



SaveMainStreet.ca

DELEGATION TO COUNCIL

February 7, 2022

The 400+ supporters of SaveMainStreet wish to express our concerns of resolutions # CW-22-4 and # CW-22-7 passed Jan19th 2022 regarding the permit application and line of sight considerations affecting future setbacks of any potentially new construction at 131-133 Main Street East.

It is our contention that Planning staff failed to provide a balanced opinion by not articulating all the facts and implications of this decision as required by OPPI's Professional Code of Practice Section 1.3. This has led Council to endorsing a direction that is contrary Town of Grimsby Official Plan, the Provincial Policy Statement 2020, the Standards and Guidelines for the Conservation of Historic Places in Canada and the Ontario Heritage Act. This decision negatively impacts the Main Street Cultural Heritage Landscape, the Grout Nelles home and efforts to preserve the historic character of this street.

The Provincial Policy Statement 2020 states:

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Impact on the Main Street CHL

The Town of Grimsby considers Main Street setbacks to be a significant feature which are to be conserved. Its Official Plan mandates the retention of these large Main Street setbacks, taking precedence over any such requirement of NC Zoning within Bylaw #14-45:

Official Plan Policy 7.3.1 c) states:

Require larger building setbacks to maintain the existing streetscape character.

Within sight of the subject lands, setbacks average 17 meters.



Fig.1 Main Street East Setbacks

These setbacks are of historic importance. They have been a critical component of every planning consideration so far. This includes all recent commercial construction within sight of this application, which have been required to respect the Official Plan policies for Main Street setbacks.

Reducing the setback of any new building in this area damages one of the important heritage attributes of the street's multiple Cultural Heritage Landscapes. These CHLs overlap and **do not stop** at the intersection at Nelles Road. The alignment of Main Street reflected in the Official Plan is a **main attribute of the Main Street Cultural Heritage Landscape**, as outlined in the CHL document approved by Council - "Grimsby's Special Places" (page 144). Planning staff also neglected to present that information to you.



This CHL includes this portion of Main street where roadway setbacks are one of the most important considerations and attributes of the pending HCD Study. Your decision to adopt the current wording of CW-22-4 is detrimental to this plan by not providing clear direction as to the requirement for compliance to Official Plan Section 7.3.1c.

The Standards and Guidelines for the Conservation of Historic Places in Canada states that any action or process that results in a physical change to the character-defining elements of an historic place must respect and protect its heritage value. Main Street East's setbacks are a character defining element under the Grimsby's Official Plan, the Main Street CHL, and part of this property's heritage designation statement.

The James Willison Grout Nelles House is of contextual value for supporting the character of Main Street East. The dwelling and landscape contribute to the wooded built character along the Main Street. The setback of the dwelling provides evidence of the development patterns along Main Street that typically had large farm houses with large front yard setbacks from the street.

The original Heritage Impact Assessment provided with the application documentation also confirms that the Official Plan and the Main Street CHL were being violated: “the cultural heritage landscape setting will be impacted by the construction of the new condominium apartment” (Page 32 - #2). This statement has since been removed from the revised HIA, but the potential negative impact of such new construction on the Main Street CHL will not change.

Planning staff has neglected to relay these important facts, instead recommended adoption of the wording of the resolution CW-22-4 which does nothing to ensure preservation of the existing streetscape character. They thereby have ignored Provincial Policy Statement 2020 policies and the Town of Grimsby’s stated Official Plan’s direction.

Impact on the Grout Nelles House

The proponent’s own revised HIA recognizes that:

- “the heritage attributes of 133 Main Street East will be physically impacted by the proposed condominium apartment development” (Page 51)
- “views of the house will be blocked from Main Street East looking to the west when the condominium apartment is constructed.” (Page 54)

Figures 2-7 show the significant impact of the new building on the views to the heritage resource at 133 Main Street East.

