

the many residents and property owners

# Repeal

The Maitland Heritage Conservation District Plan, Bylaw and Design Guidelines, approved by the Minister of Municipal Affairs and effective on the 6th day of April, 1995 and amendments thereto, is hereby repealed and this document substituted therefore.

# Certification

I, Connie Nolan, Chief Administrative Officer and Municipal Clerk of the Municipality of the District of East Hants, do hereby certify that the following is a true copy of the Maitland Heritage Conservation District Plan, Bylaw and Design Guidelines which was duly passed by Council of the Municipality of the District of East Hants at a meeting held on the 24th day of October, 2018.

DATED	at Elmsdale,	Nova Scotia,	this
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Connie Nolan Chief Administrative Officer & Municipal Clerk

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#### PART 1

### Plan

# 1.1 Historical Development of Maitland

The Mi'kmaq names for the Maitland area were "Menesatung", meaning "healing waters" and "T'wit Nook", meaning "the place where the river runs fast". During the period of early Acadian settlement (1685-1755), it was known as "Village Robert" but this name fell into disuse after the Expulsion. Early maps indicate that "Village Robert" was situated to the west of the marshland and the present village centre. The marshland was dyked by the Acadians, and vestiges of that dyke can still be seen in the modern landscape.

The development of Maitland proper can be said to have begun in 1784 when the Township of Douglas was established and land grants were made to Luke Upham and Caleb and William Putnam. During the early 19th century the community was apparently known either as "Beaver River" or simply as "the mouth of the river". In 1832, Douglas Township was dividedinto four administrative areas, and it was at this time that the village was named "Maitland", after Sir Peregrine Maitland, who was Governor of Nova Scotia at the time. There were abouta dozen buildings in the village during these early years, with a church, several stores, severalinns, a shipbuilder and a postal way station. The Presbyterian Church (now the UnitedChurch) was built in 1858 and the present Anglican Church in 1864. By 1871, the year thatthe 1.F. Church Map of Hants County was made, there were about 80 buildings in the village.

Shipbuilding was the foundation of Maitland's economy during the 19th century. Shipbuildingbegan about 1810, with the construction of small schooners and brigs to transport local lumber and gypsum to markets on the eastern seaboard. By the 1840's and 50's, slightlylarger vessels were launched into

the North Atlantic trade and, by the 1860's and 70's, largebarques and ships were plying the international oceanic trading routes on behalf of Maitlandowners. There were about a dozen shipyards in the vicinity of Maitland, from which hundredsof wooden vessels were launched, including the famous William D. Lawrence, launched in1874, the largest wooden sailing ship ever built in the Maritimes. In Maitland proper there were five major shipyards and, in its heyday, during the 1860's, 70's and 80's, the village wasa thriving community of shipbuilders, ship owners, ship's captains, merchants, blacksmiths, sailmakers, riggers and other tradesmen and their families.

Profits from the vessels enabled the construction of dozens of fine houses, many of which still stand today as the legacy ofthose prosperous shipbuilding years. It is the concentration of these houses in the centre ofthe village, along with their associated outbuildings, several old commercial buildings and the community's two churches which give Maitland its special character in the present day.

#### 1.2 Background

The original Maitland Heritage Conservation District Plan was adopted in in 1995 and established the first Heritage Conservation District in Nova Scotia. In 2017, which is 22 years after the Heritage Conservation District Plan and Bylaw was initially adopted, the municipality began a review of these documents.

The Plan expresses the intentions of the East Hants Municipal Council with respect to conservation of the historic and architectural value of buildings and structures and their setting in a portion of Maitland and consists of policy statements on a number of development issues and opportunities.



The Plan has been prepared and adopted in conjunction with a Heritage Conservation District Bylaw, which is a companion document to the Plan describing the boundaries of the district and containing the specific regulations, design guidelines and administrative procedures through which the policies of the Plan are implemented.

1.3 Overall Intent of the Plan

The overall intent of the Heritage Conservation District Plan is to conserve Maitland's historic architecture and its setting through control of the external appearance of new development and alterations or additions to existing historical buildings and through intervention in any proposed demolitions. While heritage conservation measures are viewed as being necessary, it is recognized that design issues are delicate matters subject to differences in personal taste and aesthetic preference. The Plan, therefore, will seek to balance the public need for conservation of heritage resources with the private need for relative freedom of action.

In addition, the establishment of the Heritage Conservation District is intended to act as a stimulus to heritage-related community economic development, and it is anticipated that the Plan and Bylaw will support, complement and enhance the efforts of the various community organizations which are involved in this field of endeavor.

# 1.4 Rationale for heritage conservation measures

Council recognizes that Maitland's historic architectural character is a valuable asset to the local community and the municipality as a whole. For residents, the historic buildings provide a high quality, visually attractive living environment and a strong sense of connection with community heritage. For the municipality and the community together, the buildings also serve as a valuable resource for tourism and other heritage-related, community economic development. Protection of this resource is a primary reason for the adoption of this Heritage Conservation District Plan and Bylaw.

# 1.4.1 Alterations to historical buildings

While Maitland's historic architecture is still

largely intact, certain changes have occurred over recent years which suggest a growing need for protective measures. Over the course of time, and through changes of ownership and use, many buildings have had alterations made to their windows, door, porches, verandas, chimneys, cladding or trim. While most alterations have been relatively minor and have not seriously diminished the historic character of the individual buildings or the village as a whole, there are a few cases where alterations have been more substantial. These include buildings where installation of vinvl or aluminum siding has resulted in the removal or covering over of all original trim, or where modern window or door replacements stand out as incongruous elements in otherwise historically intact facades. These buildings stand out as "substantially altered" in the midst of the otherwise "substantially intact" historic buildings which surround them. Council recognizes that protective measures are needed to prevent this kind of highly noticeable alteration from occurring in future.

#### 1.4.2 New buildings

The character of new development in the village is also an issue. While some contemporary buildings in Maitland have been designed to be compatible with the historic context, there are others which have not. Some new buildings have long, low horizontal lines and low pitched roofs which are not compatible with the steeply pitched roofs and vertical design emphasis of neighbouring historic buildings. Some new buildings are partially clad in brick, which contrasts with the traditional wooden cladding of most other buildings in the village. In light of this it will be Council's intention to require, in future, that the design of new buildings be assessed against an agreed set of Design Guidelines before construction.

