

Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

Report To:	Planning and Development Committee	
Date of Meeting:	February 3, 2020	Report Number: PSD-004-20
Submitted By:	Faye Langmaid, Acting Director of Planning Services	
Reviewed By:	Andrew C. Allison, CAO	Resolution#:
File Number:	PLN 34.1.1.4	By-law Number:
Report Subject:	Proposed Heritage Designation for the Fletcher Tree (2 Church Street, Bowmanville)	

Recommendations:

1. That Report PSD-004-20 be received;
2. That the Clerk issue a Notice of Intention to Designate 2 Church Street, Bowmanville as a cultural heritage resource under Part IV of the Ontario Heritage Act pursuant to the provisions of the Ontario Heritage Act;
3. That depending on the response to the Notice of Intention to Designate, the Clerk either prepare the necessary by-law or report back to Council regarding objections received; and
4. That all interested parties listed in Report PSD-004-20 and any delegations be advised of Council's decision.

Report Overview

The Municipality is responsible for the identification and conservation of cultural heritage resources. The Fletcher Tree located at 2 Church Street is a significant copper beech tree that has been determined to meet the criteria for heritage designation under provincial Regulation 9/06 of the Ontario Heritage Act. An arborist's assessment concluded the Fletcher Tree is in good overall health and could be expected to have a similar presence for another 50 to 100 years with proper care and protective measures. The Clarington Heritage Committee recommends Council proceed with the designation of the subject property under section 29 of the Ontario Heritage Act to ensure the Fletcher Tree is appropriately protected and is recognized as part of Clarington's heritage.

1. Background

- 1.1. The purpose of this report is to initiate the heritage designation process for the copper beech tree, commonly referred to as the 'Fletcher Tree'. The Fletcher Tree is located in the southern portion of the lands known as 2 Church Street, east of the intersection of Church Street and St. George Street in Bowmanville, as shown on the location map (Attachment 1).
- 1.2. The Ontario Heritage Act (OHA) enables Council to protect cultural heritage resources by (i) listing property on the Municipal Register, (ii) designating an individual property under Part IV, or (iii) designating a heritage conservation district under Part V. Protecting heritage value under the OHA enables the Municipality to manage change to heritage resources and conserve identified heritage attributes.
- 1.3. The conservation of cultural heritage resources is directed by the Planning Act; the Provincial Policy Statement, 2014; the Growth Plan, 2019; and the Durham Region and Clarington Official Plans.
- 1.4. The Clarington Heritage Committee evaluated the Fletcher Tree and made a recommendation to designate the subject property under Part IV of the OHA at its November 2019 meeting. Council may designate a property under Part IV if it considers the property to meet at least one of the criteria establishing heritage value or interest in accordance with Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest of the OHA. The criteria is based upon three overarching values related to physical/design, associative/historical and contextual elements. The Fletcher Tree has been evaluated as having heritage significance that merits designation, as summarized in Section 2 below.

2. Discussion

Fletcher Tree Summary of Significance

- 2.1. The OHA Regulation 9/06, the Heritage Committee's evaluation, and the Planning Services' arborist's assessment served as the framework and basis for the recommendation for designation of the Fletcher Tree.
- 2.2. The Fletcher Tree is a cultivated variety of the European beech tree, commonly known as a copper beech. The Fletcher Tree has a grand presence as it stands 30 metres tall with a canopy spread almost as wide. It is estimated, the Fletcher Tree has stood for over 200 years. It continues to be in good overall health and is reasonably expected to have a similar presence for the next 50 to 100 years, provided adequate protection and consideration to maintain its health, proper care and protective measures.



