

Report Regarding the Request to Designate 1732 Cream Street (The Comfort House)

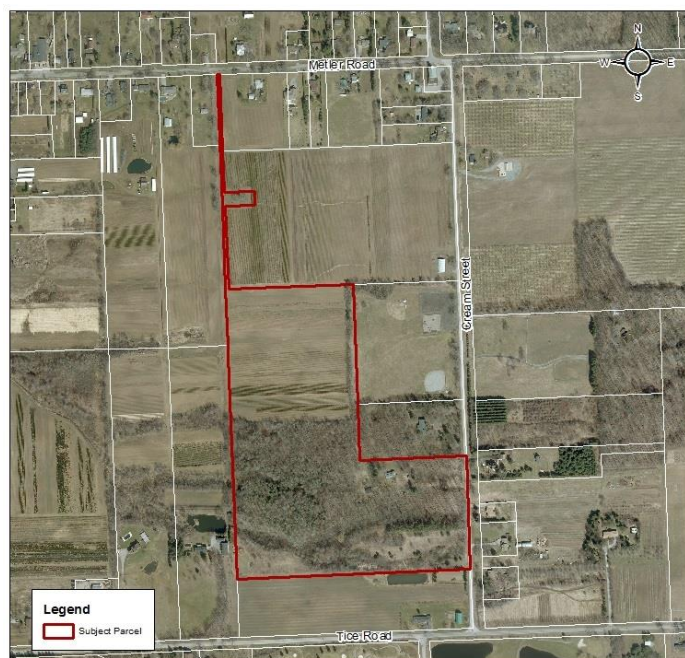
Executive Summary:

The purpose of this report is to provide information and seek a decision from Council regarding the request to designate 1732 Cream Street (The Comfort House) under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.

Location:

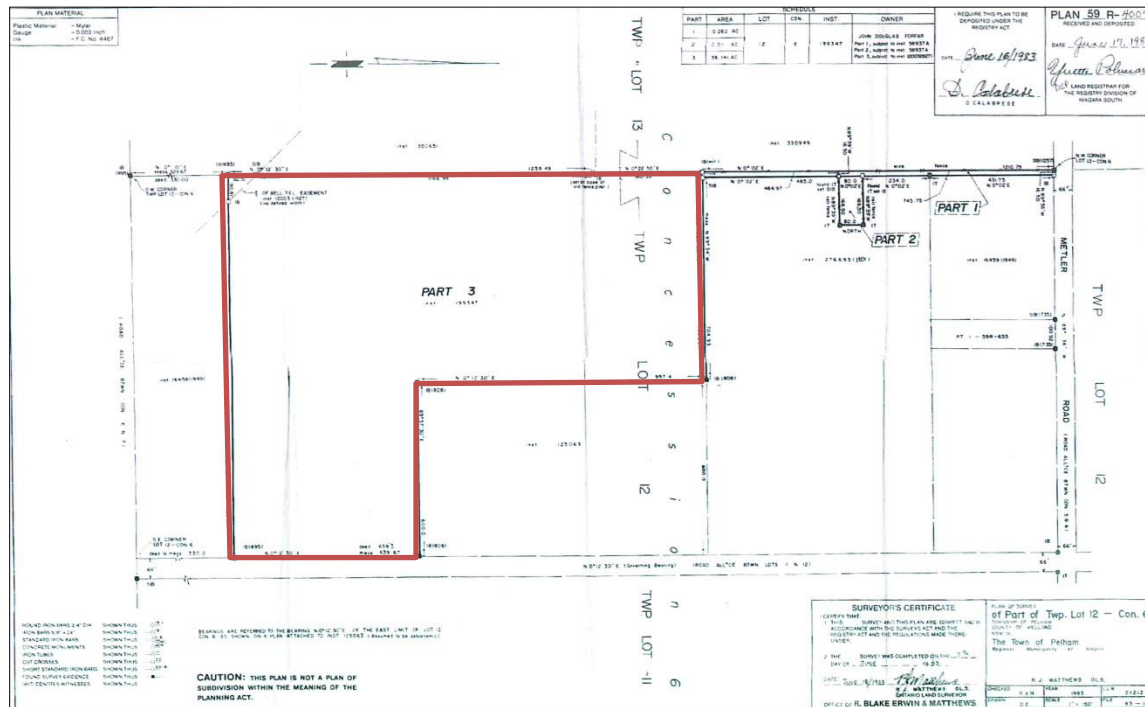
The subject parcel is located on the west side of Cream Street, north of Tice Road (refer to Figure 1). The legal description of the subject parcel is Con 6 Pt Lot 12 59R-4007 Part 3 (refer to Figure 2).

