnt down in 1911. The house is an excellent example of a vernacular residence influenced by the Gothic Revival style and decorative elements. The barn is wood framed with a rubble stone foundation, fitting perfectly into the undulating landscape. The property is important in supporting the historic character of the area and maintaining the historic fabric of the Carlisle area and is physically, visually, and historically linked to its surroundings.

Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes

The subject property, located at 1389 Progreston Road, is comprised of a mid-nineteenth century frame house and detached bank barn of cultural heritage value and interest. The irregularly-shaped 10.4-acre property is located on the northwest corner of Progreston Road and Green Springs Road, near its intersection with Bronte Creek (formally Twelve Mile Creek), in the Carlisle Settlement Area, in the former Township of East Flamborough, in the City of Hamilton.

Historical/Associative Value

The subject property, known historically as the Evergreen Farm and the Green House, is comprised of a one-and-one-half storey wood-frame home constructed circa 1870 and a detached wood-frame bank barn constructed circa 1900. The historical value of the property lies in its association with James Kievel, Freeman Green and the establishment and early development of the historic settlement area of Progreston. James Kievel first purchased the lot in 1855 and quickly built a saw mill with a waterwheel at the foot fall of the Twelve Mile Creek

(now Bronte Creek), multiple other mill related buildings and a log house. Kievel, along with Andrew Paton, Joseph Tansley and William Campbell, laid out what would become known as Progresstown (later Progreston).

Freeman Green, a carpenter, son of 'Billy Green the Scout', and his wife Harriet Ann Howard purchased 10 acres from James Kievel in 1869. The purchased land included the owner's log house and a former grist mill building. The Greens then started a woolen mill in the former grist mill building, the Progreston Woolen Mill, which became an important pillar in the local economy, sourcing materials and labour from the local community. Freeman sourced and processed wool from local farmers and hired local knitters to knit such items as socks and mittens from yarn produced by the mill. In addition to running a successful woolen mill, Freeman invented an improvement for the spinning wheel, gaining him international recognition. This improvement included a pendulum apparatus and these spinning wheels were called the 'Freeman Green's Canadian Spinning Wheel'. Operation of the mill was passed through the Green family until it burnt down in 1911. Although the mill was not rebuilt, the Green family descendants started a small wood working business that also served the local community. In 1982, the property was sold out of the Green family.

Design/Physical Value

The cultural heritage value of the property also lies in its design value as a representative example of a vernacular residence influenced by the Gothic Revival style. The one-and-one-half-storey house is clad in board and batten finish with high peaked gables above the second-floor windows. The bank barn, believed to have been constructed in the late-nineteenth century, is wood framed with a rubble stone foundation. The house is also an early example of adaptive reuse in the early 1870s when the Greens added significant additions to Kievel's original log cabin. The property is a rare example of the few remaining farmsteads within the Flamborough area, with intact house and bank barn.

Contextual Value

The contextual value of the property lies in its contribution to defining the historic character of the settlement area of Carlisle. The property is physically, visually, functionally and historically linked to its surroundings, and is considered to be a local landmark. Physically, the property is located on the prominent corner of Progreston Road and Green Springs Road where it intersects with Bronte Creek, in the historic settlement area formerly known as Progreston. Visually and architecturally, the house and bank barn are reminders of the history of the site and both support, as well as define, the historic character of the settlement area of Carlisle. Historically, the property is associated with prominent members of the local community, namely James Kievel and Freeman Green, who were instrumental in the establishment and development of Progresstown. Functionally, the property's location alongside Bronte Creek was integral to the operation of the Green's mill (no longer existent) which was a pillar of the local economy.

Description of Heritage Attributes

The house, as it stands today is the result of multiple additions and expansions added around the original circa 1850s log cabin core, including the front (east facing) section of the house believed to be constructed in 1870 by the Greens. Key attributes that embody the heritage value of the property include:

- On the east facing section of the house, all four exterior elevations of the one-and-one-half storey dwelling, including its:
 - Cross-gable roof with projecting front gables and semi-circular windows below;
 - Board-and-batten cladding;
 - Symmetrical front facade with central entrance, flanking bay windows and covered porch with wooden columns and decorative bargeboard;
 - Segmentally-arched window openings; and,
 - Remaining historic two-over-two hung wood windows.
- All four elevations of the detached barn, including its:
 - Gable roof;
 - Stone foundation, including existing window and door openings; and,
 - The vertical wooden board cladding.
- The location of the dwelling and barn within the landscape.

Written Notice of Objection

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts, **subject to any orders, legislation, or regulations issued by the Province in response to the Covid-19 Pandemic Emergency.**

Dated at Hamilton, this 23 day of April, 2020.

