

Delegation Speaking Notes
Committee of the Whole – March 3, 2020
Jeremy Holmes & Dianne Despot

Good evening Mr. Mayor and Council Members. My name is Jeremy Holmes and together with my wife Dianne Despot we own the Penryn Homestead located at 88 Victoria Street South.

The Penryn Homestead is located directly south of the woodlands that Mason Homes has slated for development of both single-family homes and townhouse units. We had the opportunity last week to speak to the Heritage Port Hope Advisory Committee about this matter and thank you for permitting us to speak to you tonight.

Last week the Heritage Port Hope Advisory Committee passed motions to ask you, our Port Hope Municipal Council, to request that Heritage Impact Assessments be conducted on two very important Port Hope properties – The Penryn Homestead and Penryn Park. Based upon our review of the Heritage Port Hope Advisory Committee’s mandate, it is our understanding that the committee’s mandate includes, among other things, assisting Municipal Council to ensure that sound heritage conservation practices are followed throughout the Municipality of Port Hope. It is for this reason that I stand before you.

You will see in tonight’s agenda package under item 3.1.2 a staff report from Mr. Tom Dodds wherein and I quote “staff undertook a review of 88 Victoria Street South and determined that a small part of that property, which serves as a right of way on its northern boundary, is contiguous to the proposed subdivision development. Consequently, a heritage impact assessment will be considered in staff’s recommendations to Council.”

The Penryn Homestead was built in 1829 by the first mayor of Port Hope, John Tucker Williams, and was the childhood home of Arthur Williams whose statute sits outside this very building. At the time of construction, the rubble stone foundation was sourced from the vast property he owned, and the timbers used to build the home were sourced from the surrounding lands. Following the construction of our home we understand he built other homes for his children including Penryn Park, for his son Arthur, which sits on the grounds of the Port Hope Golf and Country Club. Both of these buildings and their numerous outbuildings are designated heritage properties that are adjacent to the planned development lands proposed by Mason Homes.

There are 5 points we would like you to keep in mind during your deliberations regarding Mason Homes proposed Phase 5 Development Plan so that the Municipality continues to make sound heritage conservation decisions. These 5 points are:

1. The legal requirement to conduct a heritage impact assessment;
2. The structural integrity of historically designated buildings;
3. Environmental impact to Historically Designated Properties and Landscapes;

4. Contravention of the setback requirements; and
5. Vehicular and Foot Traffic Implications to an existing right of way (i.e. our driveway)

Point 1 – Legal Requirement to Conduct a Heritage Impact Assessment

As both the Penryn Homestead and Penryn Park are designated heritage properties, we are concerned that a Heritage Impact Assessment has not been completed and submitted as part of the planning process, despite the immediate proximity of the planned development to Penryn Homestead and Penryn Park. Notwithstanding our opinion that clearcutting the woodlot of 100 to 200-year old trees, that are the same age as our 190-year home, and replacing them with dozens of modern single family homes and townhouse units would all but eliminate the historic nature of the Penryn Homestead and Penryn Park, we would like to point out that the municipality has an obligation to collect and the developer has a requirement to perform a Heritage Impact Assessment in accordance with paragraph 2.6.3 of the Ontario Provincial Policy Statement. Quoting this paragraph:

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

The Ontario Provincial Policy Statement states that Ontario’s long-term prosperity, environmental health, and social well-being depends on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

In a memo from the ACO to the Heritage Port Hope Committee, the ACO quoted recent research that states: “the heritage significance of Penryn Park in Port Hope from the point of view of Canada’s history, from the history of landscape architecture in North America and the history of the architecture of the nineteenth century in Ontario is undoubted. For these reasons, it is unthinkable to allow any further inappropriate infringements on the property.” It was also suggested in the research that “consideration should be given to designating Penryn as a heritage landscape district.”

Having modern homes and townhouses a mere 150 feet from significant heritage buildings and landscapes does not support the notion of heritage conservation.

We’d also like to raise the following concern. On July 24th, 2019 I found 2 individuals on our property taking photographs of our home and Carriage House. After a brief discussion and receipt of a business card, one gentleman introduced himself as Robert Martindale, of Martindale Planning Services located in Ajax. Mr. Martindale told me he was working with Mason Homes as part of the development process to assess the impact of the developments on

the surrounding homes at the request of the Municipality. At the time I told him we were happy to accommodate their inquiries and requested they formally contact us in writing so we understand the scope of the assessment. That same day, July 24th, I contacted Theodora Merepeza, Planning Manager for the Municipality of Port Hope, via email, about this encounter asking for some background ... but have yet to receive a response. This interaction with Mr. Martindale is significant to today's discussion as a review of the Canadian Association of Heritage Professionals website lists Mr. Martindale as undertaking among many things "heritage planning activities related to the preservation and adaptive re-use of built heritage resources, including heritage conservation district studies, designation reports, and heritage impact assessments." A question I have for council today is: Why was Mr. Martindale's Heritage Impact Assessment report on our home, the Penryn Homestead not included in the package of planning application documents published on the Municipality website on November 29, 2019? And another question is... why have we yet to see a copy of this report?

We struggle to understand how a municipality that prides itself on, advertises and seeks commercial gains from its historical richness, as evidenced through its municipal website, is failing to protect the buildings and heritage landscapes under its purview.