Figure 1: Location of the Subject Parcel



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Figure 2: Part 3, 59R-4007



Project Description and Purpose:

On April 20, 2015 Council passed By-law No. 3605 (2015) that authorized the Mayor and Clerk to enter into a development agreement for 1732 Cream Street. The development agreement permitted the residency in the Comfort House while a new dwelling was constructed, indicated the co-operation of the owner in the designation of the Comfort House, and stated that a change of use permit would be required to convert the Comfort House from a dwelling to an accessory structure prior to the occupancy of the new dwelling. In addition, the development agreement states that in the event the Comfort House is not designated it shall be demolished by the owner.

Currently, a new dwelling is being constructed on the subject parcel. The owner of the Comfort House requested Planning staff initiate the designation of the property under Section 29 of the Ontario Heritage Act, R.S.O. 1990, and c.O.18.

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On August 4, 2016 a notice of intent to designate was sent to the owner of the property and the Ontario Heritage Trust, and was published in the Pelham News (refer to Appendix 1). In response to the publication of the notice of intent, Mark Shoalts provided architectural information regarding the Comfort House to Planning staff. Consequently, Planning staff updated the heritage report. For Council's information, no additional public comments or inquiries have been received regarding the notice of intent as of the time of writing this report.

A detailed heritage report was prepared by Planning staff that provides: the statement of design and/or architectural value and/or interest; the statement of historical and/or associative value and/or interest; and the statement of contextual value and/or interest that together constitute the "reason for designation" required under the Ontario Heritage Act (refer to Appendix 2).

Ontario Heritage Act:

Section 29- Designation of Properties by Municipalities

Section 29 of the Ontario Heritage Act permits the Council of a municipality to, by by-law, designate a property within the municipality to be of cultural heritage value or interest if: a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and, b) the designation is made in accordance with the process set out in this section.

The process includes: providing notice of intention to designate the property, consulting with the municipal heritage committee (if Council has appointed a committee), and Council's consideration of a by-law to designate the property. If Council passes the by-law, a copy of the by-law together with statements (i.e. heritage value or interest, heritage attributes) is served on the owner and on the Ontario Heritage Trust and is registered on title. In addition, notice of the by-law passing is published in the newspaper. If Council does not pass the by-law, Council withdraws its notice of intention to designate the property and issues a notice of withdrawal which is served on the owner, on the Ontario Heritage Trust, and is published in the newspaper.

Individuals are able to object to a proposed designation by serving a notice of objection to the Clerk within thirty days after the date of publication of the notice of intention to designate—there is no appeal after a by-law is passed.

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If a notice of objection is received by the Clerk, Council refers the matter to the Conservation Review Board for a hearing and report. The hearing is open to the public and Council, the owner, any person who filed an objection, and any individual the Conservation Review Board may permit are parties to the hearing. Within thirty days after the conclusion of a hearing, the Conservation Review Board reports to Council its findings including whether or not the property should be designated. Council will then either pass a by-law to designate the property or issue a notice of withdrawal after consideration of the Conservation Review Board report. The decision of Council is final.

Staff Comments:

The purpose of this report is to provide information and seek a decision from Council regarding the designation of 1732 Cream Street (The Comfort House) under Part IV of the Ontario Heritage Act.

In Planning staff's opinion, the property at 1732 Cream Street (The Comfort House) is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of design/physical value, historical/associative value, and contextual value. Appendix 2 outlines the heritage value of the building and property.

Planning staff note that the designation of the Comfort House is desired by the owner. Designation would ensure that the Comfort House is not demolished—if Council does not designate the Comfort House, under the development agreement, it was agreed by the Town and the owner that the Comfort House would be demolished. In Planning staff's opinion, this would be an unfortunate loss to the community as the home has significant cultural heritage value, has been maintained in good condition, and is a good example of a Georgian style farm dwelling that is simple in its design and layout with many original features remaining.