A. Holland, City Clerk
Hamilton, Ontario

Contact: Miranda Brunton, Cultural Heritage Planner, Phone: 905-546-2424 ext. 1202,
Email: miranda.brunton@hamilton.ca

APPENDIX II – Notice of Intention to Designate 1389 Progreston Road – Served on the Owner



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 6th Floor
Hamilton, Ontario L8P 4Y5
Phone: 905-546-2424, Ext. 4281 Fax: 905-540-5611

SENT BY REGISTERED MAIL

April 23, 2020

John Ernest Dennison
1389 Progreston Road
Flamborough, On
L0R 1H0

Dear John Dennison:

**Re: Heritage Designation under Part IV of the *Ontario Heritage Act*
1389 Progreston Road, Flamborough (Evergreen Farm)**

Attached please find the Notice of Intention to Designate 1389 Progreston Road, Flamborough. The Notice of Intention to Designate has been published in the Hamilton Spectator on April 23, 2020.

Please be advised that any demolition or building permits are now void. A copy of the letter from the Chief Building Official advising of this is attached. Should you wish to file a notice of objection to the Notice of Intention to Designate, please refer to Section 29 of the *Ontario Heritage Act*.

Yours truly,

Steve Robichaud, *MCIP OPPI RPP*
Director of Planning

MB
1 Attach.

cc: Councillor Judy Partridge, Ward 15
Jennifer Sheryer, City Solicitor
Ed VanderWindt, Director, Building Division
Loren Kolar, Legislative Coordinator
Miranda Brunton, Cultural Heritage Planner
Alissa Golden, Cultural Heritage Specialists

CITY OF HAMILTON

Notice of Intention to Designate

1389 Progreston Road, Flamborough (Evergreen Farm)

The City of Hamilton intends to designate 1389 Progreston Road, Flamborough, under Section 29 of the *Ontario Heritage Act*, as being a property of cultural heritage value.

Statement of Cultural Heritage Value or Interest

Freeman Green, son of 'Billy Green the Scout', and his wife Harriet Ann Howard purchased the property from James Kievel in 1869. The property included the former owner's four room log house and building, constructed circa 1855, that previously served as a grist mill. In the early 1870s, the Green's added significant additions to the original four room log cabin. Freeman and Harriet started a woolen mill in the former grist mill building. The Progreston Woolen Mill became an important pillar in the local economy as the mill processed wool from local farmers and employed local knitters. In addition to processing wool, the mill also produced yarn and blankets. Operation of the mill was passed through the Green family until it burnt down in 1911. The house is an excellent example of a vernacular residence influenced by the Gothic Revival style and decorative elements. The barn is wood framed with a rubble stone foundation, fitting perfectly into the undulating landscape. The property is important in supporting the historic character of the area and maintaining the historic fabric of the Carlisle area and is physically, visually, and historically linked to its surroundings.

The Statement of Cultural Heritage Value or Interest, Description of Heritage Attributes may be found online via www.hamilton.ca.

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts, **subject to any orders, legislation, or regulations issued by the Province in response to the Covid-19 Pandemic Emergency.**

Dated at Hamilton, this 23 day of April, 2020.

City Clerk
Hamilton, Ontario

CONTACT: Miranda Brunton, Cultural Heritage Planner, Phone: (905) 546-2424 ext. 1202,
E-mail: Miranda.brunton@hamilton.ca

Website: www.hamilton.ca/heritageplanning

Bibliography

Blumenson, John: Ontario Architecture, Fitzhenry & Whiteside, 1990.

Waterdown-East Flamborough Historical Society: ...and they came to East Flamborough, Waterloo Printing, 1997.

LEAH D. WALLACE, MA MCIP RPP

15 Brock Street, RR#3, NIAGARA-ON-THE-LAKE, ONTARIO L0S 1J0

Telephone: 905-468-0582 Cell/Text: 905-941-1950

leahdw@sympatico.ca

CURRICULUM VITAE

PRESENT POSITION

Consulting Heritage Planner
Niagara-on-the-Lake

EDUCATION

University of British Columbia
Master of Arts, 1978

University of Guelph
Honours B.A., 1973

PROFESSIONAL MEMBERSHIPS

Ontario Professional Planners Institute (OPPI)
Canadian Institute of Planners (MCIP)

CAREER HISTORY

2016 – Present	Consulting Heritage Planner
2012 – 2016	Senior Planner, Town of Niagara-on-the-Lake
2000 – 2012	Heritage Planner, Town of Niagara-on-the-Lake
1994 – 2000	Contract Heritage Planner Hynde Paul Associates Incorporated, St. Catharines
1984 – 1994	Planning Consultant Robert J. Miller & Associates Ltd., Mississauga
1979 – 1984	Editor and Division Manager Longmans Canada, Toronto

APPOINTMENTS AND AWARDS

2017 - Present	Member, Board of Directors, Lower Grand River Land Trust, Cayuga Ontario (Ruthven Park)
2007 - 2014	Member, Niagara-on-the-Lake Citizens' War of 1812 Bicentennial Committee and the Niagara Region Bi-national Bicentennial Working Group
2006 – 2019	Faculty Member, Willowbank School of Restoration Arts, Queenston
2002 – 2004	Municipal Sector Focus Group on Changes to the Ontario Heritage Act, Provincial Consultations, Ministry of Culture
2002	Member, Bi-national Coordinating Committee, First Bi-national Doors Open, Niagara Region
2000 – Present	Chair, Ruthven Park Building Conservation Committee Lower Grand River Land Trust
1999	Heritage Community Program Recognition Award, Ontario Heritage Foundation (Trust)
1997 – 2000	Member, Ruthven Park Building Conservation Committee Lower Grand River Land Trust, Cayuga
1997 – 2002	Member, Bay Area Artists for Women's Art Hamilton-Burlington
1989 – 2000	Member and Chair (1991–1997), Local Architectural Conservation Advisory Committee Town of Flamborough

