

# MUNICIPALITY OF THE DISTRICT OF CHESTER

## TERMS OF REFERENCE

### Heritage Advisory Committee

1. There shall be established a Heritage Advisory Committee of the Municipality of the District of Chester.
2. The Heritage Advisory Committee shall consist of eight members.
  - (a) Two (2) of whom shall be appointed from the Municipal Council;
  - (b) Two (2) of whom shall be appointed by the Chester Municipal Heritage Society and shall be members of that Society or be individuals who have otherwise demonstrated active concern for the preservation of buildings of historic significance; and
  - (c) Four (4) members of the Committee shall be appointed by the Municipal Council from the citizens of the Municipality at large.
3. The term of service of persons on the Heritage Advisory Committee shall be a term of one year.
4. Appointment of the members of the Heritage Advisory Committee should take place at the Annual Meeting of the Municipal Council each year.
5. Following Councils Annual Meeting and at the first meetings of the Committee it will elect a Chairman and Vice-Chairman.
6. Any member shall be eligible for reappointment to the Heritage advisory Committee from term to term.
7. Upon the death or resignation of any member the Heritage Advisory Committee may function with its existing membership until the next meeting of the Municipal Council where a replacement shall be appointed to complete that term.
8. The Committee shall be governed, where not consistent with the Act or this By-Law, by the general rules of procedure applicable to Committees as are contained in the By-Laws of the Municipality of the District of Chester.
9. The Heritage Advisory Committee may advise the Municipal Council respecting:
  - (a) The inclusion of buildings, streetscapes and areas in the Municipal Registry of Heritage Property;
  - (b) An application for permission to substantially alter or demolish a Municipal Heritage Property;

- (c) Building or other regulations that affect the attainment of the intent and purpose of this Act;
  - (d) Any other matters conducive to the effective carrying out of the intent and purpose of this act.
10. The Heritage Advisory Committee may recommend to the Municipality that a building, streetscape or area be registered as a Municipal Heritage Property in the Municipal Registry of Heritage Property and the prescribed notice of such recommendation shall be in Form "A" as attached hereto and shall be served and filed by the Clerk in accordance with the Heritage Property Act and the registration shall be in Form "B" as attached hereto.
  11. A copy of the notice shall be filed in the Municipal Registry of Heritage Property.
  12. Notice of such registration (Form "B") shall be sent to each registered owner of the Municipal Heritage Property. One copy of the registration shall be deposited in the Registry of Deeds and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.
  13. Council may, from time to time, set out or amend the guidelines for registering Heritage Property within which, the Heritage Advisory Committee shall operate. The Council may set out and amend such guidelines as it sees fit for the registration of property as Heritage Property and the Heritage Advisory Committee shall make recommendations in accordance therewith.

*Notice - June 5, 2003 (2003-343)*

*Approved by Council - June 12, 2003 (2003-365)*

**REGISTERED HERITAGE PROPERTY  
IN  
THE MUNICIPALITY OF THE DISTRICT OF CHESTER**

**QUESTIONS  
AND  
ANSWERS**

What is the Heritage Property Act?

The Heritage Property Act is a Provincial Law.

The purpose of the Act is "to provide for the identification, designation, preservation, protection and rehabilitation of buildings, streetscapes and areas of historic, architectural or cultural value and to encourage their continued use". The Act enabled municipalities to establish a Registry of Heritage Property and to appoint a Heritage Advisory Committee.

What is the Heritage Advisory Committee?

The Heritage Advisory Committee is a Committee of Chester Municipal Council. It is made up of six people - two Municipal Councillors, two members of the Chester Municipal Heritage Society, and two members of the public at large.

The purpose of the Committee is:

- (a) to recommend properties for registration;
- (b) to approve substantial renovations (exteriors).

What is the process of Registration?

1. The owner or Heritage Advisory Committee requests a property be considered for registration.
2. An Inventory Site form is completed.
3. The Heritage Advisory Committee considers the property using a point system.
4. The property passes or does not pass the criteria for a Heritage Property.
5. If the property does pass, the owner meets with the Heritage Advisory to get his/her reaction.
6. The Heritage Advisory Committee may recommend that the Municipal Council register the property.
7. The Municipal Council meets with the owner and either accepts or rejects the recommendation.
8. If the Municipal Council accepts the recommendation, written notice is sent to the owner.

How Does a Property Qualify for Registration?

Properties are evaluated by the Heritage Advisory Committee using a point system. Two main areas considered are Historic Interest and Architectural Interest.

Factors under Historic Interest include: age, architect/builder, and historical association.

Factors under Architectural Interest include: design, construction, style, landmark, integrity and environmental compatibility.

Who Decides if the Alteration is Substantial?