#### 1.4.3 Demolition

Demolition of old and historic structures is also something which has affected the community. Generally speaking, demolition in an historic area like Maitland should only occur as a last resort where there are no other alternatives for restoration, rehabilitation or removal to a new location, and where there is irreversible structural damage or deterioration of the building. The extent to which other alternatives may have been considered in demolitions is unknown but it is regarded as reasonable for the community and the Council, in future, through the strength of a Heritage Conservation District Plan and Bylaw, to be able to require full consideration of alternatives before authorizing demolition as a last resort. Accordingly, it will be the intention of Council to include demolition control provisions in the Heritage Conservation District Plan and Bylaw.

#### 14.4 Alterations to the setting

There are also various types of development which could affect the village's historic setting. Modern signage which is inappropriate in size or materials could easily upset the present historic atmosphere. Similarly, inappropriate fences or inadequately screened utility structures could also affect historic character. Although no major developments of this type have yet occurred, Council considers that the historic setting of Maitland is sufficiently valuable to the community that it is reasonable for design guidelines for signs, fences and the screening of utility structures to be adopted as part of a Heritage Conservation District Bylaw.

In general, Council recognizes that:

- 1. Maitland has historical associations, architectural features and landscape setting characteristics which make it a special place and a unique and important heritage resource for the community and the municipality as a whole; that
- Maitland's historic architecture and its setting has value both as a contributor to the quality of the living environment and as a potential economic generator; that
- 3. Inappropriate alterations, unwarranted demolitions or inappropriately designed new development can diminish Maitland's historic character and reduce its value as a heritage resource; and that

4. Establishment of a Heritage Conservation District through the adoption of a Heritage Conservation District Plan and Bylaw is an appropriate means to conserve Maitland's historic architecture and its setting.

#### 1.5 Policies

#### 1.5.1 Establishment of district

#### Policy 1

It shall be a policy of Council to establish a Heritage Conservation District in Maitland by adopting this Plan concurrently with a Bylaw containing a description of the boundary of the district, design guidelines for development in the district and procedures for administration of the district.

#### 1.5.2 Purpose

#### Policy 2

The purpose of the Heritage Conservation District Plan and Bylaw shall be:

- 1. to protect and conserve Maitland's existing historic architecture and its setting:
- to ensure that new development will be compatible with existing historic architecture;
- 3. to draw public attention to the village, its unique historic architecture and its interesting shipbuilding heritage; and
- 4. to complement other heritage-related community economic development efforts.

# 1.5.3 Certificate of Appropriateness required for certain types of development

#### Policy 3

It shall be a policy of Council to require a Certificate of Appropriateness for the following types of development within the Heritage Conservation District:

- 1. demolition or removal of buildings;
- 2. any alteration to an existing building where the alteration is visible from an adjacent public street or road, including, but not limited to:
  - Any addition, including new porches, verandas, balconies and exterior stairs;
  - b) Any alteration to windows, doors, porches, verandas or roof shape;
  - c) Any change in cladding or trim;
- construction of new buildings;

# 1.5.4 Certificate of Appropriateness not required for minor development

#### Policy 4

It shall be a policy of Council to permit minor developments which will not substantially alter the character of the Heritage Conservation District to be undertaken without any requirement for a Certificate of Appropriateness and to list those types of development in the Heritage Conservation District Bylaw. Some types of development in this category, however, including signs, fences and utility structures, will still be subject to design guidelines which will be included in the Heritage Conservation District Bylaw.

# **1.5.5** Administration by Heritage Officer and Deputy Heritage Officer Policy 5

- 1. It shall be a policy of Council to appoint a Heritage Officer who shall be employed by the Municipality and who shall be responsible for the administration of the Plan and Bylaw and the issuance of Certificates of Appropriateness
- 2. Council may also appoint a Deputy Heritage Officer who shall assist the Heritage Officer in the administration of the Plan and Bylaw and may act in the Heritage Officer's stead.



#### 1.5.6 Design Guidelines

#### Policy 6

It shall be a policy of Council that design guidelines for development in the Heritage Conservation District shall be included in the Heritage Conservation District Bylaw. The design guidelines shall provide the frame of reference by which the Heritage Officer and the Council shall determine the appropriateness of any proposed development.

# **1.5.7 Heritage Conservation District Boundary**

In determining a boundary for the Heritage Conservation District, Council recognizes the following factors:

- 1. Historical associations, age and architectural character of buildings;
- 2. Character and extent of the setting;

- Geographic limits and density of settlement;
- 4. Experiential considerations points where the visitor has a sense of entering a historic area:
- 5. Consideration of views within the district;
- Natural features topography, watercourses, woodlands, marshlands, etc;
- 7. Street lines, property lines, fence lines, etc.
- 8. Ownership considerations government ownership, private, institutional, etc;
- 9. Correlation with other community development programs and initiatives
- 10. Wishes of property owners In early discussions regarding the preparation of the original Plan, it was determined that establishment of the Heritage Conservation District should be based on the principles of voluntary inclusion and optional future withdrawal. Future changes to the boundary will be considered by amendment to this Plan and Bylaw in accordance with the following policies.

# 1.5.8 Area to be included within the Heritage Conservation District

#### Policy 7

It shall be a policy of Council to include within the Heritage Conservation District all those buildings and areas of land which, by virtue of their architectural character, landscape character or historical association, reflect Maitland's 18th and 19th century historical development; whose owners have agreed to be included in the district; and which, together, form a cohesive and recognizable historic area.

### **1.5.9 Heritage Conservation District Boundaries Map**

#### Policy 8

It shall be a policy of Council that the boundary of the Heritage Conservation District shall be as shown on Map 1 Heritage Conservation District Map, which shall form a part of this Heritage Conservation District Plan and Bylaw.

#### 1.5.10 Voluntary inclusion by amendment to Boundaries Map Policy 9

It shall be a policy of Council to add new buildings or areas of land to the Heritage Conservation District by amendment to the Heritage Conservation District Map, upon application or agreement by the property owner, provided that the property to be added:

- 1. abuts the existing district boundary; and
- has an architectural character, landscape character or historical association which is suggestive of Maitland's 18th and 19th century historical development; or
- contributes to the geographic cohesiveness of the district.

#### 1.5.11 Voluntary withdrawal by amendment to Boundaries Map Policy 10

It shall be a policy of Council to withdraw a building or area of land from the Heritage Conservation District by amendment to the Heritage Conservation District Map, upon application by the property owner.