PUBLICATIONS AND PRESENTATIONS

Presenter, Ontario Heritage Conference (Ottawa), Municipal Grant Programs and Bill C323, Ontario Heritage Trust Session, 2017

Article, *Up in Flames*, Ontario Planning Journal, January/February 2015

Article, *Heritage Conservation Districts*, Heritage Matters Journal, March 2010

Contributing Author, One Hundred Years One Hundred Artefacts, Niagara Historical Museum, 2007

Field Session Manager, National Trust for Historic Preservation (Buffalo, New York National Conference), Mobile Workshop – Adaptive Re-use of Culturally Sensitive Properties, Canadian Experiences

CIDA Sponsored Walking Tour and Public Planning Session, Niagara-on-the-Lake for Visitors from Xi'an, China Studying the Reconstruction of an Ancient Urban Area

Article, *Heritage Conservation Districts*, Heritage Matters Journal, March 2010

Presenter, Heritage Planning in Niagara-on-the-Lake in association with the Ministry of Culture and the Regional Municipality of Niagara, Association of Municipal Clerks and Treasurers of Ontario Conference

Restoration Case Study: Ruthven Park National Historic Site – Course Presented to Students at the School of Restoration Arts, Willowbank

Presenter, Heritage Conservation Districts – The Good, the Bad & the Ugly Canadian Association of Professional Heritage Consultants Conference

Presenter, Protecting Special Places: Tax Relief Incentives for Heritage Properties, OPPI/OALA Conference – Power of Place

Presenter, Co-curator, The Sacred Sites Tour, Art Gallery of Hamilton, An Architectural Evaluation of the Sacred Sites, The Art Gallery of Hamilton, Lecture Series

The Sacred Site Project, Research Project Exploring the Contemporary and Historical Relationships between Artists and Faith Communities in Hamilton-Wentworth, Art Gallery of Hamilton

Presenter, ARCHINET, An Interactive Guide to Canadian Building Styles Paper presented at Continuity with Change, the 1997 Community Heritage Ontario Conference, Huronia

Presenter, Flamborough and Its Community Identity, Wentworth North Riding Association Town Hall Meeting

Presenter, Suitable Housing for Arts Groups: The Planning Process, The Art of Coming Together Conference, Hamilton Artists Inc.

PROJECTS

ARCHINET, An Interactive Guide to Canadian Building Styles

Architectural and Historical Appraisal of the National Fireproofing Company of Canada (Halton Ceramics Limited) Burlington, Ontario, Architectural Conservancy of Ontario and the Burlington Local Architectural Conservation Advisory Committee

Municipal Register of Properties of Cultural Heritage Value or Interest (inclusion of non-designated properties), Town of Niagara-on-the-Lake, Project Manager,

Community Vision Statement, Town of Niagara-on-the-Lake, Project Manager

Queen-Picton Streets Heritage Conservation District Expansion Study and Draft of Revised District Plan, Town of Niagara-on-the-Lake

Dock Area Public Realm and Urban Design Master Plan, Project Manager

Official Plan Review; Community Engagement Sessions, Background Reports, Heritage Policies, Third Draft of Official Plan, Project Manager

Heritage Impact Assessment, Plan of Subdivision, 1382 Decew Road, City of Thorold

Heritage Impact Assessment, Hotel Expansion, 124 on Queen Hotel and Spa, Old Town, Town of Niagara-on-the-Lake

Heritage Permit and Minor Variance Application, 7 Queen Street (Exchange Brewery), Town of Niagara-on-the-Lake

Heritage Impact Assessment, Randwood Estate, Hotel Development, 144-176 John Street, Old Town, Town of Niagara-on-the-Lake

Heritage Impact Assessment, 200 John Street & 588 Charlotte Street, Proposed Plan of Subdivision, Old Town, Town of Niagara-on-the-Lake

Heritage Impact Report, 1317 York Road, Consent Application, St. Davids, Town of Niagara-on-the-Lake

Heritage Impact Assessment, 240-246 Main Street East, Plan of Subdivision Application, Town of Grimsby

Heritage Impact Report, 705 Nashville Road, Proposed Demolition, (Kleinburg-Nashville Heritage Conservation District) City of Vaughan

Heritage Impact Assessment, 6320 Pine Grove Avenue, Severance Application, City of Niagara Falls

Built Heritage Assessment and Recommendations, 133 Main Street East (Nelles House), Town of Grimsby

Heritage Impact Assessment, 133 Main Street East, Application for Official Plan and Zoning By-law Amendments, Town of Grimsby