Initially, the Heritage Advisory Committee would express its opinion based on the considerations applying in each individual case. The guidelines adopted by the Provincial authorities are as follows:

The accepted general definition of "substantial" is the meaning of the word as given in the Oxford English Dictionary, where it is defined as having real importance or value of a considerable amount. A "substantial alteration" has, therefore, been defined as "any change that alters in an important way the exterior appearance of a registered property".

The following factors would be considered in making any recommendations or decision on the request:

- a. The purpose of the request, such as for restoration to a particular period or for recycling or rehabilitation;
- b. The materials used should be in conformity with the identified style but modern or more economical substitutes may be approved for use;
- c. The comparative costs of various alternatives; and
- d. The effect on the neighbouring environment of the requested alteration.

A difference of opinion between an applicant and the Committee would mean that Chester Municipal Council would determine whether or not an alteration was "substantial".

How Long Does it Take to get Approval?

As with any building permit, the time needed to process the application depends on the extent and nature of the work. If the application does not involve substantial exterior alterations, then there may be no extra time needed. If the alterations are substantial and require Council approval, then a further two to four weeks might be required depending on the schedule of the Heritage Advisory Committee and Council Meetings. The Committee must make its recommendations to Council within 30 (thirty) days of the date of the application. The time can usually be

shortened by early discussion with Municipal Staff and/or the Heritage Advisory Committee.

*Do I Need Approval for Ordinary Repair and Maintenance?*

As long as such repair and maintenance do not involve a change in exterior appearance, only the usual building permit is required.

*What Can I Do With the Interior?*

The Heritage Property Act controls only the exterior appearance of registered heritage buildings. Interior alterations require only normal building permits.

*What Happens if Council Refuses My Application for a Demolition Permit or a Substantial Alteration?*

Section 16 of the Heritage Property Act provides that where permission to demolish or to alter the exterior appearance of the property is not given, the owner may carry out the demolition or make the alteration at any time after one year but not more than two years after the date of the application. The practical effect of this provision is that it allows time for the owner of a registered heritage property and the Municipality to negotiate, if possible, such solutions or compromises which might reasonably achieve their respective objectives. Failure of such negotiations means that the property owner is free to deal with the property as he/she wishes subject only to other applicable laws, by-laws and regulations.

*Can I Get Advice on the Acceptability of My Plans Before Formally Applying?*

Anyone can arrange for discussion of proposed alterations with the Heritage Advisory Committee. This practice, while informal, gives the Committee an understanding of the applicant's wishes and on how best to achieve the changes in a way which respects the historic architecture of the buildings.

Further, however, the Provincial Sales Tax (10%) on materials used for approved repairs and maintenance on the exterior of any residential, owner occupied registered property is refundable. An owner simply gets approval, and submits vouchers to the heritage Advisory Committee after the work is complete.

Also, the owners of Municipally registered properties are eligible to apply for a grant to cover 80% of architectural fees (maximum \$4,000.00) incurred when restoring the exterior of their property.

*What Benefit is there to Register our Church?*

Municipally registered churches are eligible for up to 50% of the total cost (maximum \$20,000.00) of any repairs, maintenance, or minor improvements done to the exterior of the church.

*Will My Property Get Any Formal Recognition?*

The Municipality of the District of Chester recognizes each Heritage Property by presenting a plaque to be placed on your property identifying it as a Heritage Property, thus acknowledging its prominence within the community. The individual property owner may further personalize this by paying for a plaque which further identifies the property (for example "The Smith House" or "Circa 1860"). In the event the property is no longer registered the main plaque is returned to the Municipality.



MUNICIPALITY OF THE DISTRICT OF CHESTER  
BY-LAWS

BY-LAW NO. 76  
HERITAGE PROPERTY BY-LAW

- 1.1 This By-Law shall be known and may be cited as the "Heritage Property By-Law".
- 2.1 In this By-Law, "Municipal Registry of Heritage Property" means a Municipal Registry of Heritage Property within the meaning of the Heritage Property Act, R.S.N.S., 1980, Chapter 8, having all the powers and duties prescribed by the Act or incidental thereto.
- 2.2 In this By-Law, "Heritage Advisory Committee" means a Heritage Advisory Committee within the meaning of the Heritage Property Act, having all the powers and duties prescribed by the Act or incidental thereto.
- 2.3 In this By-Law, "Municipal Heritage Property" means a Municipal Heritage Property within the meaning of the Heritage Property Act.
- 3.1 There shall be established for the Municipality of the District of Chester a Municipal Registry of Heritage Property wherein all prescribed documents relating to the registration of Heritage Property pursuant to the provisions of the Heritage Property Act shall be filed.
- 3.2 The maintenance of the Municipal Registry of Heritage Property shall be the responsibility of the Municipal Clerk.
- 4.1 The Municipal Registry of Heritage Property shall be kept in such manner and place as the Municipal Council, on the advice of the Heritage Advisory Committee shall from time to time determine.
- 4.2 The Municipal Council is empowered to make such expenditures as are necessary to maintain the Municipal Registry of Heritage Property.
- 5.1 There shall be established a Heritage Advisory Committee of the Municipality of the District of Chester.
- 6.1 The Heritage Advisory Committee shall consist of seven members, three of whom shall be appointed from the Municipal Council, two of whom shall be appointed by the Chester Municipal Heritage Society and shall be members of that Society or be individuals who have otherwise demonstrated active concern for the preservation of buildings of historic significance and two members of the Committee shall be appointed by the Municipal Council from the citizens of the Municipality at large.
- 7.1 The term of service of persons on the Heritage Advisory Committee shall be a term of one year.
- 7.2 Appointment of the members of the Heritage Advisory Committee