#### 1.5.12 Municipally registered properties in the Heritage **Conservation District**

For the any properties within the Heritage Conservation District that was separately registered under the Municipal Heritage Property Bylaw they shall be subject to the requirements of both the Heritage Property Bylaw and the Maitland Heritage Conservation District Plan and Bylaw. There are also two provincially registered heritage properties in the district. In these cases, the authority of the Minister that is charged with the administration of the Heritage Property Act shall determine the extent that the Heritage Conservation District Plan and Bylaw shall apply to the provincial registered heritage properties.

#### Policy 11

It shall be a policy of Council to continue to apply the Heritage Property Bylaw to existing registered municipal heritage properties which are situated within the Heritage Conservation District. Section 18 of the Heritage Property Act does not apply to the Municipally Registered Heritage Properties in the Heritage Conservation District.

#### Policy 12

It shall be a policy of Council to include the Alfred Putnam House (Springhurst) and the Lawrence House Museum, which are both provincially designated heritage properties, within the Heritage Conservation District, while acknowledging that the extent to which the requirements of the Conservation Plan and Bylaw may apply to them shall be determined by the Minister responsible for the administration of the Heritage Property Act.

#### 1.5.13 Public hearing required for demolition or removal of certain historic buildings

Certain developments may have a greater impact on the District that others, and would therefore benefit from public input as part of the review process. The demolition of main buildings in particular may have significant negative impact on the integrity of the District. As a result, the Heritage Officer will refer applications for removal of main buildings erected before 1940 to Council for approval before a certificate is issued. This requirement should also apply to the old Frieze and Roy shipyard shed because of its historical significance as the last remaining shipyard structure. The demolition of historic buildings (historic houses, historic commercial buildings and the churches) should be the single type of development in the Heritage Conservation District for which a public hearing should be required. This requirement should also apply to the old Frieze and Roy shipyard shed, which is currently located to the rear of the Frieze and Roy store, because of its historical significance as the last remaining shipyard structure.

# 1.5.14 Criteria for review of applications for demolition or removal of historic buildings at public hearing

#### Policy 13

It shall be a policy of Council to require that an application for a Certificate of Appropriateness for the demolition or removal of any main buildings built prior to 1940 be considered at a public hearing. In reviewing an application, Council shall consider the following factors:

- 1. the stated reasons for the proposed demolition or removal;
- 2. building condition;
- 3. the historical significance of the building;
- 4. the architectural character and uniqueness of the building;
- the visual prominence of the building and its architectural contribution to the immediate streetscape and the Heritage Conservation District in general;
- the effect of the proposed demolition or removal on the immediate neighbourhood and the Heritage Conservation District in general;
- 7. the cost/benefits of rehabilitation versus demolition or removal;
- 8. any alternatives which may be available in the circumstances;
- 9. the proposal, if any, for a replacement building.

# 1.5.15 Conditions on Certificate of Appropriateness for demolition or removal

#### Policy 14

It shall be a policy of Council that a Certificate of Appropriateness for the demolition or removal of a historic building in the Heritage Conservation District may include conditions respecting:

1. the filing with the Heritage Officer of acceptable photographic or other

- documentation of the historic building prior to its demolition or removal;
- the salvaging of specific historic architectural features such as mouldings, brackets, doors, windows, newel posts, mantles, etc. prior to demolition;
- the making good, landscaping or other restoration of the site following demolition or removal of the historic building, including:
  - a) Removal of demolished material;
  - b) Type of finished landscaping material to be used on the vacant site;
  - c) Type, species or placement of vegetation;
  - d) Type or placement of fencing;
  - e) Screening of any unsightly elements
- 4. the architectural character of any replacement building;
- 5. the time frame for construction of any replacement building;
- 6. any other conditions pursuant to the Heritage Conservation Districts Regulations.

# 1.5.16 Demolition of existing modern buildings in the district

#### Policy 15

It shall be a policy of Council that the demolition or removal of existing modern buildings built after 1940 shall require a Certificate of Appropriateness but shall not require a public hearing. Issuance of a Certificate of Appropriateness shall be subject, at minimum, to the condition that the site be made good or landscaped following demolition, in addition to any other conditions which may be appropriate pursuant to the Heritage Conservation Districts Regulations.

### 1.5.17 New buildings in the heritage district

Policy 16



It shall be a policy of Council to require new buildings in the Heritage Conservation District to be designed and constructed in a manner which is compatible with the character of nearby historic buildings. The factors involved in determining compatibility shall be outlined in the design guidelines of the Heritage Conservation District Bylaw.

# 1.5.18 Alterations to historic buildings

While the primary purpose of the Heritage Conservation District Plan and Bylaw is to protect and conserve Maitland's historic architecture, it is not the intention of Council that the village shall stand still or remain unchanged. Historic buildings will continue to be used and lived in and will inevitably need to be altered or added to as circumstances change. The purpose of the Plan and Bylaw is to ensure that when alterations are made, they shall be in keeping with the historic character of the building and its surroundings. The factors involved in determining the compatibility of alterations and additions shall be outlined in the design guidelines of the Heritage Conservation District Bylaw.

#### Polict 17

It shall be a policy of Council that alterations

and additions to existing historic buildings in the Heritage Conservation District shall be permitted provided that they are designed and constructed in a manner which is compatible and consistent with the character of the existing building. The factors involved in determining compatibility and consistency shall be outlined in the design guidelines of the Heritage Conservation District Bylaw.

# 1.5.19 Alternate building code compliance methods & performance based equivalencies

The establishment of the Heritage Conservation District enables Alternate Compliance Methods and Performance Based Equivalencies of the Nova Scotia Building Code Regulations to be used on all buildings in the district, where previously they were only applicable to individually registered heritage buildings. Under the Regulations a property owner may request that the Alternate Compliance provisions be used. The Alternate Compliance provisions make it easier for old buildings to meet code requirements for fire safety, fire escapes, spatial separations, height and area of rooms, window areas, washroom facilities, etc., and can make a great difference in the economic viability of heritage buildings. They are particularly useful when a building is undergoing change of

occupancy, such as conversion of upper floors to residential use. A number of buildings in the district have this potential and could benefit from use of Alternate Compliance Methods.

#### Policy 18

When requested by a property owner, East Hants may apply the Alternate Building Code Compliance Methods and Performance Based Equivalencies of the Nova Scotia Building Code Regulations for historic buildings located in the Maitland Heritage Conservation District, in order to facilitate functional upgrading of buildings within the district.