Heritage Impact Assessment, 95 Cline Mountain Road, Niagara Escarpment Commission Development Permit Application, Town of Grimsby

Peer Review, Proposed Development, Guelph Avenue, City of Cambridge

Heritage Designation Evaluation, 4105 Fly Road, Campden, Town of Lincoln

Heritage Impact Assessment, 4918 King Street, Beamsville, Town of Lincoln

Conservation Plan, 9-11 Queen Street, Town of Niagara-on-the-Lake

Attachment 2

Structural Condition Assessment and Recommendations for
1389 Progreston Road, Carlisle



In late April 2020, Jack Dennison, owner of 1389 Progreston Road in Carlisle, requested Mark Shoalts, P.Eng, CAHP, to review the residence and to provide a report on its structural condition. The building is a single family dwelling, constructed in several stages with numerous renovations and alterations. Mark Shoalts made a site visit for a review of the house on April 30, 2020. No research into the age or associations of the building was carried out, other than reviewing minutes of a City of Hamilton Inventory and Research Working Group meeting of September 23, 2019 and a related advertisement in the Hamilton Spectator on April 23, 2020.

This report describes the present structural and physical condition of the dwelling. There are relatively recent additions to the rear and side of the building that are of low quality and are irrelevant to any heritage considerations. This report is not concerned with the chronology or condition of the later work other than as it relates to the present condition of the oldest structure.

Executive Summary

The existing residence at 1389 Progreton Road in Carlisle was originally a modest 1 ½ storey late-nineteenth century single family dwelling and it has had numerous alterations and additions over the years. At present, it is visibly deteriorated both inside and out, and has serious building envelope issues that are directly related to and/or causing many of the immediately apparent major problems. It is in need of substantial repairs, in part because of maintenance issues and in part because of the original construction method and materials. The structure has some serious problems and because of the type of construction, it is very difficult to properly repair it. The roof and rainwater management system have reached or exceeded their practical service life and are in need of immediate replacement. Many of the windows require immediate and extensive repair and restoration. The exterior wood cladding and trims require extensive repairs and much of it must be replaced.

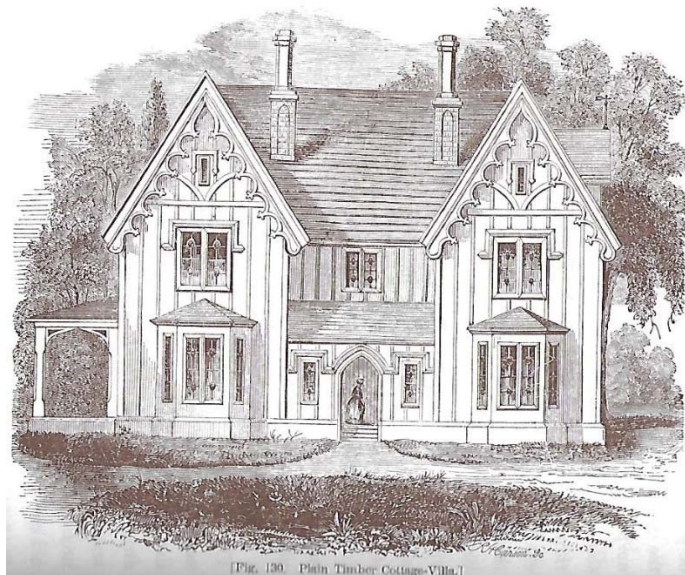
The interior of the building has experienced deterioration as a direct result of the roofing and window issues and is in need of major plaster and finishing repairs. Before these can be done, the wall and roof structures and the exterior envelope must be restored and a major project of mechanical and electrical upgrading must be carried out. In conjunction with this work, upgrading of the thermal envelope should be performed. The mechanical and electrical systems are essentially obsolete and must be replaced but the construction method used for the original building prevents the installation of wiring or thermal insulation in the exterior walls, necessitating the framing of a complete new wall cavity on the interior to accommodate this work. The house would require essentially 100% interior refinishing subsequent to the structural repairs and the building system replacement.

In light of the dubious claims for cultural heritage value, the extensive alterations to the building, and the enormous expense of compensating construction required to maintain the remnants of the building that are salvageable, it is our recommendation that the house be replaced with a new, sympathetically designed residence.

Building Background

Despite the statements in a description of the property attributed to a member of the City of Hamilton Inventory and Research Working Group, there is no evidence of a log building or any parts of one in the existing dwelling at 1389 Progreton Road. The claim that a four-room log house was built on this site in 1857 or 1858 is itself questionable. At that late date, log buildings would have been distinctly old-fashioned and viewed as primitive or second class, especially in such proximity to the growing City of Hamilton, which was at that exact time building an impressive and sophisticated state-of-the-art waterworks facility. In the decade from 1851 to 1861, approximately 28% of the houses built in Canada West were constructed of log¹ and these were primarily settlers' and homesteaders' houses. If a house was in fact built on this site in the late 1850s, whether of log or frame it should have been in very good condition less than twenty years later when a major renovation was undertaken. Such a relatively new house could have easily been incorporated as a kitchen wing or other use in a new, fashionable dwelling befitting a prosperous miller. There is no trace of a log building in the present house, leading one to surmise that it never existed in this exact location or, perhaps, it was in such good condition that it was moved completely off-site to be used elsewhere. The "early 1870s... significant additions" mentioned by the Inventory and Research Working Group was in fact the construction of this house.