Figure 1: Photographs of Fletcher Tree, Planning Services, 2019

- 2.3. The Fletcher Tree acquired its moniker because this grand copper beech tree was planted by Squire Alexander Fletcher in the front yard of his Bowmanville home. The home itself is cited as one of the first brick homes in the area and was completed in approximately 1812 with bricks that were fabricated on site. Squire Fletcher planted two trees in the front yard of the home, one of which is the Fletcher Tree. The two trees planted were "his and hers" trees and thought to signify love and commitment.
- 2.4. Squire Fletcher was among the earliest and most influential European settlers in the area now known as Bowmanville. Subsequent to his arrival in approximately 1800, he acquired large tracts of lands from Division Street to Mearns on both sides of King Street. Squire Fletcher served as local magistrate for many years, was involved in the

War of 1812, and was an officer in the Durham militia. Later, Squire Fletcher became one of the first shareholders in the Port Darlington Harbour Company.

- 2.5. The Fletcher Tree is among the only remaining physical elements of Squire Alexander Fletcher's significant contribution to the establishment of the area. The brick house was demolished in the 1970s and the second tree no longer exists

Key Heritage Attributes

- 2.6. For purposes of protection under section 29 of the OHA, the heritage resource to be protected on this property is the copper beech tree (Fletcher Tree), including its root zone.
- 2.7. The Fletcher Tree is a notable specimen, the character defining attributes of which include:
- The 'Purpurea' cultivar of its age (over 200 years), specifically selected through cultivation, the leaves of which emerge a deep purple, and gradually turn greener over the course of the growing season;
 - The general size and shape of the tree; and
 - The location of the tree on the property formerly inhabited by Squire Fletcher and his family in the centre of Bowmanville, and its physical and visual relationship to its surroundings.

The Statement of Cultural Heritage Value is included as Attachment 2 to this report.

3. Protecting Cultural Heritage Resources

Applicable Legislation

- 3.1. The conservation of significant architectural, historical and archaeological resources is a matter of provincial interest identified in the Provincial Policy Statement, 2014 (PPS), and is reinforced by the Growth Plan, 2019 and the OHA itself.
- 3.2. Section 2 of the PPS directs that significant cultural resources, including natural elements and cultural heritage landscapes, shall be conserved. The Province is currently undertaking a review of the PPS. The proposed changes relating to cultural heritage generally consist of clarification and alignment with the amendments to the OHA recently introduced through Bill 108, and do not appear to affect the designation of the Fletcher Tree as a significant heritage resource. The amendments to the OHA introduced by Bill 108 are anticipated to come into force in July 2020.

- 3.3. Section 4 of the Growth Plan, 2019 identifies cultural heritage resources as valuable assets that must be conserved in order to foster a sense of place, and benefit communities. It is necessary to plan for growth in a manner that protects cultural heritage resources and maximizes their benefits to make our communities unique and attractive places to live.

Ontario Heritage Act

- 3.4. The OHA empowers municipalities to pass a by-law to designate a property that is of cultural heritage significance. The Clarington Heritage Committee has made a recommendation to designate the Fletcher Tree and its root zone.
- 3.5. The OHA outlines the process for designation. Should Council concur with the Heritage Committee's recommendation for designation, a Notice of Intention to Designate will be published in the local newspaper. A summary description of the heritage designation process is attached to this report as Attachment 3.
- 3.6. Once a property is designated under Part IV of the OHA, property owners are required to obtain consent for proposed alterations to the identified heritage attributes or changes to adjacent property that may impact the identified heritage resource. Impacts of any proposed development will be addressed as part of applicable planning approvals once a development application is received. For example, tree protection measures would be required as a condition of site plan approval.

Region of Durham Official Plan

- 3.7. Section 2 of the Region of Durham Official Plan sets out goals for the preservation of historic and cultural heritage. The Region's Official Plan encourages Councils of the area municipalities to use the OHA to conserve, protect, and enhance the built and cultural heritage resources.

Clarington Official Plan

- 3.8. Section 8 of the Clarington Official Plan, 2018 directs the designation of cultural heritage resources under Part IV of the OHA, with assistance from the Heritage Committee, and the incorporation of such resources into community design and development in support of achieving the Municipality's cultural heritage objectives.
- 3.9. The subject lands are within the Bowmanville East Urban Centre Secondary Plan area and are currently designated for Medium Density Residential development. The designation of the Fletcher Tree will help to ensure this cultural heritage resource is properly protected and considered as part the future development of the lands.