# 1.5.20 Use of modern manufactured products in the heritage district

While acknowledging the fact that vinyl and other modern manufactured cladding products are not historically authentic cladding materials for 19th century buildings and cannot be recommended for use in the Heritage Conservation District, Council considers that it would be unreasonable to prohibit property owners from using these materials if they wish to do so. The installation of manufactured cladding products on historic buildings in the district should be acceptable provided that the siding has a narrow overlap which replicates the appearance of traditional, narrow wooden clapboards; that wooden trim elements (window & door trim, cornerboards, brackets, etc.) are not removed or covered over in the process of installation; and that the new siding does not project beyond the front surface of the abutting window, door and corner trim. On new buildings, vinyl and other manufactured cladding products would also be acceptable provided that windows, doors and corners are trimmed with wood in the traditional manner. The design guidelines shall describe acceptable ways of installing vinyl siding on buildings in the Heritage Conservation District.

#### Policy 19

It shall be a policy of Council to permit the use of vinyl and manufactured cladding products on buildings in the Heritage Conservation District provided that the materials are installed in accordance with the design guidelines of the Heritage Conservation District Bylaw.

#### 1.5.21 Signs and fences

#### Policy 20

It shall be a policy of Council to include design guidelines in the Heritage Conservation District Bylaw for both Signs and Fences to ensure that these new features will be compatible with Maitland's historic character.

#### 1.5.22 Utility structures

#### Policy 21

It shall be a policy of Council to include Design Guidelines in the Heritage Conservation District Bylaw to ensure that new utility structures will be effectively and compatibly screened so as to minimize their visual impact upon Maitland's historic architectural character and its setting.

# 1.6 Non-Regulatory Plan for Maitland

This section of the Heritage Conservation District Plan mostly focuses on policies which are outside the scope of the Heritage Property Act and provide direction on the promotion of Maitland and identify opportunities for the community. The original Heritage Conservation District Plan identified some of the non-regulatory policies which have been included in this document but building on these policies, the municipality has reviewed recommendations made on the Village Cores Plan prepared in 2011 and a 2014 thesis prepared by a Dalhousie student.

In 2011, Ekistics Planning & Design completed a Village Cores Plan for the Municipality. This study was a first high-level step in village core investment and included Maitland within its scope of eight East Hants communities. The consultant and municipal staff held a workshop in the village of Maitland to obtain community feedback and to identify priorities for the community. Priorities for improvements in the village core of Maitland address the needs

of residents and tourists and centre on the protection and presentation of local heritage, and the provision of amenities to encourage people to dwell in the area (both residents and visitors).

Initiatives to protect historic structures are a high priority; signage, streetscape improvements, sidewalks and a garden could all contribute to enhancing the heritage appeal of the village. Improved business and recreation offerings would make the community a more desirable place to live or visit, and foster growth of cultural activities. The historic and scenic qualities of the village itself are a business opportunity and should be marketed. In addition to the policies of this Heritage Conservation District Plan, Council may consider the recommendations of the 2011 Village Cores Plan when identifying opportunities for Maitland.

# 1.6.1 Tourism and community improvement undertakings

Any future Municipal Tourism Strategies may help to inform where Maitland fits in with the tourism offerings of the Municipality.

#### Policy 22

It shall be a policy of Council to identify within Municipal Tourism Strategies and Policies, the opportunities for Maitland to be marketed as a place to stay and visit.

#### Policy 23

It shall a policy of Council to cooperate, where possible, with other committees, agencies, organizations and government departments in projects which relate to the enhancement and promotion of the Heritage Conservation District and the implementation of this Plan.

#### 1.6.2 Financial Incentives

The Province of Nova Scotia offers various financial incentives to owners of properties located within heritage conservation districts and for municipally registered heritage properties, to encourage the retention and



sensitive restoration of heritage buildings. As well as provincial incentives, The Heritage Property Act allows for municipalities to provide financial incentives. In April 2016 the Municipality of East Hants introduced a new financial incentive program for owners of property in the heritage conservation district and municipal registered heritage properties. Council recognizes that this Heritage Conservation District Plan is more likely to be successful in the long term if there are financial incentives in place for property owners of heritage properties.

#### Policy 24

It shall be a policy of Council to continue the Heritage Incentive Program for owners of heritage properties in East Hants, which was initiated in 2016, providing that resources, in the opinion of Council, permit.

#### Policy 25

It shall be a policy of Council to identify, where possible, other heritage funding opportunities from other levels of government which assist in the protection, improvement and promotion of the Maitland Heritage Conservation District.

#### 1.6.3 Education and communication

A 2014 Dalhousie student thesis project identified that many residents of Maitland did not know if they were located in the Heritage Conservation District boundary. The student suggests that the boundary of the conservation district is not particularly well defined leading some residents to think they are included when they are not, and vice vers1. Many resident also haven't considered the Design Guidelines of the Heritage Conservation District Bylaw when carrying out renovations. Some of these issues identified by the Dalhousie student have been addressed through the adoption of a new Heritage Conservation District Boundary. Council identifies a need to provide education and support to owners of property within the Heritage Conservation District. The intent of this education and support is to help property owners to understand how the Conservation District Plan and Bylaw relates to them.

#### Policy 26

It shall be a policy of Council to take measures to keep residents and owners of property within the Heritage Conservation District informed about the Plan and Bylaw and also other related heritage projects and initiatives.

#### 1.6.4 Signage and wayfinding

#### Policy 27

It shall be a policy of Council to consider opportunities for a coordinated signage, wayfinding and interpretive signage plan for the community of Maitland. The signage plan shall identify opportunities to highlight the historic, natural and scenic qualities of Maitland.

#### 1.6.5 Service infrastructure

#### Policy 28

It shall be a policy of Council to encourage the Nova Scotia Department of Transportation and Infrastructure Renewal to cooperate in conserving Maitland's historic character by:

- retaining the present width of the travelled surface of Maple Street, Church Hill Street, Ferry Lane and Academy Street:
- maintaining the wooden support structures and railings on the bridge over Maitland Brook;

#### Policy 29

It shall be a policy of Council to encourage electrical power and communication service providers to cooperate in conserving Maitland's historic character by placing service infrastructure in the Heritage Conservation District underground.