The oldest section of the present house is very unlikely to have been constructed earlier than the 1870s, and it is clearly an interpretation of a style advocated by Andrew Jackson Downing, a 19th Century American architect. Downing's The Architecture of Country Houses was first published in 1851, with several subsequent editions over the next fifteen years. His "Plain Timber Cottage-Villa" inspired many builders in Canada West (which became Ontario in 1867) during the third quarter of the 19th century, including the builders of this house.



Plain Timber Cottage-Villa, A.J. Downing, 1851

The Gothic Revival front section of the house had one or two rear additions in the late 19th century, and at least three small additions in the 20th century. Along with these additions came

¹ Construction Materials in Colonial Ontario 1831-61 by W.R. Wightman

alterations to the existing parts of the house, and later in the 20th century more alterations were undertaken to the original house and to all of the various appendages.

Building Description

1389 Progreton Road is a Gothic Revival 1 ½ storey house with board and batten siding and restrained exterior trim details. The original plan was a typical farmhouse ell (L-shaped plan) with the main house facing east and a kitchen wing on the west side at the north end. All of this original section of the house sat on a stone foundation enclosing a low crawlspace. Some time later there was an addition to the west side of the house that extended the kitchen wing and added a room to the south in either one or two stages. The addition was likely done in the late 19th century because the basement walls are stone, and stone gave way to concrete and concrete block for foundations in the early 20th century. An unusual curved section of wall in the basement appears to have been done as a bench to retain the soil under the existing shallow stone foundation supporting the earlier house.



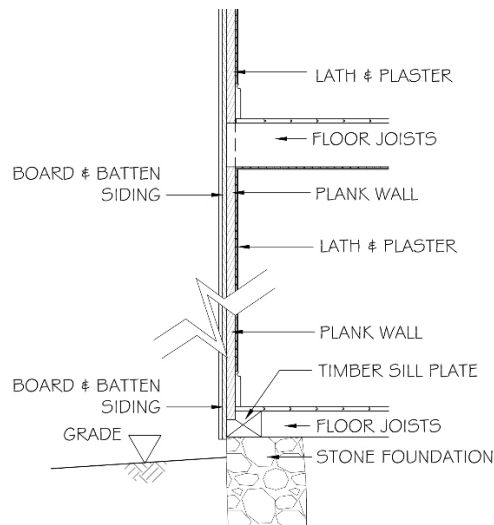
Later basement wall (foreground) supporting earlier shallow wall (background)
Also note temporary prop under failing joist

The floor system of the first two additions shows the first transition toward 20th century construction with a subfloor of roughsawn square-edged pine and a finish floor of narrower dressed pine rather than the earlier method of a single layer of thicker T&G pine floor laid directly on the joists. The joists and flooring, as well as the timber sill plates visible in the basement and crawlspace are all of circular sawn lumber. The joists in the southwest wing are a motley collection of small pieces, ranging in thickness from less than ¾" to more than 2" and looking more like slabs from a mill than proper lumber, and they are installed with random spacing. What at first appears to be a beam supporting the centre of the span is actually another slab with the round bark face down, much too thin to provide any support to the joists. There is no evidence of a post having been removed so the purpose of this slab is unknown.



Randomly sized and spaced circular-sawn floor joists

While the circular saw had been invented before 1857, it took many years for new technology to be adopted by existing mills and vertically sawn lumber was the norm into the 1860s in this area. By the 1870s circular sawmills were becoming much more common, evidence that the 1870s date given for the construction of the existing house is logical. Depending upon the sawyer, daily production of lumber from a circular sawmill could be up to ten times that from a muley or vertical frame saw. It would be unheard of for a log house to be built in an area that boasted a circular sawmill, so the floor built of circular sawn lumber is not part of some much-altered log dwelling built in the 1850s or earlier. The oldest section of the house is of vertical plank construction, not commonly used in Canada West but certainly easily done when one had access to plentiful and economical sawn lumber such as that available from a circular sawmill. Vertical plank construction consists of 2" planks set in a rabbet in a timber sill plate, with the second storey joists morticed into and carried by the vertical planks. There are no studs or other primary framing members in the walls. The exterior was clad with vertical 1" boards nailed to the 2" planks with the joints offset, and battens were nailed over the exterior joints. The interior was finished by nailing wood lath to the planks and plastering it. The whole wall assembly is approximately 3 1/2" thick including the plaster but not including the battens.



Wall cross-section

The one exception to the lack of ornamentation on the house is the front porch with its scrolls and turned posts. The posts are laminated finger-jointed pine, installed upside down, clearly of late 20th century construction. The scrollwork is older, apparently salvaged from another building. Flanking the porch on each side are bay windows, original to the house. Above the bay windows are gothic dormers, with what appear to be round-headed windows but are in fact rectangular windows with fixed-over-awning lights, installed in 1982 from the interior against the round-headed trim. The gable trims, soffit, fascia, and frieze on the house appear largely original. The battens have a nicely moulded profile rather than the more common slightly bevelled plain batten.