should take place at the Annual Meeting of the Municipal Council each year.

- 7.3 Any member shall be eligible for reappointment to the Heritage Advisory Committee from term to term.
- 7.4 Upon the death or resignation of any member the Heritage Advisory Committee may function with its existing membership until the next meeting of the Municipal Council where a replacement shall be appointed to complete that term.
- 7.5 The Committee shall be governed, where not inconsistent with the Act or this By-Law by the general rules of procedure applicable to Committees as are contained in the By-Laws of the Municipality of the District of Chester.
- 8.1 The Heritage Advisory Committee may advise the Municipal Council respecting:
- (a) the inclusion of buildings, streetscapes and areas in the Municipal Registry of Heritage Property;
  - (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
  - (c) building or other regulations that affect the attainment of the intent and purpose of this Act;
  - (d) any other matters conducive to the effective carrying out of the intent and purpose of this Act.
- 9.1 The Heritage Advisory Committee may recommend to the Municipality that a building, streetscape or area be registered as a Municipal Heritage Property in the Municipal Registry of Heritage Property and the prescribed notice of such recommendation shall be in Form A as attached hereto and shall be served and filed by the Clerk in accordance with the Heritage Property Act and the registration shall be in Form B as attached hereto.
- 9.2 A copy of the notice shall be filed in the Municipal Registry of Heritage Property.
- 10.1 Notice of such registration (Form B) shall be sent to each registered owner of the Municipal Heritage Property. One copy of the registration shall be deposited in the Registry of Deeds and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.
- 11.1 Council may from time to time set out or amend the guidelines for registering Heritage Property within which, the Heritage Advisory Committee shall operate. The Council may set out and amend such guidelines as it sees fit for the registration of property as Heritage Property and the Heritage Advisory Committee shall make recommendations in accordance therewith.

## FORM A

NOTICE OF PROPOSED RECOMMENDATION FOR REGISTRATION  
IN THE MUNICIPAL HERITAGE REGISTRY

\_\_\_\_\_, you are hereby notified that:

1. The land and buildings located at \_\_\_\_\_  
(legal description of property). (Also civic address and/or  
assessment number where applicable) has been recommended to be  
registered in the Municipal Heritage Registry for the Municipality  
of the District of Chester.

2. The reasons for this proposed designation are:

- (1) approximate date of erection,
- (2) type of architecture, typical of an era,
- (3) part of streetscape (description of streetscape  
location),
- (4) local significance, national significance.

3. The Heritage Act prohibits any substantial alteration to the  
appearance or demolition of a property described herein for a  
period of one hundred and twenty (120) days from the date of  
service of this notice unless the Municipal Council refuses to  
register the property.

4. The effect of recommendation and registration in the Municipal  
Heritage Registry described in paragraph one is that no demolition  
or substantial alteration in the exterior appearance may be  
undertaken from the date of registration unless an application, in  
writing, for permission is submitted to the Municipality and the  
application is granted with or without conditions. (Where an  
application is not approved, the owner may make the alterations in  
his application or carry out the proposed demolition at any time  
after one year but not more than two years from the date of  
application.)

5. You are hereby notified that the Council will sit to hear any  
objections regarding the recommendation of the property described  
in this notice on the \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_ in the Council Chambers of the Municipal Building.  
Information and particulars concerning the reasons for  
recommendation are available from the office of the Municipal Clerk  
for the Municipality of the District of Chester from 8:30 a.m. to  
4:30 p.m. at Chester

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

\_\_\_\_\_  
Municipal Clerk



FORM B

(To be filed in the Registry of Deeds for the District in which the property is located in the Municipal Registry of Heritage Property.)

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO:

You are hereby notified that:

1. The land and building located at \_\_\_\_\_

(address, locale, legal description or other identification of property) has been registered in the Municipal Registry of Heritage Property by resolution adopted at a meeting of Council the day of \_\_\_\_\_ 19 \_\_\_\_ .