Prepared by: Julie Hannah, MCIP, RPP, Planner

Reviewed by: Barbara Wiens, MCIP, RPP, Director of Community Planning and Development

Alternatives:



Council could decide to not designate resulting in the demolition of the Comfort House.



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Recommendation:

BE IT RESOLVED THAT Council receive this Department of Community Planning and Development report for information as it pertains to the request to designate 1732 Cream Street (The Comfort House) under Part IV of the Ontario Heritage Act; **AND THAT,** Council pass the by-law to designate 1732 Cream Street (The Comfort House).

Appendix 1: Notice of Intent

<div style="display: flex; justify-content: space-between; align-items: center;"> vibrant • creative • caring  www.pelham.ca </div>	
	<p>In accordance with Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18, and in the matter of the lands and premises, known as the Comfort House located at 1732 Cream Street in the Town of Pelham in the province of Ontario.</p> <p>TAKE NOTICE that the Council of the Town of Pelham intends to designate property situated at 1732 Cream Street (Comfort House) in the Town of Pelham, in the Province of Ontario, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.</p>
Description of Property	<p>The property at 1732 Cream Street is located on the west side of Cream Street, north of Tice Road.</p> <p>Its legal description is Con 6 Pt Lot 12 59R-4007 Part 1, 2, and 3.</p>
Short Statement of the Reason for the Designation	<p>The property at 1732 Cream Street (Comfort House) is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of design/physical value, historical/associative value, and contextual value.</p>
Statement of Design and/or Architectural Value and/or Interest	<p>1732 Cream Street is a two-storey residence that was built between approximately 1808 and 1839. The house was designed in the Georgian style of architecture, currently finished with blue-toned wood siding veneer. The second floor is considerably smaller in terms of height than that of the first storey. The home has a side-gable style of roofing, in which two panels meet at a ridge in the middle of the building and hang over the front façade of the house. The building is simple and symmetrical in form, with small-paned 12 over 12 double-hung sash windows found on the front of the first floor. The back façade windows as well as the second floor windows are casement in style, and the building also features sliding sash windows on the western side. The front door detail is very simple, is centrally located in proximity to the main portion of the house, and features a 9-paned glass rectangular window. Georgian houses are known to be solid and well-built structures which tend to remain virtually unchanged for a number of years after their origin, suggesting it is unlikely the exterior has changed significantly since its construction and will remain as is for a long period of time.</p> <p>A one-storey addition to the east side of the house features a similar side-gable roof, a large bay window on the front façade as well as a secondary entrance with a door identical to that of the main entrance. Interiorly, the residence contains two large fireplaces made of red brick that were likely used at one time, but have since been reverted into a decorative facet of the dining and living rooms as evidenced by a lack of coinciding chimney stack on the exterior. The interior is characterized by hardwood flooring, large exposed wood beam ceilings, and windows and doorways framed with single wooden board accents. Doors found throughout the interior are typically made of light-coloured wood, and accentuated by antique brass handlesets.</p>
Statement of Historical and/or Associative Value and/or Interest	<p>In 1808, 100 acres of property located at 1732 Cream Street was patent to David Secord Sr. Major David Secord of St. David's was a brother-in-law to Laura Secord, and he received the lands as a Crown Grant. Major Secord was a businessman and political figure in Upper Canada. Born in New York City in August 1759, he settled at Queenston in Upper Canada after the war with his father. His father served with Butler's Rangers during the American Revolution, and later David also served as a corporal in the same unit.</p> <p>David helped establish the community of St. David's where he built a sawmill, gristmill, blacksmith shop and general store, and his brother James – husband of Laura Secord – also settled there. In 1796, David was appointed justice of the peace in the Home District, and was elected to the 5th Parliament of Upper Canada representing 2nd Regiment of the Lincoln Militia. He later was elected to the 7th Parliament for 3rd Lincoln. He</p>