Porch with upside-down posts

Building Condition

The house at 1389 Progreton has some serious structural problems. The original floor joists in some of the sections of the house are undersized, which is not uncommon in older buildings, but some of them have deteriorated as well and should be sistered or replaced. The wall structure has areas that have deteriorated to the point where they require replacement. The house has roofing issues as a result of configuration, overhanging trees, and aging materials. Valleys run into changes in pitch, chimneys, and lower roofs. There are a number of roof leaks that have damaged interior fabric. Of even greater concern is the management of runoff from the eaves of the roof. Much of the house has no eavestroughs at all, and those troughs that exist are damaged, plugged with spruce needles, or falling off.



North side showing various roof issues

The grade is too high around most of the house, with the wood finish and structure either very close to grade or in places below grade. The water running off of the roof saturates the wall and the ground ensuring a prime environment for deterioration and decay of the wood cladding and structure. There are locations where the wall has rotted completely through.



Hole rotted through wall, grade too high

Unlike a frame building, repair of a deteriorated plank wall is a difficult and very invasive undertaking. The timber sill plate has rotted sections that must be cut out and replaced but as can be seen from the wall section, the plate supports and is concealed behind the floor joists and it supports the plank wall. It cannot be replaced without removing the board and batten siding, the baseboard, taking up flooring, and shoring both floors and the roof structure. In the locations where the plate has rotted, the wall planks are rotted as well. Wall planks cannot be

cut short and spliced in because there is no framing, so there is no lateral support without continuous planks. A damaged plank must be replaced from sill plate to roof plate. This means removing the siding from the exterior and breaking loose the lath from the interior. In very short order the interior and exterior wall finishes of the house have been destroyed, and the structural integrity is gone if more than one plank or one very short piece of plate in any stretch of wall must be replaced.

The front porch, mentioned in the Working Group notes, is not heritage fabric. Whether or not the current porch was built to replace an earlier porch can only be determined by destructive investigation or by older photographs or other information. In any event, the existing porch is poorly and improperly built (the upside-down posts were noted earlier) and it has deteriorated to a state where removal is the only reasonable option.



Front porch with rotting modern post and failing floor structure

The floor system in the kitchen wing requires work on or replacement of numerous elements. As noted earlier, much of the framing is undersized which could be acceptable if it were in good condition. Unfortunately, several floor joists have deteriorated to the point where they have no strength left. Decay can reduce the strength of wood by up to 10% before it can even be detected. By the time that decay has created weight loss of 5% - 10%, wood has lost 20% - 80% of its strength². Joists that can be penetrated more than ½" with a hand-held awl have no effective service life left. Other floor joists have dropped where mortised into the timber sill plate. Foundation walls have been altered leaving areas of framing with no support. Temporary props have been inserted under failing floor framing.

² Wood Handbook, Wood as an Engineering Material Forest Products Laboratory, USDA



Deteriorated floor joist, awl inserted >2"



Deteriorated floor joist, awl inserted >2"



Dropped joist, sawn timber sill plate, altered foundation, missing support

Conclusions

1389 Progreton Road is a house that purportedly has at its core parts of a mid-19th century log dwelling, however careful examination of the building failed to show any trace of it. The original house appears to have been constructed no earlier than the mid-1870s and there exist several additions and substantial alterations done starting not long after that through to the late 20th century. There is nothing of heritage value in at least three of the additions and many of the alterations have destroyed the integrity of much of the oldest part of the house.

The house has serious structural issues that would require extensive and difficult repairs to enable it to remain in service.

“Restoration” of 1389 Progreton would not be restoration for the most part, but would require removal and replacement of much of the substandard construction and require substantial repairs to many deteriorated elements. The oldest section of the house could theoretically be restored but it would require extensive and extremely invasive work to replace the failing structure, the very nature of which would destroy much of the original interior and exterior finishes that remain. The existing stone foundation is not in particularly bad condition for what it is, but it is not suitable for an efficient, permanent year-round dwelling in the 21st century. If the additions are removed, the original core is lifted and a new basement is constructed beneath it, additions are built and framing added into the original house, new mechanical, electrical, and thermal separation elements are installed, and the house is then outfitted with completely new interior and exterior finishes, the appearance to the world at large would be of a new dwelling. The compromises that it would take to achieve this lead one to the conclusion that construction of a new dwelling, designed to be sympathetic to the neighbourhood but constructed to the highest modern standards, would be of far greater value to the owners and to the community at large.