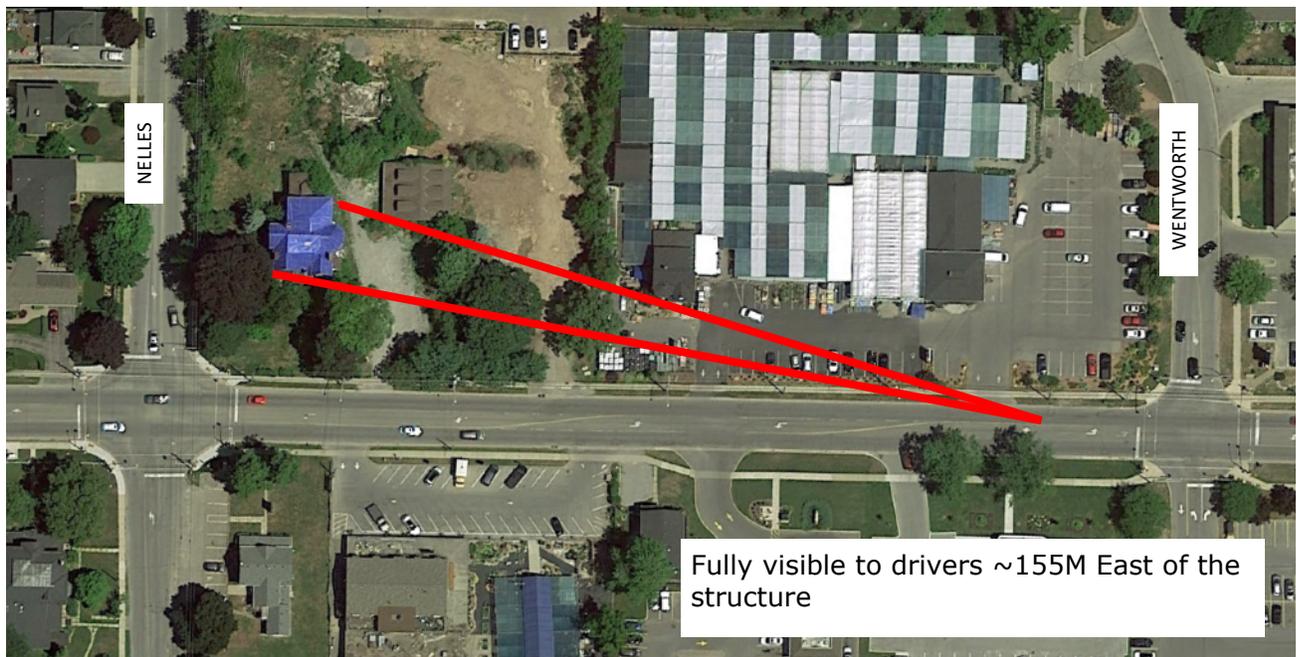


Figure 2: Existing sightlines from east

The heritage home is fully visible driving on Main Street towards west, from approximately 155m.



Figure 3: Existing driver's view from East at sightline

The new building footprint shown on Figure 4 below has a 4.5m setback from the lot line with widened Main Street East, as per the most recent proposal.



Figure 4: Sightlines obstruction by new building

The sightline for drivers from the east will be reduced 135m or **87%**. Protection for the entrance to underground parking will further partially obscure this heritage resource.