	<p>served in the local militia, eventually reaching the rank of major. During the War of 1812, his built work in St. David's was destroyed by the Americans. Major David died in August of 1844 and was buried in the Methodist cemetery of St. David's. Unfortunately, evidence as to whether Secord actually took up residence in Pelham at any time is inconclusive.</p> <p>At some point between the 1st and 2nd abstract of the Land Registry Patent for 1732 Cream Street, dating between 1808 and 1816, the 100 acres of land were transferred from David Secord Sr. to Peter Tice. No record of sale exists to identify when this occurred. The Comfort Family took patent of the land in June of 1816, and the Land Registry Patent document provides evidence of further conveyances amongst the Comfort Family dating to 1862.</p> <p>Robert Comfort was a United Empire Loyalist. The Comfort Family has strong historical significance to the Town of Pelham, including a long history of philanthropy to the Pelham community. In one instance, John Comfort donated land for the North Pelham Presbyterian Church to be built upon; Dr. Wm. Mingle Comfort also donated land for which the manse of the same church was built on; and, Dr. Comfort's children later donated land for a buffer strip to the west of this church as well.</p>
Statement of Contextual Value and/or Interest	<p>The Comfort Family Home at 1732 Cream Street is located a short distance to the south of North Pelham. The original 100-acre plot of land was considered to be a part of the village of Ridgeville, albeit located north of the village boundaries and within the greater vicinity of the Town of Pelham. North Pelham Park was formerly a part of the 100-acre plot, however has since been sold to the Town. The land directly surrounding the residence is heavily wooded, and the house itself sits considerably far back on the lot to the west of Cream Street and north of Tice Road.</p> <p>Located on the land to the north is also the previously designated heritage landmark known as the Comfort Maple Tree. The Comfort Maple is a very significant part of Pelham's history. It is believed to be the oldest and largest sugar maple tree in Canada. Its importance to the Town has been demonstrated through its use on the front of Pelham's tourism brochure since 1999, as well as its incorporation into the Coat of Arms for the Town of Pelham since 1979 as a symbol of Pelham's place in Canada. The tree is a source of pride for the Comfort family, the citizens of Pelham, the Niagara Region, and the current owner of the tree and its surrounding land. The site of the Comfort Maple is under the care of the Niagara Peninsula Conservation Authority.</p>
	<p>NEED MORE INFORMATION? CONTACT US!</p> <p>The short statement of reason for the designation including a description of the heritage attributes along with all other components of the detailed Heritage Report constitute the "reason for designation" required under the Ontario Heritage Act.</p> <p>For more information, please contact Ms. Julie Hannah, Planner, at 905-892-2607, ext. 319, or email at jhannah@pelham.ca.</p>
	<p>IMPORTANT INFORMATION!</p> <p>Any objections to this proposed designation must set out the reason for the objection and all relevant facts and must be filed with the Town Clerk, Nancy J. Bozzato, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0 no later than 4:30 p.m. on Friday September 2, 2016 (within 30 days of the publication of this notice). Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</p> <p>Dated at the Town of Pelham, this 4th day of August, 2016. Nancy J. Bozzato</p>

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Monday, September 19, 2016

THURSDAY, AUGUST 4, 2016 ■ PELHAM NEWS

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Notice to Designate a Property of Cultural Heritage Value or Interest