2. The effect of registration in the Municipal Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in his application or carry out the proposed demolition at any time after one year but not more than two years from the date of the application.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

\_\_\_\_\_  
Municipal Clerk



MUNICIPALITY OF THE DISTRICT OF CHESTER  
HERITAGE PROPERTY SCORE SHEET

Property Being Considered	Owner(s)	Civic Address	Date
Municipal Account #	Mailing Address		Other

	E	VG	G	F	P	Rating for Property	Meaning of Score		
							Points	%	Description
<b>A - HISTORICAL INTEREST</b>									
▼ Age	40	32	24	16	8		▼	▼	▼
▼ Architect/Builder	20	16	12	8	4		150 - 200	75 - 100	Major significance
▼ Historical Association	40	32	24	16	8		100 - 144	50 - 74	Important
▼ SUBTOTAL	100	80	60	40	20		50 - 99	25 - 40	Value to part of environment
<b>B - ARCHITECTURAL INTEREST</b>									
▼ Design	20	16	12	8	4		0 - 49	0 - 24	Not important
▼ Construction	15	12	9	6	3		150 - 200	75 - 100	Major significance
▼ Style	15	12	9	6	3		100 - 144	50 - 74	Important
▼ Landmark	15	12	9	6	3		50 - 99	25 - 40	Value to part of environment
▼ Integrity	20	16	12	8	4				
▼ Environment	15	12	9	6	3				
▼ SUBTOTAL	100	80	60	40	20				
<b>TOTAL A + B</b>	<b>200</b>	<b>160</b>	<b>120</b>	<b>80</b>	<b>40</b>		/ 2 = <input style="width: 50px; height: 20px;" type="text"/> %		

**GRADES FOR HISTORICAL INTEREST**

	CRITERION	CHARACTERISTIC	GRADE
i	1758/1761 - 1860	The first 100 years	E
	1861 - 1885	"American Natives" Big Homes and families	VG
	1886 - 1914	Steady Growth Period	G
	1915 - 1939	Early Modern	F
	1940 -	To Present	P
ii	Architect/Builder	Architect or builder of a particular importance to history of Canada or NS	E
		Architect or builder of a particular importance to Municipality	VG
		Architect or builder known and of some importance	G
		Architect or builder known but of little importance	F
iii	Historical Association	The building is <u>intimately</u> associated with people, events or activities of primary significance to the historical development of the Municipality	E
		Loosely associated with people, events or activities of <u>primary</u> significance, or <u>intimately</u> connected with people, events or activities of secondary significance	VG
		Loosely associated with people, events or activities of <u>secondary</u> significance	G
		<u>Little</u> known association with significant people, events or activities	F
		<u>No</u> known connection with significant people, events or activities	P

**GRADES FOR ARCHITECTURAL INTEREST**

	CRITERION	CHARACTERISTIC	GRADE
i	<u>Design</u> Attractiveness of design based on artistic merit, composition, craftsmanship, detail or uniqueness	Excellent	E
		Very Good	VG
		Good	G
		Fair	F
		Poor	P
ii	<u>Construction</u> Uniqueness or degree of interest of building technology	<u>Perfect</u> or <u>extremely</u> early example if <u>many</u> survive; excellent example if <u>few</u> survive	E
		<u>Excellent</u> or <u>very early</u> example if <u>many</u> survive; good example if <u>few</u> survive	VG
		<u>Good</u> example if <u>many</u> survive	G
		Of little interest	F
		Of no particular interest	P
iii	<u>Style</u> Uniqueness or degree of interest of building style	<u>Perfect</u> or <u>Extremely early</u> if many survive; excellent example if <u>few</u> survive	E
		<u>Excellent</u> or <u>very early</u> example if many survive; <u>good</u> example if <u>few</u> survive	VG
		Good example if many survive	G
		Of little interest	F
iv	<u>Landmark</u> The extent to which the building functions as a visual landmark	Building serves as a symbol for the Municipality of Chester or Lunenburg County as a whole	E
		Building is conspicuous and familiar in the context of the Municipality	VG
		Building is conspicuous and familiar in its neighbourhood	G
		Of little conspicuousness or familiarity	F
		No landmark value	P
v	<u>Integrity</u> The extent to which the building has been altered. This considers whether the building: (A) Occupies its original space. (B) Has suffered little alteration and retains most of its original materials and design features. (C) Is in good structural condition	Excellent	E
		Very Good	VG
		Good	G
		Fair	F
		Poor	FP
vi	<u>Environment</u> This considers the extent to which the building determines, contributes to, or is compatible with the predominant visual character of its neighbourhood		