Policy	Amendment Date	Description



#### PART 2

# **Bylaw**

#### 2.1 Title, Purpose and Scope

- This Bylaw shall be known and may be cited as the Maitland Heritage Conservation District Bylaw.
- 2. The purpose of this Bylaw is to carry out the intent of the Maitland Heritage Conservation District Plan, in accordance with the provisions of the Nova Scotia Heritage Property Act and the Heritage Conservation Districts Regulations made pursuant to the <u>Act</u> by regulating the architectural character of development in the Heritage Conservation District.
- 3. This Bylaw shall apply within the Maitland Heritage Conservation District, the boundaries of which are shown on Map 1 Heritage Conservation District Map, which forms a part of this Bylaw.
- 4. This Bylaw does not exempt any person from complying with the requirements of other bylaws or regulations in force within the Municipality of East Hants.

# 2.2 Types of development for which a Certificate of Appropriateness shall be required

Prior to any work commending, a Certificate of Appropriateness shall be required for the following types of development within the Heritage Conservation District:

- 1. Construction of new main buildings;
- 2. Construction of new accessory buildings, if such buildings are visible from an adjacent street or road, unless identified in subsection 2.3 as not requiring a certificate of appropriateness;
- 3. Demolition or removal of main buildings;
- 4. Additions to existing buildings which are

- visible from an adjacent street or road; and
- 5. Substantial alterations to an existing building which are visible from an adjacent street or road, excluding the exceptions in subsection 2.3 of this Section, but including:
  - Building form with respect to orientation, proportion and height;
  - b) Roof shape with respect to style, pitch and the addition or removal of roof elements such as towers and chimneys;
  - c) Windows with respect to size, style, placement, materials, and the addition of sidelights and transoms;
  - d) Cladding with respect to style, materials, placement and orientation;
  - e) Trim with respect to style, materials, placement, and the removal or addition of same:
  - f) Stairs, porches, decks, verandahs and porticos with respect to style, materials and the removal or addition of all or part of the structure;
  - g) Dormers with respect to style, size, placement, and glazing;
  - h) Installation of a new foundation under an existing building.

# 2.3 Types of development for which a Certificate of Appropriateness shall not be required

A Certificate of Appropriateness shall not be required for the following types of development:

1. The demolition of a building built in 1940

or later:

- 2. The demolition of an accessory building;
- Work proposed to be carried out on a property registered by the Province of Nova Scotia as a provincial heritage property;
- 4. Minor structures, such as, but not limited to: pet houses, children's play structures, open-sided woodsheds, garden trellises, cold frames, retaining walls, radio or TV antennae, clothes line poles, steps not attached to a building, solar collectors, skylights, landscaping, driveways, fences, walkways, historical monuments or markers, and museum-related interpretive displays;
- Repairs to existing foundations, providing the elevation of the foundation is not being changed significantly;
- Roof replacement or repair provided that the pitch or slope of the roof is not being altered;
- 7. Construction of new fences or substantial alterations to existing fences which meet the design guidelines of this Bylaw;
- 8. Utility structures such as garbage containers, fuel tanks, air conditioning units, compressors, transformers, etc., provided that the utility structure is screened in accordance with the design guidelines of this Bylaw;
- Repair, reconstruction or restoration of existing buildings, structures, fences and signs where the work is on a like-for-like basis;
- Construction or placement of signs which meet the design guidelines of this Bylaw;
- 11. Renovations to the interior of any building;
- 12. Colour changes of any kind;
- 13. Temporary structures or signs erected for special occasions and holidays, provided that such temporary structures or signs remain in place for no more than ten (10) days following the termination of the

special occasion or holiday.

### 2.4 Administration by Heritage Officer

This Bylaw shall be administered by the Heritage Officer appointed by Council, who shall issue Certificates of Appropriateness in accordance with the requirements and design guidelines of this Bylaw. The Heritage Officer may be assisted in these duties by a Deputy Heritage Officer.

#### 2.5 Content of an application

- 1. Every application for a Certificate of Appropriateness shall be accompanied by information which the Heritage Officer deems necessary to determine whether the proposed development conforms with the requirements of this bylaw, which may include the following:
  - a) architectural plans, elevation drawings or sketches, as appropriate, not necessarily prepared by an architect, but drawn to scale and sufficient to clearly and accurately illustrate the architectural character and dimensions of the proposed development;
  - b) a plot plan or sketch, as appropriate, not necessarily prepared by a surveyor or engineer, but drawn to an appropriate scale and sufficient to illustrate:
    - The true shape and dimensions of the lot on which the proposed development is to be undertaken;
    - ii. The location of the existing or proposed building or other development in respect of which the Certificate of Appropriateness is applied for, with measurements of the lot frontage and the

front, rear and side yards;

- iii. The location of other existing buildings on the lot (if any);
- iv. The location of significant landscape features, including driveways, pathways, steps, walls, fences and vegetation;
- c) technical and illustrative information on the materials proposed to be used.
- written request, signed by the applicant or the applicant's agent, together with an address and telephone number at which the applicant or agent may be contacted.

# 2.6 Notice to applicant regarding completeness of application and necessity for certificate

Within fifteen days of receiving an application for a Certificate of Appropriateness, the Heritage Officer shall inform the applicant whether or not the application is complete and whether or not a certificate is required pursuant to this Bylaw. Where the Heritage Officer is unable to determine whether the application conforms with this Bylaw, the Heritage Officer may require further information be submitted.

# 2.7 Certificates issued directly by Heritage Officer

A Certificate of Appropriateness shall be issued by the Heritage Officer if the development proposal meets applicable requirements under this Bylaw, including the design guidelines, except in the case of the demolition or the removal of a main building, where the application must be referred to Council in accordance with Section 2.10 of this Bylaw.

# 2.8 Conditions on Certificate of Appropriateness

The Heritage Officer may grant a Certificate of Appropriateness unconditionally or with conditions, in accordance with the provisions of

the Nova Scotia Heritage Conservation Districts Regulations.

# 2.9 Issue of Ceritficate of Approprateness within thirty days

Where no public hearing is required, within thirty days of receiving a completed application, the Heritage Officer shall grant the Certificate of Appropriateness if it meets the requirements and design guidelines of this Bylaw or shall inform the applicant in writing, of the reasons for not granting the Certificate.