NOTICE TO DESIGNATE	<p>In accordance with Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18, and in the matter of the lands and premises, known as the Comfort House, located at 1732 Cream Street in the Town of Pelham in the province of Ontario.</p> <p>TAKE NOTICE that the Council of the Town of Pelham intends to designate property situated at 1732 Cream Street (Comfort House) in the Town of Pelham, in the Province of Ontario, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.</p>
Description of Property	<p>The property at 1732 Cream Street is located on the west side of Cream Street, north of Tice Road.</p> <p>Its legal description is Con 6 Pt Lot 12 59R-4007 Part 1, 2, and 3.</p>
Short Statement of the Reason for the Designation	<p>The property at 1732 Cream Street (Comfort House) is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of design/physical value, historical/associative value, and contextual value.</p>
Statement of Design and/or Architectural Value and/or Interest	<p>1732 Cream Street is a two-storey residence that was built between approximately 1808 and 1839. The house was designed in the Georgian style of architecture, currently finished with blue-toned wood siding veneer. The second floor is considerably smaller in terms of height than that of the first storey. The home has a side-gable style of roofing, in which two panels meet at a ridge in the middle of the building and hang over the front façade of the house. The building is simple and symmetrical in form, with small-paned 12 over 12 double-hung sash windows found on the front of the first floor. The back façade windows as well as the second floor windows are casement in style, and the building also features sliding sash windows on the western side. The front door detail is very simple, is centrally located in proximity to the main portion of the house, and features a 9-paned glass rectangular window. Georgian houses are known to be solid and well-built structures which tend to remain virtually unchanged for a number of years after their origin, suggesting it is unlikely the exterior has changed significantly since its construction and will remain as is for a long period of time.</p> <p>A one-storey addition to the east side of the house features a similar side-gable roof, a large bay window on the front façade as well as a secondary entrance with a door identical to that of the main entrance. Interiorly, the residence contains two large fireplaces made of red brick that were likely used at one time, but have since been reverted into a decorative facet of the dining and living rooms as evidenced by a lack of coinciding chimney stack on the exterior. The interior is characterized by hardwood flooring, large exposed wood beam ceilings, and windows and doorways framed with single wooden board accents. Doors found throughout the interior are typically made of light-coloured wood, and accentuated by antique brass handlesets.</p>
Statement of Historical and/or Associative Value and/or Interest	<p>In 1808, 100 acres of property located at 1732 Cream Street was patent to David Secord Sr. Major David Secord of St. David's was a brother-in-law to Laura Secord, and he received the lands as a Crown Grant. Major Secord was a businessman and political figure in Upper Canada. Born in New York City in August 1759, he settled at Queenston in Upper Canada after the war with his father. His father served with Butler's Rangers during the American Revolution, and later David also served as a corporal in the same unit.</p> <p>David helped establish the community of St. David's where he built a sawmill, gristmill, blacksmith shop and general store, and his brother James – husband of Laura Secord – also settled there. In 1796, David was appointed justice of the peace in the Home District, and was elected to the 5th Parliament of Upper Canada representing 2nd Regiment of the Lincoln Militia. He later was elected to the 7th Parliament for 3rd Lincoln. He served in the local militia, eventually reaching the rank of major.</p> <p>During the War of 1812, his built work in St. David's was destroyed by the Americans. Major David died in August of 1844 and was buried in the Methodist cemetery of St. David's. Unfortunately, evidence as to whether Secord actually took up residence in Pelham at any time is inconclusive.</p> <p>At some point between the 1st and 2nd abstract of the Land Registry Patent for 1732 Cream Street, dating between 1808 and 1816, the 100 acres of land were transferred from David Secord Sr. to Peter Tice. No record of sale exists to identify when this occurred. The Comfort Family took patent of the land in June of 1816, and the Land Registry Patent document provides evidence of further conveyances amongst the Comfort Family dating to 1862.</p> <p>Robert Comfort was a United Empire Loyalist. The Comfort Family has strong historical significance to the Town of Pelham, including a long history of philanthropy to the Pelham community. In one instance, John Comfort donated land for the North Pelham Presbyterian Church to be built upon; Dr. Wm. Mingle Comfort also donated land for which the manse of the same church was built on; and, Dr. Comfort's children later donated land for a buffer strip to the west of this church as well.</p>
Statement of Contextual Value and/or Interest	<p>The Comfort Family Home at 1732 Cream Street is located a short distance to the south of North Pelham. The original 100-acre plot of land was considered to be a part of the village of Ridgeville, albeit located north of the village boundaries and within the greater vicinity of the Town of Pelham. North Pelham Park was formerly a part of the 100-acre plot, however has since been sold to the Town. The land directly surrounding the residence is heavily wooded, and the house itself sits considerably far back on the lot to the west of Cream Street and north of Tice Road.</p> <p>Located on the land to the north is also the previously designated heritage landmark known as the Comfort Maple Tree. The Comfort Maple is a very significant part of Pelham's history. It is believed to be the oldest and largest sugar maple tree in Canada. Its importance to the Town has been demonstrated through its use on the front of Pelham's tourism brochure since 1999, as well as its incorporation into the Coat of Arms for the Town of Pelham since 1979 as a symbol of Pelham's place in Canada. The tree is a source of pride for the Comfort family, the citizens of Pelham, the Niagara Region, and the current owner of the tree and its surrounding land. The site of the Comfort Maple is under the care of the Niagara Peninsula Conservation Authority.</p>
Need more info? Contact us!	<p>The short statement of reason for the designation including a description of the heritage attributes along with all other components of the detailed Heritage Report constitute the "reason for designation" required under the Ontario Heritage Act.</p> <p>For more information, please contact Ms. Julie Hannah, Planner, at 905-892-2607, ext. 319, or email at jhannah@pelham.ca.</p>
Important Information	<p>Any objections to this proposed designation must set out the reason for the objection and all relevant facts and must be filed with the Town Clerk, Nancy J. Bozzato, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0 no later than 4:30 p.m. on Friday September 2, 2016 (within 30 days of the publication of this notice). Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</p> <p>Dated at the Town of Pelham, this 4th day of August, 2016. Nancy J. Bozzato, Town Clerk</p>