Mark Shoalts, P.Eng., CAHP
Shoalts Engineering
May 6, 2020

Mark Shoalts, P.Eng., CAHP
Principal, Shoalts Engineering
President, Shoalts Bros. Construction Limited



Mark Shoalts is a professional engineer, a member of Professional Engineers Ontario, The Association of Professional Engineers and Geoscientists of New Brunswick, The Ontario Society of Professional Engineers, the Canadian Association of Heritage Professionals, the Heritage Canada Foundation, and the Early American Industries Association. Mark is the current president of the Ontario Association of Heritage Professionals, and he is past chair of the Pelham Heritage Advisory Committee and a past member of the Niagara Region's Culture and Heritage Committee, working on Regional policy for the preservation and promotion of heritage resources in Niagara. He has hands-on experience in historical restoration, having personally performed restoration work on many sites such as Butler's Barracks and Fort George in Niagara-on-the-Lake, Balls Falls in Vineland, and Dundurn Castle in Hamilton. Mark teaches a course at Willowbank School of Restoration Arts in Queenston.

Mark Shoalts is the fourth generation of his family to be involved in building construction and historical restoration. His great-grandfather was a housebuilder, and his grandfather was a carpenter and builder. Mark's father and uncles went into the construction industry in the 1950s and carried out some of the early restoration work on public and private heritage properties in Niagara throughout the 1960s. Mark began working for his father at Shoalts Bros. Construction as a high school student in the early 1970s, continuing through his post-secondary education and working fulltime as a carpenter and project superintendent through the 1980s. From the late 1970s through the 1990s Shoalts Bros. performed more than 30 contracts on Parks Canada properties in Niagara, including both construction and design work. During this period, Mark moved from a hands-on construction role into a design and administration role, performing restoration work on important national historic sites, including Ruthven Park in Cayuga, Dundurn Castle in Hamilton, Willowbank in Queenston, and The Church of Our Lady Immaculate in Guelph. He received a Peter J. Stokes Heritage Commendation from the Town of Niagara-on-the-Lake for the complete exterior restoration of the 1817 Miller House in Niagara-on-the-Lake. While Shoalts Bros. Construction still exists, it is inactive as a construction company and Mark is engaged exclusively in consulting. Mark was the structural engineer for the award-winning 2010-2011 restoration of the Sharon Temple, a national historic site in Sharon, Ontario, and the prime consultant for the restoration and additions to the Dineen Building at 140 Yonge St. in Toronto which garnered awards from the City of Toronto, the Architectural Conservancy of Ontario, and the Canadian Association of Heritage Professionals. He did the exterior assessment of 1 Front St. in Toronto, one of the most important Beaux Arts buildings in the country. Mark was also a consultant for the 2011 exterior restoration of the Fredericton City Hall, and performed the exterior assessment of the Old Arts Building at the University of New Brunswick, both national historic sites.

Mark has presented numerous seminars on structural engineering in the heritage conservation context and has been on panels at the National Trust/Canadian Association of Heritage Professionals national heritage conferences and at the Ontario heritage conferences.

Representative sample project list for Mark Shoalts, P.Eng., CAHP

Butler's Barracks NHS, NOTL ON (multiple buildings)
Fort George NHS, NOTL ON (multiple buildings)
Redan Battery, Queenston Heights NHS, Queenston ON
Butlers Burying Ground, NOTL ON
Balls Falls, Jordan, ON (multiple buildings)
Cottonwood Mansion, Selkirk, ON
Old St. John's Church, Niagara Falls, ON
Fort Mississauga NHS, NOTL, ON
Niagara Apothecary Museum NHS, NOTL, ON
Marshville Heritage Village, Wainfleet, ON (multiple buildings)
St. Mark's Church and Rectory, NOTL, ON
Dundurn Castle NHS, Hamilton, ON
Post Office, Dunnville, ON
Chedoke House, Hamilton, ON
Auchmar Estate, Hamilton, ON
Museum of Steam and Technology NHS, Hamilton, ON
Whitehern NHS, Hamilton, ON
Willowbank NHS, Queenston, ON
Our Lady of the Immaculate Conception NHS, Guelph, ON
Trinity United Church, Thorold, ON
Ruthven Park NHS, Cayuga, ON
Water Tower, Carnegie Library, and Town Hall, St. Mary's ON
Elgin & Wintergarden Theatres NHS, Toronto, ON
Dineen Building, Toronto, ON
Sharon Temple NHS, Sharon, ON
Fredericton City Hall NHS, Fredericton, NB
Pure Spirits Building, Distillery District NHS, Toronto, ON
Holy Trinity Anglican Church, Niagara Falls, ON
Spadina House Stables, Toronto, ON
Bethune-Thompson House NHS, Williamstown, ON
St. George's Church, St. Catharines, ON
WAHC (Former Customs House) NHS, Hamilton, ON
Carnegie Building, Grimsby, ON
Knox Presbyterian Church, Woodstock, ON
Battlefield Park NHS, Stoney Creek, ON
Salem Chapel BME NHS, St. Catharines, ON
Beaverdams Church, Thorold, ON
Exchange Brewery, NOTL, ON
McLelland's General Store, NOTL, ON
Lakeside Park, St. Catharines, ON (multiple buildings)
Presqu'ile Point Lighthouse, Brighton, ON
Officers' Quarters NHS, Fredericton, NB
Sir Howard Douglas Hall NHS, UNB, Fredericton, NB

Attachment 3



IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010
ibigroup.com

May 8, 2020

Mr. Jack Dennison
3083 Lakeshore Road
Burlington, ON L7N 1A3

Dear Mr. Dennison:

HERITAGE DESIGNATION - 1389 PROGRESTON ROAD, CARLISLE, ON

In accordance with your request, I have investigated the current planning policy status of the above property and can advise as follows.