#### 2.10 Demolition of a Main Building

An application for a Certificate of Appropriateness for the demolition of a main building erected prior to 1940 shall be referred by the Heritage Officer to Council. Council shall hold a public hearing before a Certificate of Appropriateness is approved for the demolition or removal of a main building in accordance with the applicable policies of the Heritage Conservation District Plan. All other applications for a certificate of appropriateness shall be decided upon by the Heritage Officer without a public hearing or referral to Council.

# 2.11 Issue of Certificate of Appropriateness following public hearing

Where a public hearing has been held to consider the proposed demolition or removal of a main building in the Heritage Conservation District, the Heritage Officer shall issue or deny a Certificate of Appropriateness in accordance with the decision of Council, but no certificate shall be issued until the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer.

#### 2.12 Right to Appeal

The approval, imposition of conditions on, or denial of a Certificate of Appropriateness may be appealed to the Nova Scotia Utility and Review Board, subject to the provisions of the Heritage Property Act and any regulations thereto.

#### 2.14 Penalty

In the event of any contravention of the provisions of this Bylaw, the Municipality of East Hants may take action pursuant to section 25 of the Heritage Property Act.

# 2.13 Expiration of Certificate of Appropriateness

Any Certificate of Appropriateness issued pursuant to this Bylaw shall be in force for a period of two years from the date of issuance. If the development to which the Certificate applies has not commenced within that time period, the Certificate shall expire.

Policy	Amendment Date	Description



Bylaw - P1100 Maitland Heritage Conservation District
PART 3

Design Guidelines

#### PART 3

# **Design Guidelines**

#### 3.1 Principles of Heritage Conservation in the Maitland Heritage Conservation District

While guidelines provide direction for specific conservation and design issues, some basic principles of conservation, that is, for projects that involve preservation, rehabilitation or restoration, form the foundation for them.

The following principles apply:

#### 3.1.1 Respect the original character.

Don't try to change a building's style or make it look older than it really is. Confusing the character by mixing elements of different styles is not appropriate. The original, distinctive qualities and character should be preserved. The removal or alteration of any historical materials or distinctive features affects the character of the property and should be avoided.

# 3.1.2 Protect significant features, stylistic elements and craftsmanship.

Distinctive stylistic features or examples of skilled craftsmanship should be treated with sensitivity. The best preservation procedure is to maintain historic features through proper maintenance from the outset so that intervention is not required. This includes rust removal, caulking, limited paint removal and reapplication of paint. If necessary, stabilize the building if the appropriate conservation approach cannot be undertaken immediately.

# 3.1.3 Preserve key, characterdefining features of the property.

Key features are those that help convey the character of the resource as it appeared during its period of historic significance. These may include the scale, form, height, and materials, as well as windows, doors, porches and ornamentation. Typically, those features that are on the front of a building or that are highly visible from a public way will be most important.

# 3.1.4 Repair deteriorated historic features, and replace only those elements that cannot be repaired.

Wherever possible, deteriorated architectural features should be repaired rather than be replaced. In the event that materials are too deteriorated for repair, and replacement is necessary, the new material should match the original in composition, design, colour, texture and other visual qualities. Repair or replacement of missing architectural features should be based upon accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural design or the availability of different architectural elements from other buildings or structures.

Maintain the existing material, using recognized preservation methods whenever possible. If disassembly is necessary for repair or restoration, use methods that minimize damage to original materials and replace the existing configuration.

### 3.1.5 Seek uses that are compatible with the historic character.

It is important to make every reasonable effort to encourage a compatible use of the historic structure which requires minimal alteration to the exterior and does not adversely affect the character.

#### 3.1.6 Stay true to the historic period.

All historic resources should be recognized as products of their own time. Alterations which have no historical basis and which seek to create

an earlier appearance should be discouraged. However, changes which may have taken place over the course of time are evidence of the building's development and history. These changes may have acquired significance in their own right. The valid contributions of all periods to an historic resource must be respected.

When a building includes the superimposed work of different periods, the exposure of the underlying state is only justified when what is removed is of little interest and when the material which is revealed is of historical value.

# 3.1.6 Incorporate contemporary design.

Contemporary design for alterations and additions to existing properties can be encouraged when such design does not destroy significant historical, architectural, nor cultural material, and when such design is compatible with the size, scale, colour, material and character of the property, neighbourhood or environment. Additions, in particular, should echo contemporary ideas while respecting and enhancing the spirit or the original. New work should be physically and visually compatible with, and distinguishable from, the historic place.

#### 3.1.7 Ensure reversibility of work.

Wherever possible, new additions or alterations to historic resources should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the resource would be unimpaired.

#### 3.1.8 Relocation.

Dismantling and relocation of an existing historic resource should be employed only as a last resort, and only when protection cannot be achieved by any other means.

### About Life & Safety Standards

At all times, principles and guidelines must be applied in the full knowledge that the safety of occupants comes first.

The required life and safety standards are those specified in the current Provincial Building Code, the Plumbing Code, the Electrical Code, and the Fire Code.

Notwithstanding these Code requirements, however, where the essential character of the historic resource is threatened by changes for Code reasons, every effort should be made to find an equivalent safety standard by alternative means so as to minimize the impact of the historic fabric.

# 3.2 New Freestanding Construction

- 1. New freestanding construction will be required to be compatible with the character of adjacent properties and the streetscape. This means adhering to the general character of the surrounding neighbourhood with regards to lot patterns, heights, massing, setback, building scale, and exterior materials.
- 2. New construction should be a product of its own time and not pretend to be historic by incorporating historic detail that is inappropriate in contemporary construction. New design may be a contemporary interpretation of historic forms and styles, but attempts to replicate historic buildings are discouraged.
- 3. Nineteenth century buildings have survived until today in large part due to their use of quality natural materials such as brick, stone and wood. These materials will be encouraged in new construction.
- 4. Maintaining the height and rhythm of the existing streetscape, as described herein, will unify the District. Blank façades that face the street or are easily visible from the public realm are discouraged.

# 3.3 Design Guidelines for New Buildings

New buildings in the Heritage Conservation District shall be designed and constructed in accordance with the following guidelines:

#### **3.3.1** Style

New buildings shall be designed and constructed in a style which reflects and responds to the style of nearby existing historical buildings.

#### 3.3.2 Form

New buildings shall be designed and constructed in a form which corresponds with or is derived from one of Maitland's traditional buildings forms, which include:

- Single or two storey, gable roofed form with main façade in long elevation (Classical Revival model)
- 2. Single or two storey, gable roofed form with main façade in end elevation (Greek Revival model).
- 3. Single or two storey, cross gable form (Gothic Revival model).
- 4. Two storey hip-roofed form (Georgian/ Federal model).
- 5. 1 ½ storey mansard roofed form (Second Empire model).