Point 2 – Structural Integrity of Historically Designated Buildings

The Penryn Homestead and Carriage House, both designated buildings, have rubble stone foundations and we are concerned about the planned construction so close to the buildings. During the current phase of construction, the house shook and rumbled from the concussive nature of the tree felling activities, the earth moving and excavation equipment used and that was all from a distance in excess of 2,000 feet. It is our concern that the rubble stone foundations could be damaged should the same construction practices be allowed to proceed a mere 150 feet from the Penryn Homestead. The repairs to damaged foundations would be costly and are avoidable by prohibiting this development so close to these Heritage buildings.

Point 3 – Environmental Impact to Historically Designated Properties and Landscapes

In order to make way for the current phase of construction a significant number of trees were removed, thus exposing the Penryn Homestead and surrounding neighborhood to the winds from the lake. In the 2.5 short years we have been here, we have lost 2 large trees and witnessed damage to a boundary tree as a direct result of high winds from the lake that are uninterrupted in their power. Most recently we lost a maple tree estimated to be 75-100 years old and a before that a 75 foot spruce tree that fell less than 1 foot from the corner of our home. Should the woodland be clear-cut, the historical trees on our property may be exposed to further risk.

Point 4 – Contravention of Setback Requirements

We have reviewed Zoning By-Laws for the Municipality of Port Hope and found that Schedule C-12 states that...quote.. "All buildings and structures shall be erected within the Building Envelope delineated on Schedule 'C-12' of this By-law... where a 10 metre setback is required for buildings or structures in Block 2", as a reference block 2 on the C-12 Schedule is the subject

area we are now discussing. From looking at the Draft Plan it appears that the lots are not large enough to accommodate this rule.

The adjacent woodlot of 100 to 200-year old trees is part of the historic landscape of the Penryn Homestead and Penryn Park. It seems from the zoning by-law which required a 10 metre set back that the Municipality of Port Hope agrees with this notion. In addition, the Ontario Municipal Board Decision of October 30, 2003 added a condition to the Penryn Park draft site plan requiring the consideration of a six-foot high cedar hedge between our property at 88 Victoria Street South and the Waterfront Trail prior to dedication of the Waterfront Trail. The Phase 5 Draft Plan does not seem to consider a Waterfront Trail at all, however the spirit of the OMB decision was to preserve the sanctity of our heritage lands from encroaching development, in addition to assisting in keeping wanderers out of our Historical Property.

Point 5 – Vehicular and Foot Traffic Implications to the Right of Way

In addition to our comments on the heritage value of Penryn Park and our home Penryn Homestead, we have serious concerns with the planned road design of this new development and the intersection of a road called “Street A” with a Right of Way that the Golf Course has over our property. You will see this in Figure 2 of Mr. Dodds Staff Memo to Council, noted as agenda item 3.1.2. This right of way is our driveway. Should this design be accepted we fully anticipate an excessive number of vehicles and foot traffic from the newly created 369 homes leveraging our driveway as a short cut to Victoria Street South, simply because a newly created municipal road was allowed to be positioned at the end of this right of way! The presence of Street A at the end of our driveway will suggest to the 369 new homeowners that this is an alternative route to Victoria Street South and this is unacceptable. We do not feel that the planning process has been considerate of the direct impact to our historical property, enjoyment of our home and the heritage value of the Penryn Homestead by permitting a municipal road to abut to a privately owned driveway. We emphatically implore you to work with the planning staff to revise the planned road design to protect our privately owned and heritage designated property.

Furthermore, as the owners of the Penryn Homestead we have standing as a party to the development as decided by the Ontario Municipal Board on October 30, 2003 due to the proximity of the development and the Easement that crosses our property. Currently, our driveway is one of two entrances to the Port Hope Golf and Country Club. This is an 18 foot wide right of way that allows the owners of Penryn Park and their tenants, heirs and assigns to cross our property. This right of way never contemplated motorized vehicles, never mind construction vehicles or the volume of traffic that a development of this size with a municipal road ending at the easement would create. With this in mind, we are in the process of retaining a lawyer to seek a closure of this Right-of-Way if one is not already being contemplated in the approval phase of this development. As we already have standing provided by the OMB decision

of October 30, 2003 we have the right to appeal any Municipality Approval of a Site Plan that does not deal with the issue of traffic being diverted through our property.

In conclusion, it is our hope that you as our elected officials, review this matter to ensure that the Municipality of Port Hope continues to be seen as a leader in municipal heritage conservation by maintaining the original context and intent of our town's heritage resources.

I leave you this evening, as members of Council, with the following action items:

1. First and foremost, we request that you require a Heritage Impact Assessment of this development be completed and ensure that the development recognizes and protects the physical and natural heritage of these two historic properties: Penryn Homestead and Penryn Park, and the adjacent woodland, so as to provide for the long-term preservation of the landscape in the manner that John Tucker Williams envisioned over 190 years ago.
2. Secondly, we request as the owners of the Penryn Homestead, copies of all documentation including conclusions, field notes and photographs taken by Mr. Martindale as part of his heritage impact assessment.
3. Thirdly, we request you identify and assess the environmental and architectural risks that you are introducing through this proposed development.
4. Lastly, we request that the legal concerns of encroachment of this development on to our lands be addressed prior to any approval of this Subdivision Plan.

These items will be submitted officially as comments to the planning process following this meeting.

Thank you for your time.