The property is located at municipal address 1389 Progreston Road, just north of the intersection with Green Springs Road. It is legally described as being Part of Lots 4 and 5 of the 8th Concession of the former Township of East Flamborough, now in the City of Hamilton. This area is part of the rural Hamlet of Carlisle located approximately 10 kilometers north of Waterdown. The southwest corner of the property includes a section of the Bronte Creek and the associated flood plain. The existing house sits on higher lands overlooking the creek and is not constrained by any flooding hazards. I visited the lands on April 30th, 2020 and have walked the grounds and all buildings. I have also read the reports prepared by Ms. Wallace and Mr. Shoalts regarding the heritage significance of this house together with the structural integrity.

From a planning standpoint, these lands are included in the Rural Hamilton Official Plan. In particular Map 4 - Carlisle Rural Settlement Area, designates these lands as Settlement Residential, while the creek and valley lands are designated Natural Open Space (Hazard Lands). The house and accessory buildings are Zoned Settlement Residential S1 while the creek and valley lands are Zoned Conservation Hazard Lands P7 Zone. The residential use of this property fully complies with the Official Plan and Zoning By-law.

Provincial Policies and Plans all have policy direction regarding heritage and the conservation/restoration of important built heritage resources. For the most part Provincial planning direction is implemented at the municipal level through the area municipal Official Plan and Zoning By-law. In this regard, the Rural Hamilton Official Plan is the key planning policy document as it fully complies with and implements provincial planning direction and policies. It conforms to the upper tier provincial planning and, therefore, it is the focus of my planning analysis.

The Rural Hamilton Official Plan Map 4 referenced above does not contain any heritage designations and Progreston Road is not designated as a Heritage Road. Furthermore, the policies of Section A.3.1 dealing with the Carlisle Rural Settlement Area also do not identify any heritage significance on the home or property or road. Appendix F, which is entitled Rural Cultural Heritage Resources, also does not identify these lands. The Implementation Section of the Rural Official Plan (F.1.2.4) requires that rural settlement area secondary plans have to identify rural heritage resources and no such identification applies to these lands.

With respect to specific planning policies dealing with built heritage resources, the Official Plan general policies which are contained in the Urban Hamilton Official Plan also apply. Policy 3.4.1.4 “encourages” the rehabilitation, renovation and restoration of built heritage resources. The key consideration here is that this is an encouragement and is not mandatory. Policy 3.4.2.1 states

Mr. Jack Dennison – May 8, 2020

that the City will “where appropriate” (a) preserve and protect cultural heritage resources and (f) will also use relevant provincial legislation, particularly the Ontario Heritage Act in order to “appropriately” manage, conserve and protect cultural heritage resources. The policy direction is prefaced with the word “appropriate”. This provides policy flexibility and keeps the implementation grounded and specific to individual property circumstances.

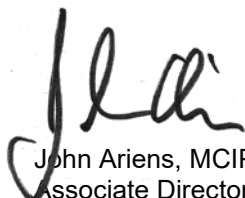
The report from Ms. Wallace, a recognized and well respected Heritage Consultant and the only heritage planning expert who has visited the site and inspected the buildings, confirms that there is no evidence of the former log house. She also opines that the house does not meet any of the criterion for determining any cultural value or interest. She also cites that there are many other and better or more robust examples of Gothic Revival homes in the Flamborough area. Her conclusion is that a new home in the same location and carrying forward many of the same design components will achieve the same contextual value as the existing home.

The report from Mr. Shoalts, P. Eng. assesses the structural components of the home based on actual site investigations. He determined that the house has serious structural problems and that it is difficult, if not impossible, to properly repair. He also did not find any evidence of a former log home. He concludes by stating that, due to the extensive alterations already made to the home and the enormous costs of construction to maintain, restore or repair that which is salvageable, he recommends that the house be replaced with a new sympathetically designed residence.

Having read the reports by these heritage experts it is my professional planning opinion that it is not “appropriate” to designate the existing home. As such, I recommend that under the above circumstances that the Council of the City of Hamilton rescind the proposed designation as per clause 6 b of section 29 c of the Ontario Heritage Act. I have seen the drawing of the new home for which the Building Permit was revoked and this home is, in essence, a “facsimile” of that which is there today. It is in the same location and includes a similar front façade and design treatment as the original house. It thereby maintains that contextual value that Ms. Wallace identified.

To commemorate and remember what is there today I would further suggest that the demolition be delayed until a photographic summary is made of the existing home and I would also encourage the placement of a heritage plaque closer to the creek commemorating the former mill site and home at this location.

Yours Truly,



John Ariens, MCIP, RPP
Associate Director | Practice Lead, Planning
IBI Group