Classic Revivial



**Greek Revivial** 



Georgian/Federal



Gothic Revivial



**Second Empire** 



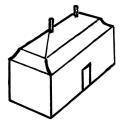
Commercial



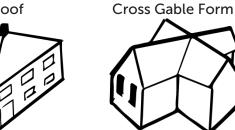
Gable Roof

**Mansard Roof** 





Hip Roof



#### 3.3.6 Façade Design

3.3.5 Height

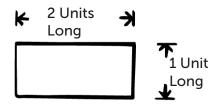
The main façade on any new building should be designed with reference to the following factors.

New buildings shall not be more than 2 stories high exclusive of the attic level under the roof.

- 1. Proportion: The length to height ratio of the façade should not exceed 2:1
- 2. Directional emphasis: The façade design should emphasize vertical elements over horizontal elements. This can be most easily achieved by the use of steeply pitched roofs and vertically proportioned windows.

#### 3.3.3 Proportion

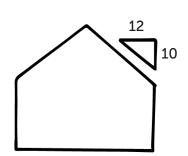
New buildings shall have a width to length ratio no greater than 1:2.



Verticals emphasized by roof, windows, door, cornerboards and proportions of facade.

#### 3.3.4 Roof Pitch

The principal roof (not including ells or extensions) on any new building shall have either a gable roof with a minimum pitch of

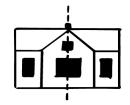


10:12 or a roof shape and pitch the same as the roof shape and pitch on a nearby historical building.

3. Visual balance: Façade designs should strive for visual balance. Visual balance may be achieved most directly by the use of symmetry (where design elements are equally balanced about a central point, eg. Windows equally spaced on either side of a central door), but asymmetrical compositions are also acceptable. In asymmetrical compositions, visual balance is more elusive and harder to define, but may be achieved by considering the balance of individual components within the design.

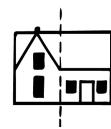
#### Symmetrical and Balanced





Asymmetrical and Balanced

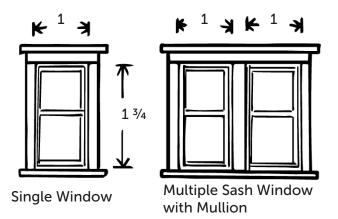




4. Rhythm and alignment: Window and door openings should preferably be arranged in a simple, rhythmic pattern, and should correspond in their horizontal and vertical alignment. Random placement of windows is discouraged.

#### **3.3.10 Windows**

Windows which are visible from an adjacent public street or road shall be vertically oriented in the façade with a minimum width to height ratio of 1: 1 3/4. The preferred window type is the traditional, double hung, vertical sliding sash. Wider window openings may be achieved by utilizing multiple sashes separated by mullions.



Windows may be square-headed or roundheaded.

Circular, oval or segmental windows, or





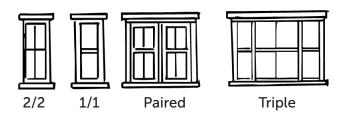
Window

Segmental Window

variations thereof, shall be permitted.

Three-faceted bay windows on the traditional model shall also be permitted. Casement, awning and large flat glazed windows which impart a contemporary image shall be permitted provided that they are installed in openings of acceptable proportions.

Horizontally proportioned slider windows, picture windows and curved bow windows shall



not be permitted on facades which are visible from the street.

#### **3.3.11 Dormers**

Dormers shall be permitted with proportions and roof pitches similar to those of dormers on existing historic buildings in Maitland.

#### MAITLAND HERITAGE CONSERVATION DISTRICT

Where small dormers are set in a roof, they should be aligned with window or door openings in the façade below.

Where a full shed dormer is incorporated into a pitched roof, it shall be inset from the roof verges so as to preserve the underlying form of the gable.

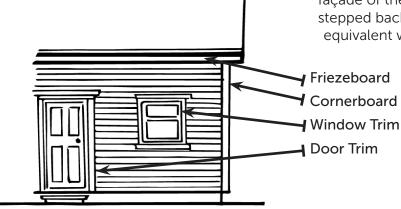
#### 3.3.12 Cladding

The preferred exterior cladding on new buildings shall be traditional wooden clapboards, wooden shingles or wooden shiplap siding laid in horizontal alignment at maximum 12 centimetres to the weather, or wooden board and batten siding.

Vinyl, aluminum or other synthetic cladding materials are not recommended. If they are to be used, however, they shall have a narrow overlap (max 12 centimetres) and shall be installed with wooden trim, (minimum 13 centimetres width) around windows and doors and at the friezeboard and façade corners. The cladding shall not project beyond the front surface of abutting trim around windows, doors and corners.

Brick cladding is not characteristic to the historical architecture of Maitland and shall not be permitted on new buildings. Asphalt imitation brick cladding also shall not be permitted.

#### 3.3.13 Trim



New buildings shall, at minimum, have plain cornerboard, friezeboard, window and door trim.

#### **3.3.14 Roofing**

Roofing materials shall be asphalt shingles, traditional wooden roof shingles or synthetic materials which visually replicate either of these. Sheet metal roofing shall also be permitted provided that it has a finished appearance.

#### 3.3.15 Chimneys

Chimneys on new buildings should preferably be constructed of brick. Insulated, metal stovepipe chimneys may also be permitted provided that they are enclosed in wood or painted. Exposed stainless steel or chrome chimneys are discouraged.

Centre or offset chimneys emerging through the roof ridge are preferred to end chimneys. Wide, multiple flue chimneys attached to the outside of the building should preferably be located on a building elevation which faces away from the street.

### 3.3.16 Garages and ancillary structures

Garages, carports and ancillary structures are best located away from the main façades of buildings and should be located in traditional areas for these functions, usually towards the rear of the lot and accessed by a driveway. Garages should not form part of the front façade of the main building and must be stepped back from the front façade the equivalent width of the garage.

# 3.4 Alterations or Additions to Existing Buildings (which are visible from an adjacent street or road)

# 3.4.1 <u>Type A</u> - Buildings erected prior to 1940 which have not been substantially changed since originally constructed

Alterations or additions to Type A buildings hall be generally consistent with the existing structure in terms of architectural style, roof pitch, window and door design, trim and any other design elements.