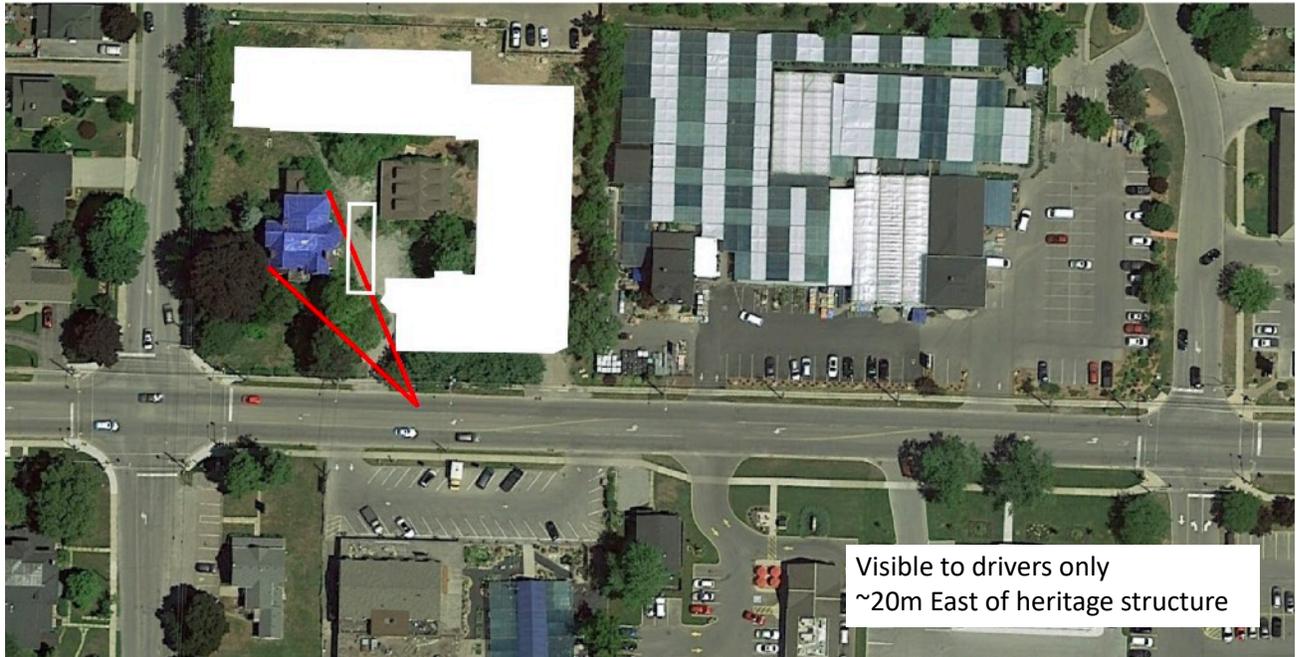


Figure 5: Projected sightlines from East with new construction



Figure 6: Projected driver's view from East at existing sightline

The proposed construction would be very close to the existing house on the North side (approx. 13,75m versus in the old proposal of approx. 22m), impacting the heritage landscape and the views from Nelles North.

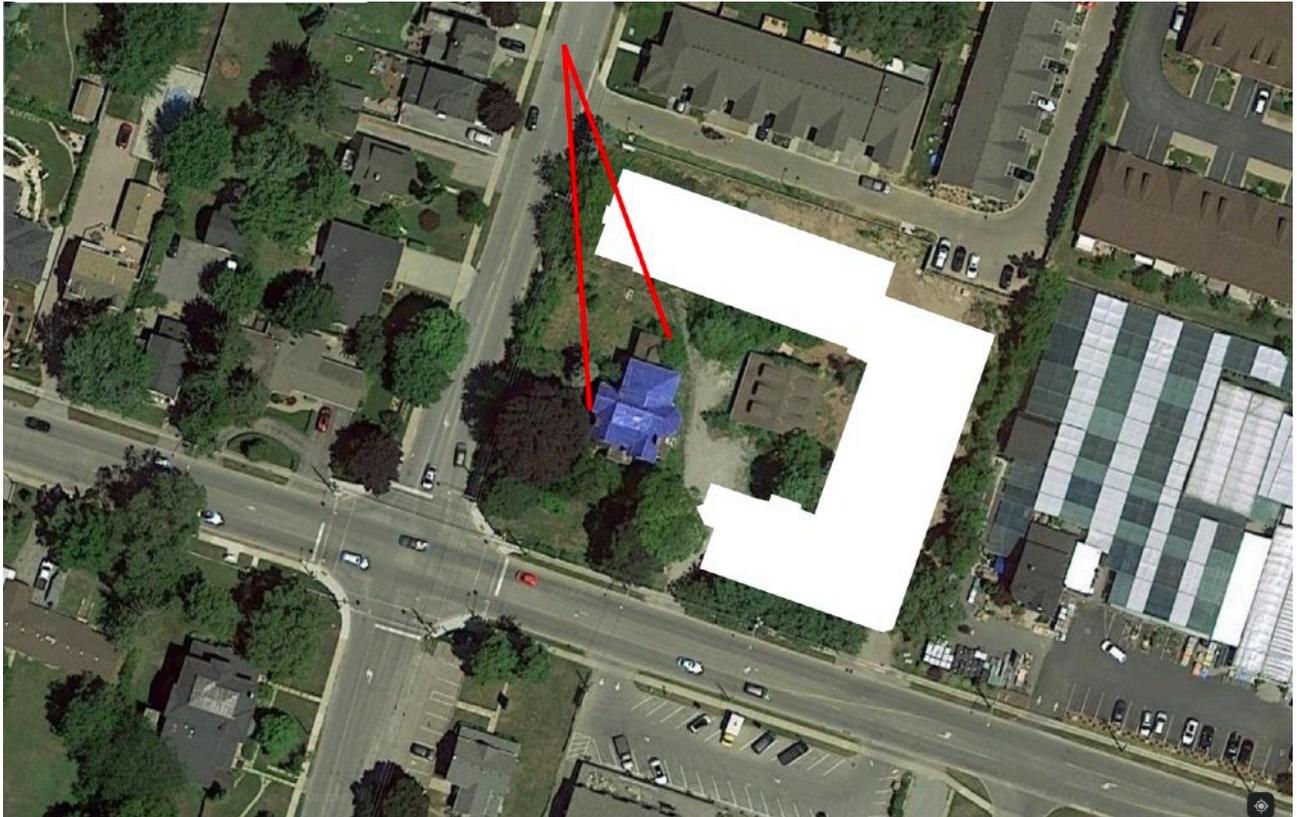


Figure 7: Projected sightlines from Nelles North

The Ministry of Tourism, Culture and Sport InfoSheet #5 provides the following to assist in the analysis of heritage impacts:

- destruction of significant heritage attributes;
- unsympathetic alterations;
- alterations that create shadows;
- obstruction of significant views;
- change in land use;
- new development in open spaces.

These impacts are not properly addressed in the proponent's HIA or their conservation management plan.

Impact on Main Street East

The restoration of the Grout Nelles house is conditioned by the developer to concessions being granted to his new high-density mixed-use application. Any such proposal so far made public **is not allowed on this site under Grimsby's Official Plan nor Zoning By-law #14-45.**

We remind you that Main Street East is **not** one of the two intensification areas where our Official Plan directs growth, nor where the community wishes it to be. Grimsby's Official Plan at Section 2.1, The Vision, states that:

"Small-scale infill will be promoted in other parts of the urban settlement area but will be sensitive to the surrounding housing character"

Respecting and enforcing the requirement for the larger setback of the current Main Street East precedent conforms to that Official Plan vision.

When the developer acquired this property, he was well aware of the condition of the house and the existing planning framework which limits the extent of the development allowed on the site. The developer has the power to change their plans to comply with the Official Plan and Zoning By-laws for this area of Main Street East. As our elected Council, it is your duty to your constituents and the community at large not give in to any such unreasonable demands.

There is no question that the Grout Nelles house is one of the most important heritage homes in Grimsby. Having been built c. 1860, this house is older than the country of Canada itself.

It is illogical to allow this house to become a bargaining chip, holding its restoration hostage to the approval of an application which grossly disregards the low density and heritage context of this area. This and its neighbouring pending application are double the permitted height with occupational densities as much as four times higher than allowed in any currently designated high-density residential zone, being comparable with the Go Station area. (Comparisons illustrated in Appendix A)

The Grout Nelles house is designated under Part IV of the Ontario Heritage Act. That Act gives Council the power to enforce the best preservation standards for this property, including the reconstruction of the house "if something were to happen to it".

Three years ago, the public expressed large opposition against such high-density proposals on Main Street East. That sentiment has not gone away. The overwhelming public opinion is clear. They want protection from overdevelopment and the character preservation of Main Street East.

As our elected Council, it is your duty to respect your community's views. CW-22-4 as worded does not reflect the community's wishes nor give clear direction to the developer on Official Plan and NC Zoning requirements.

We ask you not to approve these two resolutions.

Appendix A.



Figure 1: Maximum permitted height for Neighbourhood Commercial Zoning



Figure 2: Conforming height of new development



Figure 3: Proposed development compared with Downtown Main Street development

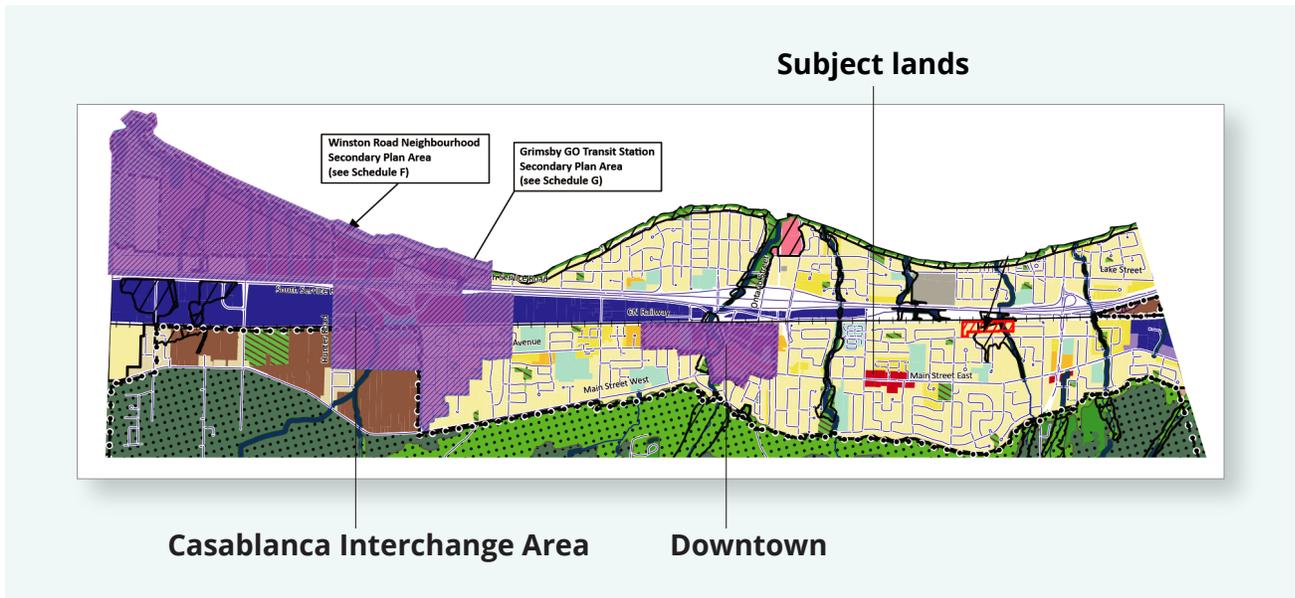


Figure 4: Official Plan - Strategic intensification areas



Figure 5: Maximum height comparison

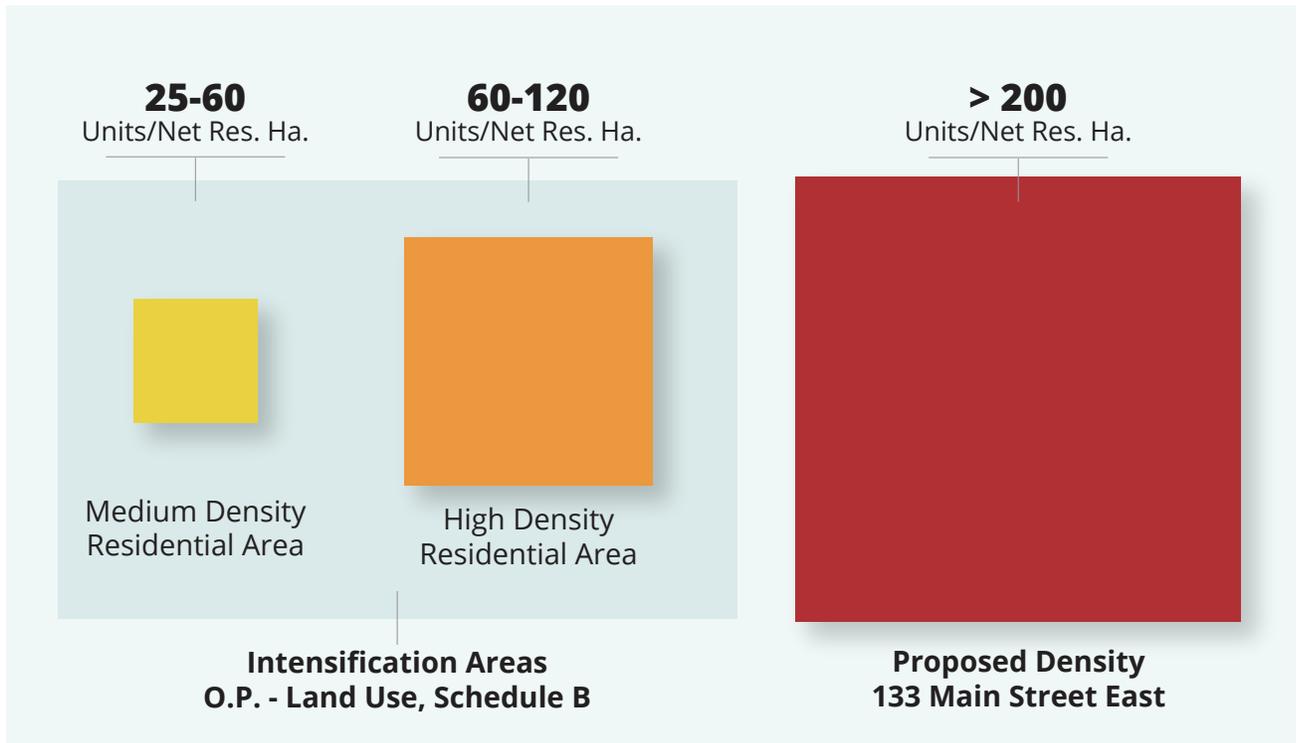


Figure 6: Density comparison