Heritage Trees

- 3.10. The Fletcher Tree is the first tree in Clarington to be considered for designation under Part IV of the OHA in and of itself. However, other grand trees have been identified as part of individual designations in connection with a building and recognized as part of the Beech Avenue Bowmanville Heritage Conservation District under Part V of the OHA as natural elements of a cultural heritage landscape.
- 3.11. The protection of trees as valuable components of neighbourhood character was a recurring theme throughout the recent [Neighbourhood Character Study](#). The Study's Final Report included recommendations to (i) complete a street tree inventory for the study area, and (ii) consider a pilot project for a tree protection by-law for individual trees on public and private land. The Fletcher Tree is not within the Neighbourhood Character Study area, however the recommendations demonstrate the valued contribution of trees to a neighbourhood's character.
- 3.12. The Municipal Act enables municipalities to pass by-laws that may prohibit or regulate the destruction or injuring of trees, which can include provisions specific to heritage trees, where defined. The Municipality of Clarington does not currently regulate or protect individual trees on public or private property under its existing tree by-law. Clarington's Tree By-law 97-35 applies to the protection of woodlots with an area of 0.2 ha or greater south of Taunton Road. Similarly, Durham Region's Tree By-law applies to woodlots with an area in excess of 1.0 ha.
- 3.13. Other municipalities have designated individual trees under the OHA. The Comfort Maple in Pelham was the first such tree designated in June 2000. Other municipalities such as Hamilton, Oakville, Niagara Falls, Caledon, Halton Hills, and Newmarket, among others have since then used the same provision to protect significant trees.
- 3.14. While there are other tools available to municipalities to protect and commemorate trees as noted above, the proposed designation of the property under Part IV of the OHA is appropriate in light of the identified historical and associative significance of the Fletcher Tree and given the absence of an applicable tree protection by-law.

4. Public Notice

- 4.1. Notification is required under the OHA before Council passes a by-law to designate a property. Staff has notified the property owners of the intent to designate the Fletcher Tree property.
- 4.2. Correspondence with the property owners' representatives to date has related to the impact of the designation on the future development of the property, and specifically the extent of the radius around the Fletcher Tree that would be subject to protective measures. Should Council proceed with the Notice of Intent to designate the property,

Planning Services staff would work with the property owners in the context of the appropriate planning processes to establish detailed tree protection measures.

5. Concurrence

Not Applicable.

6. Conclusion

- 6.1. The Fletcher Tree has been evaluated and determined to have cultural heritage value. The Clarington Heritage Committee recommends the designation of the Fletcher Tree located at 2 Church Street as an individual designation under Part IV of the OHA. Should no objections be received by the Municipal Clerk within 30 days of publishing the Notice of Intention to designate, the proposed by-law designating the property (Attachment 4) will be forwarded to Council for approval. Alternatively, if an objection(s) is received the Clerk will provide a report to Council.
- 6.2. Upon designation a bronze plaque signifying the significance of the Fletcher Tree to the community could be designed. Planning Services staff will work with the Heritage Committee and property owners to determine how to best recognize the Fletcher Tree and explore appropriate protection measures.
- 6.3. It is respectfully recommended that Council authorizes the Clerk to proceed with the Notice of Intent to designate the Fletcher Tree.

Staff Contact: Sarah Allin, Planner II, 905-623-3379 x 2419 or sallin@clarington.net.

Attachments:

Attachment 1 – Location Map; 2 Church Street

Attachment 2 – 2 Church Street; Statement of Cultural Value and Heritage Attributes

Attachment 3 – Heritage Designation Process

Attachment 4 – Proposed Draft By-law for 2 Church Street

Interested Parties:

List of Interested Parties available from Department.