The design guidelines for new buildings in Part A shall be used to evaluate an application where applicable.

The Standards and Guidelines for the Conservation of Historic Places in Canada may be used to assist the Heritage Officer in determining whether or not proposed alterations or additions are generally consistent with the existing structure.

# 3.4.2 <u>Type B</u> - Buildings erected prior to 1940 that have undergone substantial alterations since original construction

In cases where buildings have undergone substantial alterations since the time of original constructions, alterations intended to restore or partially restore the structure to its original appearance shall be encouraged; in such cases documentation on the building's original appearance may be required prior to issuance of a certificate of appropriateness.

The design guidelines in Part A shall be used where applicable to evaluate an application for a certificate of appropriateness for alterations or additions. Alterations and additions to these buildings shall not further detract from

the building's original character and shall not increase the degree of inconsistency with the design guidelines in Part A.

The Standards and Guidelines for the Conservation of Historic Places in Canada may be used to assist the Heritage Officer in determining whether or not proposed alterations or additions to Type B buildings further detract from the building's original character and should be permitted.

### 3.4.3 <u>Type C</u> - Buildings constructed in 1940 or later

In the case of buildings erected in 1940 or later, additions shall be generally consistent in architectural style with the original structure. The design guidelines in Part A shall not be used, except those relating to chimneys, accessory buildings, garages, utility structures, foundations, patio doors and maximum height.

# 3.5 Design Guidelines for Signs

#### 3.5.1 General Guidelines

- 1. New signs shall be designed in a manner which respects and reinforces the architecture of the building with which they are associated. Signage which is compatible with nearby buildings helps to create visual unity within the Heritage Conservation District.
- 2. Signs such as name and address signs, building identification signs, no trespassing signs, traffic regulation or parking signs, plaques denoting historic significance, etc., shall be relatively small in relation to the building to which they are attached or with which they are associated.
- 3. New signs should present clear, concise information in a simple manner.

#### 3.5.2 Permitted materials

New signs shall be constructed of wood and may have painted, carved or raised lettering.

#### 3.5.3 Illumination

Internally lit, plastic signs are regarded as being out of character with Maitland's historic architecture, and shall not be permitted. New signs in the Heritage Conservation District may be externally illuminated, however, by the use of focused spotlights, either attached to the sign or fixed to the ground or building, as appropriate.

### 3.5.4 Interprative and Wayfinding Signage

Heritage Interpretive Signage and Wayfinding Signage which are intended to highlight the historic, natural and scenic qualities of Maitland are not subject to 3.5.1 General Guidelines and 3.5.2 Permitted Materials of this document.

# 3.6 Design Guidelines for Fences

#### 3.6.1 General Guidelines

- new fences shall be designed and constructed in a manner which respects and reinforces the architecture of the building with which they are associated.
- 2. New fences shall be constructed of wood only.
- Maximum height of new fences shall be 2 m.

#### 3.6.2 Permitted fence types:

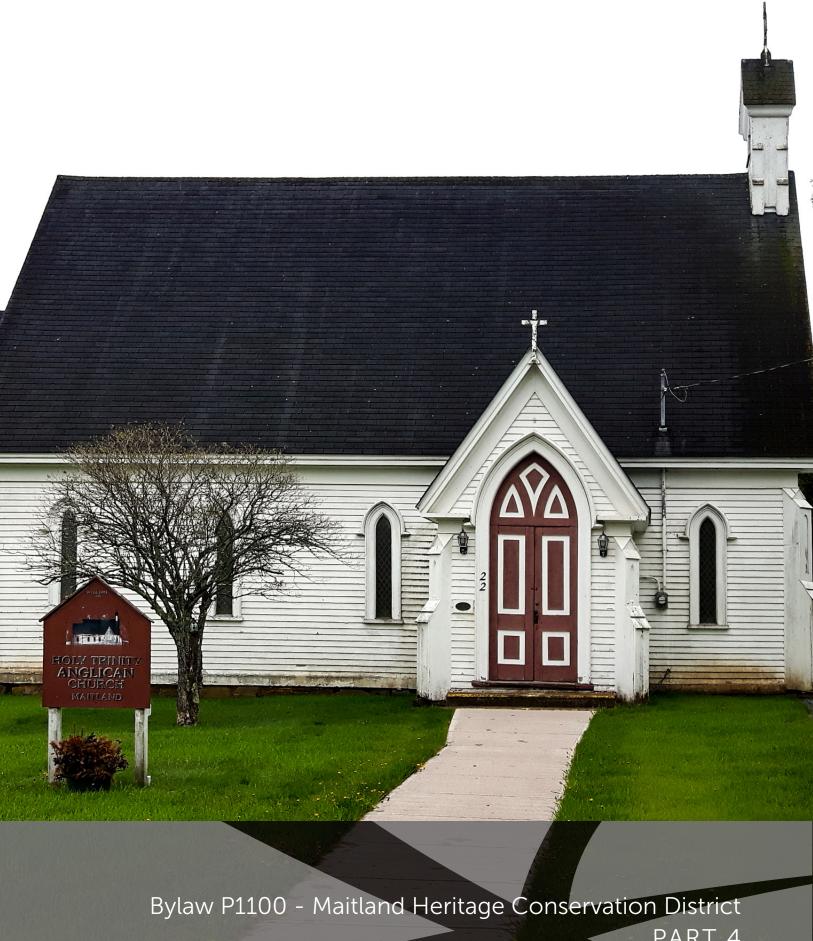
- Post and rail
- 2. Board fence
  - a) boards shall be attached on same side of fence posts
- 2. Picket fence
  - a) pickets shall be attached on same side of fence
  - b) Pickets shall be uniform width
  - c) Pickets shall be pointed rather than square-topped
- 4. Lattice fences shall be permitted provided that the latticework is framed.

#### 3.7 Utility structures

Utility structures such as fuel tanks, garbage containers, electrical transformers, air conditioning equipment and other mechanical equipment shall be permitted in the Heritage Conservation District subject to the following conditions:

- 1. Utility structures shall not be located in front of buildings.
- 2. Where utility structures are visible from an adjacent public street, they shall be screened by a board fence, lattice fence and/or other planted landscape material.

Policy	Amendment Date	Description



PART 4

Appendices



Policy	Amendment Date	Description
Map 1	October 23, 2019	removal of 8803 Hwy 215, Maitland from the HCD boundary.