Town of Pelham Community Planning & Development Department



August 4, 2016

Ms. Erin Semande
A/Provincial Heritage Registrar
Ontario Heritage Trust
10 Adelaide Street East
Toronto ON M5C 1J3

Attention: Erin

RE: The Comfort House
1732 Cream Street, Pelham
Con 6 Pt Lot 12 59R-4007 Part 1, 2, and 3
Roll No. 273201000815200

The present owner of the Comfort House has requested its designation. Planning staff agree that the building is worthy for designation due to its architectural, historical, and contextual value.

Planning staff have provided notice to the owner to designate the property as being a property of cultural heritage value or interest. In addition, notice was provided in the August 4th, 2016 edition of the Pelham News. A copy of the notice and tear sheet of the newspaper notice are included for your records.

Planning staff will present a report and by-law to designate the Comfort House to Council on September 19th, 2016. Following the meeting, if Council approves the by-law to designate the Comfort House, Planning staff will send a copy of the notice of decision and by-law to the Registrar.

If you have any questions or concerns please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Julie Hannah".

Julie Hannah, MCIP, RPP, Planner



Appendix 2: Heritage Register

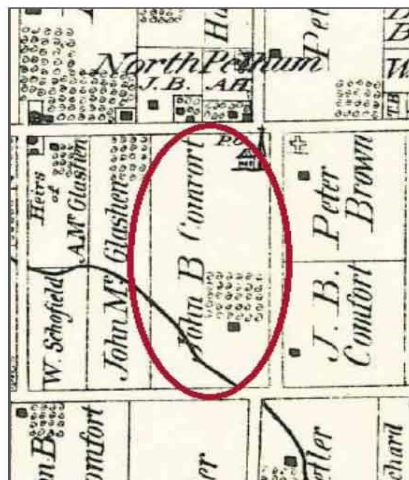
THE COMFORT HOUSE 1732 Cream Street, Ridgeville ON L0S1M0

Roll No.: 273201000815200
Legal Description: CON 6 PT LOT 12 59R4007 PART 1 2 3
Date of Construction: 1816
Architectural Influence(s): Georgian-style
Historical Association(s): David Secord Sr., Peter Tice,
Robert Comfort, John B. Comfort

Statement of Design and/or Architectural Value and/or Interest:

1732 Cream Street is a one-and-a-half-storey residence that was built in approximately 1816. The house was designed in the Georgian style of architecture, currently finished with blue-toned wood siding veneer. The second floor is considerably smaller in terms of height than that of the first storey. The home has a side-gable style of roofing, in which two panels meet at a ridge in the middle of the building and hang over the front façade of the house. The building is simple and symmetrical in form, with small-paned 12 over 12 double-hung sash windows found on the front of the first floor. The back façade windows as well as the second floor windows are casement in style, and the building also features sliding sash windows on the western side. The front door detail is very simple, is centrally located in proximity to the main portion of the house, and features a 9-paned glass rectangular window. Georgian houses are known to be solid and well-built structures which tend to remain virtually unchanged for a number of years after their origin, suggesting it is unlikely the exterior has changed significantly since its construction and will remain as is for a long period of time.

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**Statement of Historical and/or Associative Value
and/or Interest:**

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Statement of Contextual Value and/or Interest:

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Located on the land to the north is also the previously designated heritage landmark known as the Comfort Maple Tree. The Comfort Maple is a very significant part of Pelham's history. It is believed to be the oldest and largest sugar maple tree in Canada. Its importance to the Town has been demonstrated through its use on the front of Pelham's tourism brochure since 1999, as well as its incorporation into the Coat of Arms for the Town of Pelham since 1979 as a symbol of Pelham's place in Canada. The tree is a source of pride for the Comfort family, the citizens of Pelham, the Niagara Region, and the current owner of the tree and its surrounding land. The site of the Comfort Maple is under the care of the Niagara Peninsula Conservation Authority.

Additional Photographs of 1732 Cream Street:

