

20642 Biederman Rd  
Township of Wainfleet

# Cultural Heritage Evaluation Report

Date:  
May 2022

Prepared for:  
**Waterford Sand and Gravel**

Prepared by:  
**MHBC Planning Ltd.**  
200-540 Bingemans Centre Drive  
Kitchener, ON N2B 3X9  
T: 519 576 3650  
F: 519 576 0121

Our File: '0956C'



**MHBC**  
PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

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# Project Personnel

Dan Currie, MA, MCIP, RPP, *Managing Director of Cultural* Senior Review  
CAHP *Heritage*

Gillian Smith, MSc *Planner* Author

# Acknowledgement of Indigenous Communities

This report acknowledges that the subject property located at 20642 Biederman Road, Wainfleet, Ontario is situated within territory of the Anishinabewaki, Attiwonderonk (Neutral), Mississauga, Haudenosaunee. These lands are acknowledged as being associated with the following treaties:

- *Between the Lakes Purchase, Treaty 3 (signed on December 7, 1792)*

This document takes into consideration the cultural heritage of Indigenous communities including their oral traditions and history when available and related to the scope of work.

# Executive Summary

MHBC has been retained to complete a Cultural Heritage Evaluation Report (CHER) and Heritage Impact Assessment (HIA) for the property located at 20642 Biederman Road, Wainfleet, Ontario (the subject property). The owner of the subject property is proposing an extension of a nearby quarry onto the subject property. The proposed quarry extension will convert the current use from primarily residential to extractive for aggregate resources. The property presently contains a farmhouse, barn and several accessory structures. The farmhouse, barn and accessory structures are outside of the proposed extraction area, however, will be adjacent to the quarry operations.

This CHER is required as part of the aggregate licence application process to determine if there are any structures on the property that would be considered of cultural heritage value. This report used the prescribed Ontario Regulation 9/06 evaluation criteria to evaluate the subject property. A HIA is required to determine if any identified heritage resources will be adversely impacted as result of the extraction activities.

This report concludes that the property is of cultural heritage value or interest (CHIV). The farmhouse is believed to contain a log dwelling from the mid 19<sup>th</sup> century, which has been added to and covered in wood planks and stucco. The CHVI for the property is vested in the physical value of the log house and the barn, as well as the historical association of the property to early agricultural settlement within Wainfleet. The heritage value of the property is limited to the barn and the portion of the dwelling that comprises the original log home.

The HIA assessed the impacts of the proposed quarry extension on the identified heritage resources. The HIA concludes that no adverse impacts are anticipated. The barn is located outside of the license boundary, and therefore does not form part of the quarry lands. Further, the farmhouse, while located in the license boundary, is within an area of archaeological avoidance. No extraction activities are proposed where the barn or farmhouse are located, and each heritage resource is located a sufficient distance as to not be impacted by the extractive activities. Therefore, no adverse impacts are anticipated.

No mitigation recommendations are necessary.

# 1.0 Introduction

MHBC was retained by Waterford Sand and Gravel to undertake a cultural heritage evaluation report (CHER) and Heritage Impact Assessment (HIA) for 20642 Biederman Road, Wainfleet, Ontario (subject property).

An application is required for a Class A License under the Aggregate Resources Act (ARA), and amendments to the Niagara Region Official Plan, Wainfleet Official Plan and Zoning By-law to permit the extension of a quarry, involving the extraction, processing, and shipping of aggregate resources. Waterford is proposing the extension of an existing quarry known as “Law Quarry”, located on Highway 3 in the Township of Wainfleet (License No’s. 4464 and 607541). The existing quarry covers an area of approximately 144 hectares. The lands proposed for extension are located to the west of the existing quarry and are legally described as Part of Lots 6 & 7, Concession 2, Part of Road Allowance between Lots 5 & 6, Concession 2, Township of Wainfleet. The proposed extension lands have an area of 72 hectares, 51 of which are proposed as the extraction area.

Adjacent to the extraction lands is the subject property, which contains a farmhouse, barn, and accessory outbuildings. The farmhouse is located within the Licence boundary, however is outside of the limit of extraction. The barn is located outside of the Licence boundary as does not form part of the Licence application. A CHER is required to determine if there are any structures on the subject property that contain heritage value and a HIA is required to assess the level of impact the proposed extension will have on the identified heritage resources.

## 1.1 Location of Subject Property

The subject property is located at 20642 Biederman Road (legal description Pt Lt 6, Con 2, Wainfleet As In Bb64190). The subject property is approximately 42.9 hectares (430,382m<sup>2</sup>) in area and includes a one and a half storey dwelling, barn, and three accessory structures. The subject property is bounded on the east by Biederman Road, to the south by Highway 3, to the west by Graybiel Road, and on the north by a portion of the Wainfleet Bog.

Historically, the property has been used for agricultural purposes, however, the current use of the property is residential. The surrounding area is primarily agricultural and residential, with the exception of a bog/wooded area to the north and aggregate extraction to the east.

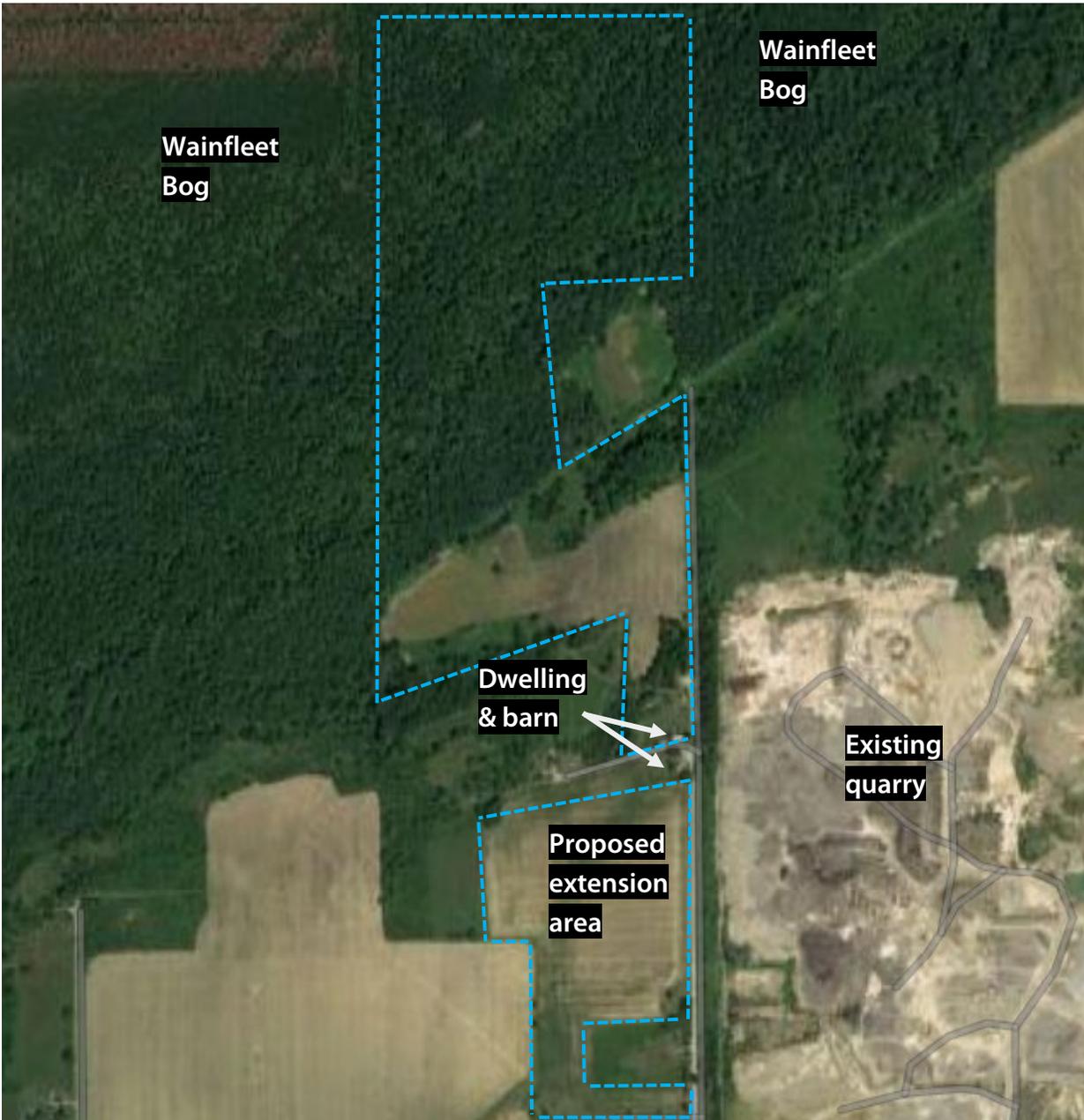


Figure 1: Approximate land holdings for subject property noted in blue (source: Google maps, 2022)



Figure 2: (red) farmhouse, (yellow) barn, (white) accessory structures (Source: Google Maps, 2021). Note that some accessory structures pictured above have been demolished.

The surrounding area is described in detail below:

**North:** The lands to the immediate north of the subject property consist primarily of the Wainfleet Bog Conservation Area. The Conservation Area consists of significant wetlands and a large forested area.

**South:** The subject property is located on the northern side of Highway 3. To the south of Highway 3, the lands consist of smaller agricultural fields and rural residential properties. The Port Colborne Brethren in Christ Church is located on the southern side of Highway 3. Approximately 1km south of the subject property is the Wainfleet Wetlands Conservation Area, which was once the former Canadian Cement Company quarry (Quarry Lakes).

**East:** Immediately east of the property is the existing Law Quarry excavation area. The existing quarry comprises approximately 144 hectares of land and consists of the lands between Biederman Road and Erie Peat Road. Further east are agricultural fields and rural residential properties. The City of Port Colborne is located approximately 3km to the west.

**West:** A second residential dwelling is located to the west. An agricultural field is located between the property and the Wainfleet Bog Conservation Area. The lands to the west consist of agricultural fields and rural residential dwellings.

## 1.2 Heritage Status

In order to confirm the presence of cultural heritage value on the subject property, several resources were consulted including: the Township of Wainfleet Official Plan, the Ontario Heritage Act Register (Ontario Heritage Trust), and the Canadian Register of Historic Places (CRHP). Township staff advised that Wainfleet does not maintain a Heritage Registry. The subject property is not included on the Ontario Heritage Act Register or the Canadian Register of Historic Places, nor does it form part of a cultural heritage landscape or heritage conservation district. There is no formal identification of the property as a potential cultural heritage resource. Furthermore, the subject property is not adjacent to any identified heritage properties.

Before a licence can be issued for the aggregate extraction and processing of the subject property, it must be determined whether or not there is a heritage resource on the property. An evaluation of cultural heritage value or interest (CHVI) of the property will be completed using the evaluation criteria provided in Ontario Regulation 9/06 and is provided in section 5.0 of this report.

# 2.0 Policy Context

## 2.1 Aggregate resources of Ontario standards

The Aggregate resources of Ontario standards is a compilation document of the four standards adopted by O.Reg 244/97 under the Aggregate Resources Act. Applications for a Class A, B, or aggregate permit will be required to submit a Cultural Heritage Report that is consistent with the provincial Ontario Heritage Act and the Provincial Policy Statement.

Policy 2.3 of the Ontario Standards document requires that a checklist be completed evaluating the potential for built heritage resources and cultural heritage landscapes. If heritage resources are identified, a CHER is required. If the CHER determines that heritage resources are present, an accompanying HIA is required.

## 2.2 The Planning Act and PPS 2020

The *Planning Act* makes a number of provisions respecting cultural heritage, either directly in Section 2 of the Act or Section 3 respecting policy statements and provincial plans. In Section 2, the *Planning Act* outlines 18 spheres of provincial interest that must be considered by appropriate authorities in the planning process. One of the intentions of *The Planning Act* is to “encourage the co-operation and co-ordination among the various interests”. Regarding cultural heritage, Subsection 2(d) of the Act provides that:

*The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,*

*(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

The *Planning Act* therefore provides for the overall broad consideration of cultural heritage resources through the land use planning process.

In support of the provincial interest identified in Subsection 2 (d) of the *Planning Act*, and as provided for in Section 3, the Province has refined policy guidance for land use planning and development matters in the *Provincial Policy Statement, 2020* (PPS). The PPS is “intended to be read in its entirety and the relevant policy areas are to be applied in each situation”. This provides a

weighting and balancing of issues within the planning process. When addressing cultural heritage planning, the PPS provides for the following:

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

**Significant:** e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

**Built Heritage Resource:** means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

**Protected Heritage Property:** means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

## 2.3 Ontario Heritage Act

The *Ontario Heritage Act*, R.S.O, 1990, c.0.18 remains the guiding legislation for the conservation of significant cultural heritage resources in Ontario. The CHER has been guided by the criteria provided in *Regulation 9/06* of the *Ontario Heritage Act*. This regulation outlines the mechanism for determining cultural heritage value or interest.

## 2.4 Niagara Region Official Plan

The existing 2014 Niagara Region Official Plan provides policies on cultural heritage in Chapter 10.C Creative Places. One of the objectives of Creative Places is to support the identification and conservation of built heritage resources. Policies on built heritage resources are provided in Section 10.C.2.1. Relevant built heritage policies include:

- Policy 10.C.2.1.1: Significant built heritage resources and cultural heritage landscapes shall be conserved using the provisions of the Heritage Act, the Planning Act, the Environmental Assessment Act, the Funeral, Burial and Cremations Act and the Municipal Act.
- Policy 10.C.2.1.1: The Region shares an interest in the protection and conservation of significant built heritage resources and encourages local municipalities to develop policies to protect and conserve locally significant built heritage resources and to utilize its authority under the Ontario Heritage Act to designate individual properties, cultural heritage landscapes and heritage conservation districts that are of cultural heritage value or interest.
- Policy 10.C.2.1.5: Where development, site alteration and/ or a public works project is proposed on or adjacent to a significant built heritage resource(s) or cultural heritage landscapes, a heritage impact assessment will be required. The findings of the assessment shall include recommendations for design alternatives and satisfactory measures to mitigate any negative impacts on identified significant heritage resources.
- Policy 10.C.2.1.7: The local municipalities shall adopt official plan policies to conserve significant cultural heritage resources and ensure that development and site alteration on adjacent lands to protected properties will conserve the heritage attributes of the protected heritage property.

Generally, the Region encourages the identification, conservation and protection of built heritage resources, deferring to lower tier municipalities to implement necessary policies through local Official Plans that enforce the overall objective of conserving heritage resources.

## 2.5 Township of Wainfleet Official Plan

Section 7.0 of the Official Plan outlines its policies regarding cultural heritage. It states that the heritage conservation policies are intended to preserve, maintain and enhance the heritage resources of Wainfleet. The goal of the Official Plan is “to protect cultural heritage resources which are important to the identity and character of Wainfleet.”

The cultural heritage policies provide that a heritage site may be determined to hold cultural heritage value or interest when it has met one or all of a set of criteria (section 7.9). This criteria includes:

- a) An association with an historic event or person;
- b) A building or structure with distinguishing architectural characteristics on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings or structures and the relation of such factors to similar features of the buildings in the immediate surroundings;
- c) A building with substantial remaining original materials and workmanship;
- d) A natural feature or landmark;

- e) It would be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated; and
- f) the extent of the original materials and workmanship remaining would be important to that designation.

Further, the Township may acquire an easement on properties of cultural heritage significance to ensure the preservation of the resource.

Policy 7.12 provides that development and site alteration applications on lands adjacent to a heritage property must demonstrate that the heritage attributes of the heritage property will be preserved. When the heritage property is proposed to be impacted, mitigation and alternative options will be required.

# 3.0 Historical Background

## 3.1 Township of Wainfleet

The American Revolution (1775-1786) resulted in the British Crown sourcing lands for newcomers to settle on. This led to Treaty 3, which was signed in 1792 by the Chiefs of the Mississauga Nation and John Graves Simcoe, who was a representative of the Crown. The Treaty covers the territory between Lake Ontario and Lake Erie (Whose Land, 2021).

The Niagara District was surveyed into townships, Wainfleet being one of them. Wainfleet Township was named by John Simcoe for its large area of marshy land (Welland Tribune Printing House, 1887). Wainfleet was settled later than some of the other Niagara Districts due to its “wild condition” (Welland Tribune Printing House, 1887). The area of Wainfleet that first saw settlers was the portion adjacent to Lake Erie. Among some of the first settlers were William Fares, Jacob Minor, and Henry Zavitz (Welland Tribune Printing House, 1887). Wainfleet provided good crops, plenty of game and its proximity to the lake offered transportation to the Town of Niagara where farmers would get their supplies (Welland Tribune Printing House, 1887). With the construction of the Welland Canal, a feeder canal was built through the middle of the Township, which attracted an increase in settlers (Welland Tribune Printing House, 1887).

North of the lake was marshland. In 1854 the County of Welland reclaimed the marsh (13,000 acres) and drained portions of it for cultivation and sold off approximately 8,000 acres to farmers (Welland Tribune Printing House, 1887). Wainfleet was known as an agricultural district, and contained valuable limestone. By 1886, the Township had two stone quarries and a lime kiln (Welland Tribune Printing House, 1887).

Three rail lines passed through the Township, including the Buffalo and Lake Huron division of the Grand Trunk (Welland Tribune Printing House, 1887). With increased farm capacity and industry growth, the population had grown from 460 in 1817 to over 3,000 by 1886 (Welland Tribune Printing House, 1887).

## 3.2 Subject Property

The existing farmstead is located at 20642 Biederman Road (legal description Pt Lt 6, Con 2, Wainfleet). The Crown Patent for the subject property was granted to Henry Zavitz in 1797, which consisted of 200 acres. Henry Zavitz subsequently sold portions of his 200 acres, including parts of lot 6 and 7. Zavitz sold 35 acres of the south portion of lot 6 and 7 to John Macklem, who sold to

Edward Plant in 1830, who then sold 35 acres to Jacob Biederman (also known as Peterman, Bitterman) in 1834. Jacob Biederman then further divided the lots, selling an eastern 18 acre parcel of part lot 6 in 1844 to Michael Reeb, who in-turn sold this lot to Jacob Zavitz. Years later in 1848, Jacob Zavitz sold the 18 acre parcel to George Bitterman. In 1853, Jacob Biederman sold his remaining parcel to Auguste Maltzer.



Figure 3: Tremaine Atlas Map of lot 6 and 7, concession 2 c. 1862 (Source: Brock University)

The Tremaine Atlas from 1876 (figure 4) lists G. Peterman Sr. (George Bitterman), as well as A. Molzar, presumed to be Auguste Maltzer as the land owners. The Atlas also illustrates two dwellings and crops.

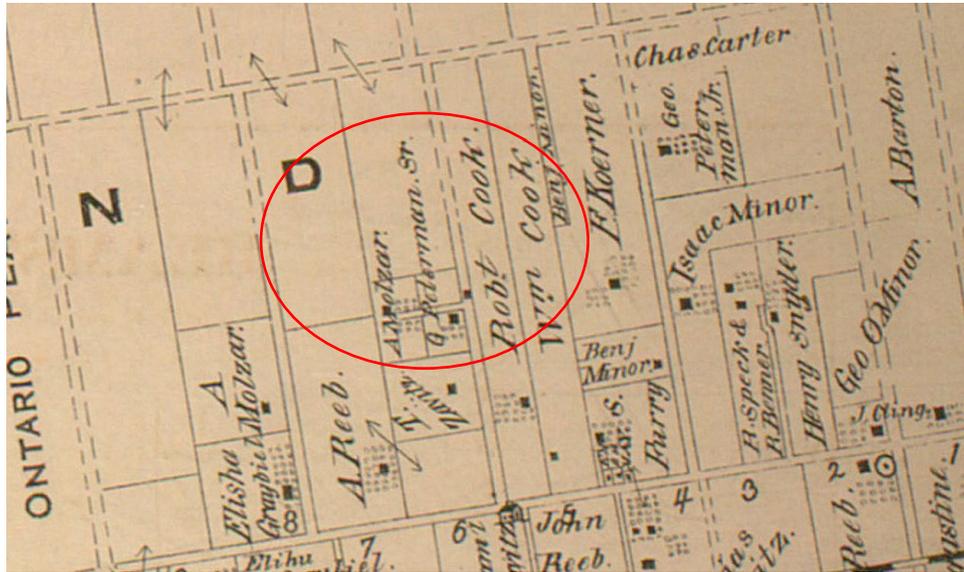


Figure 4: Tremaine Atlas Map of lot 6 concession 2 c. 1876 (Source: McGill University)

The 1861 Census of Canada provides that Augustine Maltzer (identified as Aug Maltzer) was a 33 year old Russian farmer who was living in a single storey log house, which housed two families, including that of Jacob Bitterman and his wife, Catherine. The same census also identifies a George Bitterman, a 56 year old farmer who lived in a single storey log home. George Bitterman is identified as the head of his household, which included Mary Bitterman (wife), and his children.

48	Aug. Maltzer	Farmer	Prussian	Log House	1	2	1 Log House	48
49								49

Figure 5: 1861 Census of Canada, Aug. Maltzer (Source: Census Canada)

39	Geo. Bitterman	Farmer	France	Log House	1	1		39
40	Mary Bitterman		do	"	"	"	"	40
41	Geo. Bitterman		U. Canada	"	"	"	"	41
42	John Bitterman		do do	"	"	"	"	42
43	Jacob Bitterman			"	"	"	"	43

Figure 6: 1861 Census of Canada, Bitterman Family (Source: Census Canada)

The property identified in the 1876 Tremaine Atlas Map as belonging to G. Peterman Sr., is presumed to be George Bitterman of the 1861 Census, and is the subject property.

The topographic map from 1907 identifies the subject property as having a wood frame house. The topographic map from 1938 also identifies a second structure on the subject property, that being the wood barn.

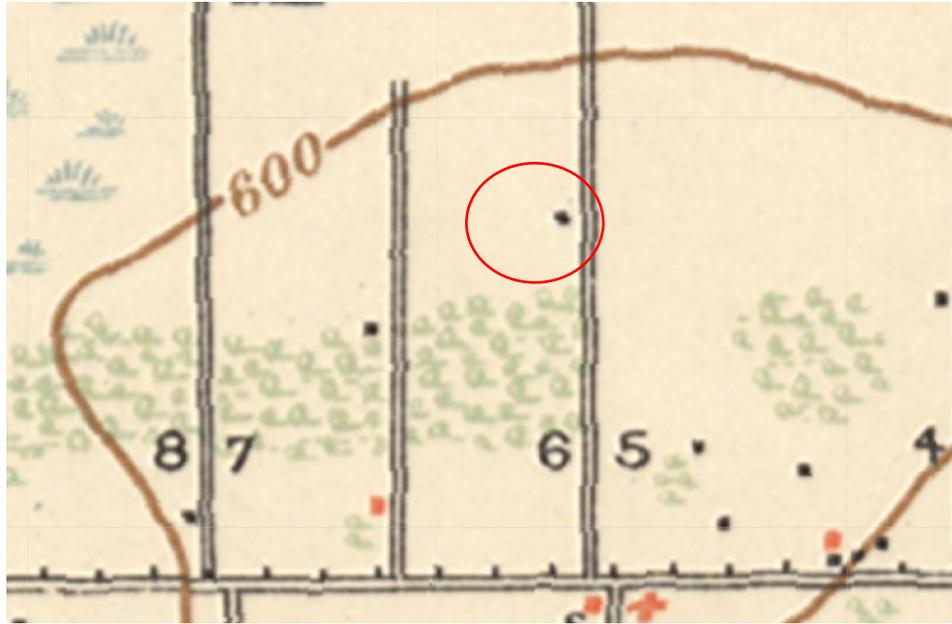


Figure 7: 1907 topographic map (Ontario Council of University Libraries)

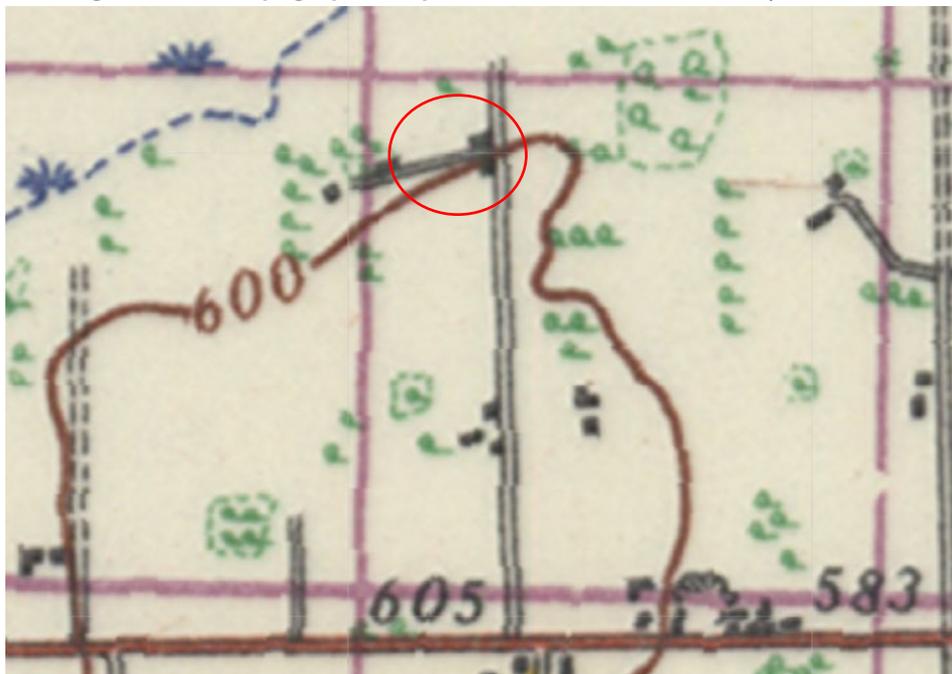


Figure 8: 1938 topographic map (Ontario Council of University Libraries)

The Tremaine map from 1876 illustrates that the subject property was a farm. This is supported by census data, where George Bitterman identifies his employment as 'farmer'. The wood frame dwelling that is seen in the Tremaine map, as well as topographic maps was the residence of George Bitterman and his family. The barn structure illustrated in the 1938 topographic map was likely constructed around the same time as the log dwelling and was used as an accessory structure to the farm operation. Often in early historical surveys/plans, accessory structures were omitted.

It is likely that when Jacob Biederman purchased part of lot 6 in 1830, he built a farmstead on a portion of the property and sold off the remaining 18 acres. When George Bitterman purchased the remaining 18 acre property, he then built the log house and accessory barn. The dwelling was built sometime between 1854 and 1861. The date of construction is based on the 1861 census data, which suggests that George Bitterman lived in a single storey log house. This is further supported by the Tremaine Map, which identifies a wood dwelling on the subject property. The barn structure has been identified as being constructed in 1886. This is supported by the front facade of the barn which has the year '1886' marked on the front gable.



Figure 9: Aerial image of property showing the dwelling and barn c. 1934 (source: Brock University)

# 4.0 Cultural Heritage Resources

## 4.1 Description of Built Features

### 4.1.1 House

There is a 1 1/2 storey dwelling on-site. The façade of the dwelling consists of wood frame and stucco. The house has been added to over the course of its lifetime. Figure 10 illustrates the various components of the house, which include:

<b>A:</b>	Front portion of the dwelling with wood frame and one storey in height;
<b>B:</b>	Comprises majority of the dwelling with stucco façade and 1 ½ storeys in height. A portion of component 'B' is likely the original log dwelling;
<b>C:</b>	Rear cellar, constructed of wood with stone foundation.



Figure 10: subject property, components of the house labelled as A, B and C



Figure 11: Aerial view of dwelling, looking south - west

The dwelling has a shingled gable roof and does not contain a foundation or a basement. Portion 'B' of the house as identified in figure 10, also denotes a white line. This white line is an approximate estimation of the original log house. The remaining components, of A, B and C are later additions. Below is a description of each component.

<p><b>A:</b></p>	<p>This is the front elevation with an open gabled roof facing eastward. The façade is wood frame and is the most recent addition to the dwelling. It is 1 storey with two windows at the front and one window in the side gable;</p>
<p><b>B:</b></p>	<p>This forms part of the front elevation with component A, as well as the side and rear elevations. The front (east) elevation is an addition to the original log dwelling and has an open gable roof with two windows.</p> <p>The side elevation, as delineated in white on figure 10, was the original log house of George Biderman/Bitterman. It has an open gable roof. There is a door at the southern facing portion, which served as the original entryway to the log dwelling. There is a brick chimney that cuts through the middle of the house, which formed part of the original dwelling limit. The rear most portion of component B has a high pitched gable with a window.</p> <p>The opposite side of the dwelling, on the northern elevation, was an addition to the log dwelling. There is a main entry way into the home on this side, with an open gable roof. The façade of this component is wood frame with covered stucco.</p>
<p><b>C:</b></p>	<p>This is an addition to the rear of the dwelling on the west elevation. It is a cellar with a flat roof. The façade is a mix of wood, stucco, and stone foundation. There is one window on the south elevation that appears to be at grade level.</p> <p>The dwelling has a high-pitched, open gable on the front elevation facing eastward. The north and south elevation of the main building includes four (4) window openings. There is a brick chimney on the north elevation.</p>

Component A



Figure 12-13: showing east (front) and north (side) elevations

Component B



Figure 14 –15: (left to right): showing east (front) and south (side) elevation



Figures 16 – 17: (left to right): showing south (side) elevation and west (rear) elevation, (Source: MHBC, 2021)

## Component C



Figures 18-19: (left to right): showing west (rear) elevation and north (side) elevation, (Source: MHBC, 2021)

### 4.1.2 Barn

There is a barn located north of the dwelling. It is wood-framed with a sheet metal gable roof. The barn is rectangular in shape and is oriented east-west, with several entrances placed along the southern elevation. There is also an entryway on the east elevation. The barn retains much of the original wood frame exterior. The interior is a combination of old and new elements, with certain beams and joints updated. A portion of the exterior west elevation is missing, which was damaged during a wind storm. There are three bays within the barn, including an area for hay storage, thrashing as well as a raised loft area.

The front gable roof (east) is marked with '1886'. It is presumed that this marking is the year the barn was constructed. The barn is reflective of the English Barn style, which are associated with early grain farming (Duncan, 2019). English Barns were built rectangular in shape, with entryways located along the longest façade and contained various sections for grain thrashing and storage (Duncan, 2019). The barn residing on the subject property has similar elements to the English Barn style, which include wood framing with a gable roof, rectangular shape with multiple entryways located on the longest wall and the interior is divided into three sections, including open areas/storage and a loft.



Figure 20: showing south elevation (Source: MHBC, 2022)



Figure 21: showing east and north elevations (Source: MHBC, 2022)



Figure 22 & 23: (left) east elevation, (right) west elevation with date of construction (Source: MHBC, 2022)



Figure 24 & 25: (left) original wood logs and planks, (right) interior showing storage and updated beams (Source: MHBC, 2022)

### 4.1.3 Outbuildings

There are three other small outbuildings located on the property that are used for miscellaneous storage.

**Outbuilding 1** is located north of the barn. It has small gable metal roof and is clad in metal. There is a door opening on the east elevation.

**Outbuilding 2** is located adjacent to the house. It has a gable roof as well as a rear flat roof. It is a mix of wood frame and metal sheeting.

**Outbuilding 3** is located west of the barn. It is a Quonset hut. It is semi-circular in shape with an entrance on the south elevation.



Figures 26-27: (left) outbuilding 1 , (right) outbuilding 2, (centre) outbuilding 3 (source: MHBC, 2022)

## 4.2 Description of Landscape Features

There is a mix of vegetation on the property. The majority is open agricultural fields, with the rear of the property consisting of woodland, backing onto the Wainfleet Bog. There are mature trees around the farmhouse including a mix of deciduous and coniferous trees.



**Figures 28–31: Landscape features on subject property**

# 5.0 Evaluation of Cultural Heritage Resources

## 5.1 Ontario Regulation 9/06 Evaluation

### 5.1.1 Evaluation Criteria: O.Reg 9/06

The following sub-sections of this report will provide an analysis of the cultural heritage value of the subject property as per *Ontario Regulation 9/06*, which is the legislated criteria for determining cultural heritage value or interest. These criteria are related to design/physical, historical/associative and historical values as follows:

1. *The property has design or physical value because it:*
  - a. *Is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
  - b. *Displays a high degree of craftsmanship or artistic merit, or*
  - c. *Demonstrates a high degree of technical or scientific achievement.*
2. *The property has historical value or associative value because it,*
  - a. *Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,*
  - b. *Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
  - c. *Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
3. *The property has contextual value because it,*
  - a. *Is important in defining, maintaining or supporting the character of an area,*
  - b. *Is physically, functionally, visually or historically linked to its surroundings, or*
  - c. *Is a landmark.*

## 5.1.2 O.Reg 9/06 Evaluation

The following evaluation considers all buildings and structures on the property including: the dwelling, barn, and accessory outbuildings.

### **Physical/ Design Value**

#### **Farmhouse:**

The farmhouse in its current state is not representative of any particular architectural style. Notwithstanding, the south elevation may be representative of a log house. The clad exterior of the dwelling has been covered in wood planks, and again in stucco. The dwelling has been added to, including the east elevation and the north elevation. The only physical value of the house can be attributed to the log dwelling that may be intact on the south elevation, which is dated prior to confederation, constructed sometime between 1854 and 1861 as determined through early mapping and census data.

The building does not display a high degree of craftsmanship above that which can be expected from mid. 19<sup>th</sup> century farmhouses in an agricultural setting. The building does not demonstrate a high degree of technical or scientific achievement.

Any remaining heritage attributes would be associated with the log dwelling on the south elevation, however, heritage attributes cannot be confirmed without invasive analysis of the dwelling.

#### **Barn:**

The barn is representative of an English Barn style, however, the barn has suffered exterior damage and has been altered throughout its lifetime as it continued to be used.

Heritage Attributes:

- Remaining wood framing construction;
- Original massing; and
- Remaining original window frames and entryways.

All other outbuildings are not considered to have significant physical/ design value.

### **Historical/Associative Value**

The property is of historical/associative value as it is associated with the theme of early agricultural settlement in Wainfleet. The property was acquired by George Bitterman in 1848 who is noted in early census records as being a farmer by occupation. The property is also identified as an agricultural property in the Atlas and topographic maps.

Should the log dwelling remain intact, the property may have the potential to yield some information that will contribute to the further understanding of the local community and way of life in the mid to late 19<sup>th</sup> century.

### **Contextual Value**

The property does not demonstrate significant contextual value. The property is not important in defining, maintaining, or supporting the character of the area. The use of the property no longer sustains a working agricultural complex. Instead, it is primarily a residential lot. The subject property is situated within an area bounded by roads and highways that includes woodlots, naturalized areas and aggregate extraction. The property does not have an important physical, functional, or visual link to its surroundings. No existing features are considered landmarks.

<b>Ontario Regulation 9/06</b>	<b>Dwelling</b>	<b>Barn</b>
<b>1. Design/Physical Value</b>		
<i>i. Rare, unique, representative or early example of a style, type, expression, material or construction method</i>	Potential. The property may include an early and representative example of 19 <sup>th</sup> century log house.	Yes. The property includes an early and representative example of an English Barn.
<i>ii. Displays high degree of craftsmanship or artistic merit</i>	No.	No.
<i>iii. Demonstrates high degree of technical or scientific achievement</i>	No.	No.
<b>2. Historical/Associative value</b>		
<i>i. Direct associations with a theme, event, belief, person, activity, organization, institution that is significant</i>	Yes. Associated with the theme of early agricultural settlement.	Yes. Associated with the theme of early agricultural settlement.
<i>ii. Yields, or has potential to yield information that contributes to an understanding of a community or culture</i>	Yes.	No.
<i>iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to the community.</i>	No.	No.
<b>3. Contextual Value</b>		
<i>i. Important in defining, maintaining or supporting the character of an area</i>	No.	No.
<i>ii. Physically, functionally, visually, or historically linked to its surroundings</i>	No.	No.
<i>iii. Is a landmark</i>	No.	No.

## 5.2 Wainfleet Official Plan Evaluation

### 5.2.1 Wainfleet Evaluation Criteria

Section 7.9 of the Wainfleet Official Plan provides a set of evaluation criteria for heritage properties. This cultural heritage evaluation criteria sets out that a heritage site may be determined to hold cultural heritage value or interest when it has met one or all of the following:

- a) An association with an historic event or person;
- b) A building or structure with distinguishing architectural characteristics on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings or structures and the relation of such factors to similar features of the buildings in the immediate surroundings;
- c) A building with substantial remaining original materials and workmanship;
- d) A natural feature or landmark;
- e) It would be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated; and
- f) The extent of the original materials and workmanship remaining would be important to that designation.

### 5.2.2 Wainfleet Evaluation

#### **a) Event or Person**

The property is not associated with any significant person. The property is associated with the theme of early agricultural settlement.

#### **b) Physical**

##### **Farmhouse:**

The original farmhouse component was constructed of log material and may be representative of an early log home. The dwelling may retain its original massing and form, however, this cannot be confirmed without further analysis. The original farmhouse is dated prior to confederation, constructed sometime between 1854 and 1861.

##### **Barn:**

The barn is representative of an English Barn. The barn has been damaged and altered throughout the years as it continued to be used.

*Heritage Attributes:*

- *Remaining wood framing construction;*
- *Original massing; and*
- *Remaining original window frames and entryways.*

All other outbuildings are not considered for the purpose of this report to have significant physical/design value.

### **c) Materials**

The farmhouse has been added to over the years, however, the original log house portion may remain intact. Many log homes built prior to the 20<sup>th</sup> century have been demolished, and therefore log homes that remain intact are rare. While the barn does contain original materials, many of the original wood and log materials that comprised the structure have been replaced.

### **d) Natural Feature/Landmark**

The adjacent trees that surround the dwelling are not considered to form part of the heritage attributes of the property. The property is not a landmark.

### **e) Gain Information**

If the original log dwelling is intact, the property would have the potential to yield information that will contribute to the further appreciation of the history of the property.

### **f) Important to Designation**

Not applicable at this time.

<b>Wainfleet Official Plan</b>	<b>Dwelling</b>	<b>Barn</b>
a) <i>An association with an historic event or person;</i>	Yes. Associated with the theme of early agricultural settlement.	Yes. Associated with the theme of early agricultural settlement.
b) <i>A building or structure with distinguishing architectural characteristics on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings or structures and the relation of such factors to similar features of the buildings in the immediate surroundings;</i>	Potential. The property may include an early and representative example of log house.	Yes. The property includes an early and representative example of an English Barn.
c) <i>A building with substantial remaining original materials and workmanship;</i>	Potential. If the property contains the original log home.	No.
d) <i>A natural feature or landmark;</i>	No.	No.
e) <i>It would be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated; and</i>	Potential. If the log dwelling remains.	No.
f) <i>The extent of the original materials and workmanship remaining would be important to that designation.</i>	N/A	N/A

## 5.3 Summary of Evaluation

The subject property has been evaluated for cultural heritage value using the Ontario Regulation 9/06 evaluation criteria as well as the Township of Wainfleet Official Plan criteria. Both evaluations conclude that the subject property is of heritage value.

Under O.Reg 9/06, the subject property contains physical value as the farmhouse dwelling may be representative of an early log house and the barn is representative of the English Barn style. The property also demonstrates cultural heritage value as it is associated with the theme of early agricultural settlement.

Based on the Official Plan evaluation criteria, the subject property demonstrates cultural heritage value as it is associated the theme of early agricultural settlement. The property also has distinguishing architectural characteristics that are associated with the log material that comprise the original portion of the dwelling. If the log dwelling is intact, it would provide further appreciation for the history of the property.

# 6.0 Proposed Development

Waterford Sand and Gravel is proposing the extension of an existing quarry known as “Law Quarry”, located on Highway 3 in the Township of Wainfleet. The lands proposed for extension are located to the west of the existing quarry and are located in the southern half of the subject property.

The proposed extension to the existing quarry requires both approvals from the Ministry of Northern Development and Mines, Natural Resources and Forestry under the Aggregate Resources Act as well as the Region of Niagara and Township of Wainfleet under the Planning Act.



**Figure 32: The portion of the subject property that will be included in the licence boundary is noted in red**

The quarry extension is proposed to be extracted in five phases, beginning in the northeast of the lands and working east to west, then from north to south (roughly in a counter clockwise direction). There is an estimated 21 million tonnes of aggregate available within the extension lands, which will provide several decades worth of high quality resources.

There are a total of six archaeological avoidance areas that are located within the proposed Licence Boundary, but outside of the limit of extraction. These areas will be permanently protected throughout the lifetime of the quarry. No extraction activities are proposed to occur in these areas.

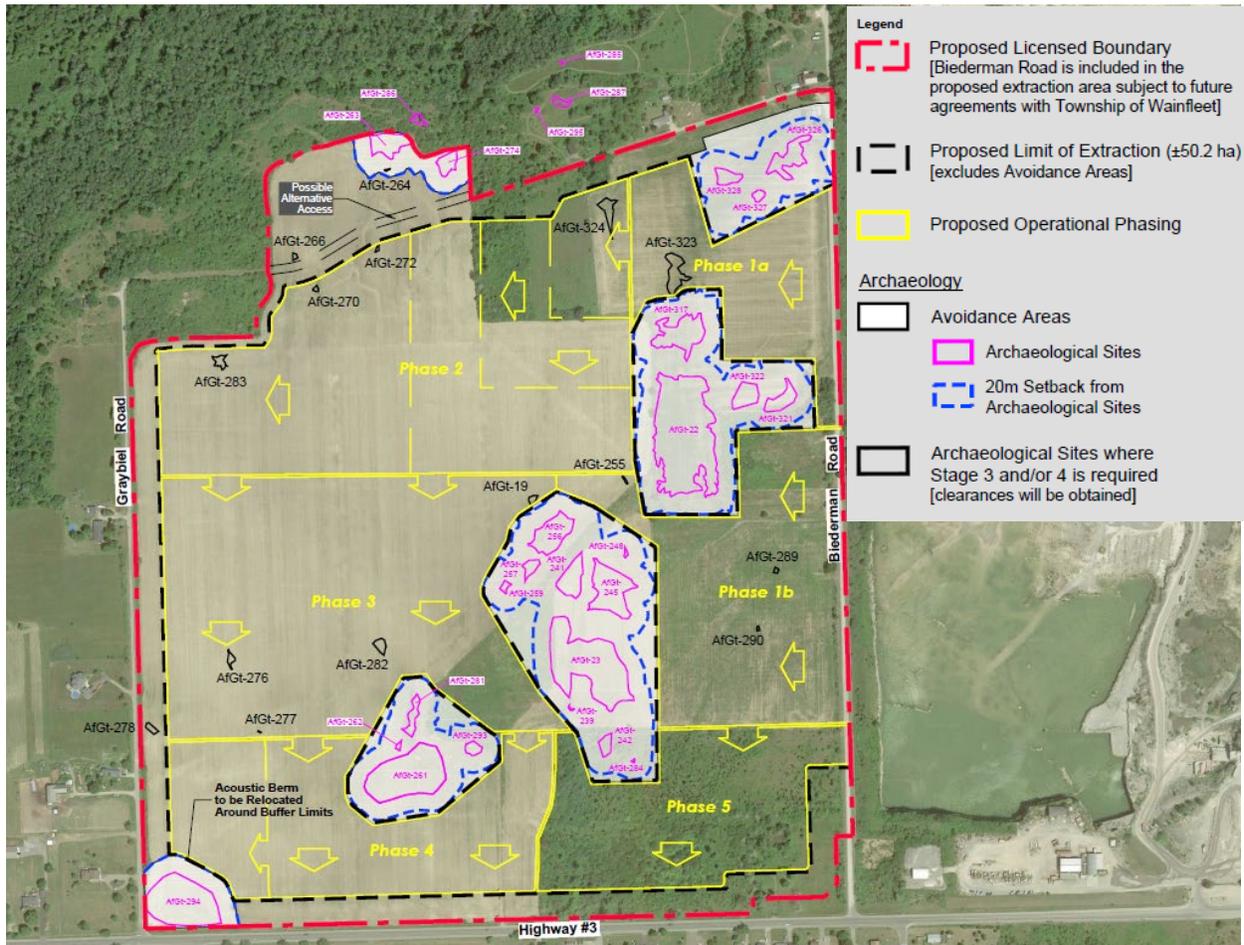


Figure 33: Archaeological Sites and Avoidance Zones

The barn is located outside of the proposed License Boundary. The farmhouse is located within the proposed License Boundary, however, outside of the limit of extraction. Further, the farmhouse is located in an area found to contain archaeological significance. Given the location of the archaeological site, the farmhouse is within an avoidance zone that will not form part of the extraction area.

# 7.0 Heritage Impact

## Assessment

The impacts of a proposed development or change to a cultural heritage resource may be direct or indirect. They may occur over a short term or long term duration. Impacts to a cultural heritage resource may also be site specific or widespread, and may have low, moderate or high levels of physical impact.

This section provides an analysis of the impacts which may occur as a result of the quarry extension, in accordance with the Ontario Heritage Toolkit infosheet #5.

- **Destruction:** of any, or part of any *significant heritage attributes* or features;
- **Alteration:** that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- **Shadows:** created that alter the appearance of a *heritage attribute* or change the viability of a natural feature or plantings, such as a garden;
- **Isolation:** of a *heritage attribute* from its surrounding environment, context or a significant relationship;
- **Direct or Indirect Obstruction:** of significant views or vistas within, from, or of built and natural features;
- **A change in land use:** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces;
- **Land disturbances:** such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource.

Barn		
Criteria	Impact	Analysis
Destruction or alteration of heritage attributes	None.	The proposed development will not destroy or alter identified heritage attributes.
Shadows	None.	The proposed development will not result in shadowing that alters the appearance of any heritage attributes or impact the viability of natural features. No impacts of shadowing are therefore anticipated.
Isolation	None.	The barn no longer serves its original function and does not maintain a relationship with the surrounding environment or farmhouse. The proposed development will not isolate the barn.
Direct or Indirect Obstruction of Views	None.	The barn does not have significant views. There is a view of the barn from Biederman Rd, however, this is not considered to be a significant view. Nonetheless, this view will not change. The proposed development will not obstruct significant views of the barn.
A Change in Land Use	None.	The barn no longer serves its original function and is not currently in use. The barn is also outside of the license boundary and the extraction area. No impacts related to a change in land use are anticipated.
Land Disturbances	None.	The barn is not within the license boundary and is not within the extraction area. The distance of the barn to the extraction site is approximately 122 metres. The distance is sufficient to not anticipate any land disturbances.

<b>Farmhouse</b>		
<b>Criteria</b>	<b>Impact</b>	<b>Analysis</b>
Destruction or alteration of heritage attributes	None.	No destruction or alteration is proposed as part of the extension. The proposed development will not destroy or alter identified heritage attributes of the farmhouse.
Shadows	None.	The proposed development will not result in shadowing that alters the appearance of any heritage attributes or impact the viability of natural features. No impacts of shadowing are therefore anticipated.
Isolation	None.	The farmhouse no longer supports the original use of the property as a working farmstead. The farmhouse is currently used for residential purposes. The residential use of the farmhouse does not have a relationship to the barn or the property, as it no longer supports the agricultural use of the property. Notwithstanding, the farmhouse will continue its use as residential. The proposed development will not isolate the dwelling.
Direct or Indirect Obstruction of Views	None.	The farmhouse does not have significant views. There is an existing view from Biederman Rd, which is not considered to be a significant view. Nonetheless, this view will remain. The proposed development will not obstruct significant views of the dwelling.
A Change in Land Use	None.	The farmhouse is no longer part of a working farmstead and is presently residential in use. Notwithstanding, the farmhouse is located outside of the extraction area and will remain in residential use.
Land Disturbances	None.	The farmhouse is not within the extraction area. The distance of the farmhouse to the extraction site is approximately 76 metres. The distance is sufficient to not anticipate any land disturbances.

## **Summary**

The barn is not included in the license boundary of the aggregate extension nor is it within the extraction area. The farmhouse, while located in the license boundary, is not within the extension area. The farmhouse is also located within an area of avoidance due to the presence of archeological potential. The farmhouse and barn do not form part of the extraction site and are located more than 76 metres from the extraction area. This is considered to be a sufficient distance to not experience adverse impacts. Furthermore, mitigation measures will be in place to protect the archaeological area of avoidance, including fencing around the perimeter of the avoidance area. The barn and farmhouse are not anticipated to have adverse impacts as a result of the quarry.

# 8.0 Conclusions and Recommendations

MHBC was retained by Waterford Sand and Gravel to undertake a cultural heritage evaluation report (CHER) and Heritage Impact Assessment (HIA) for the property located at 20642 Biederman Road, Wainfleet, Ontario. The purpose was to determine if the property had any cultural heritage resources, and assess the impacts of the proposed quarry extraction on the identified heritage resources.

In conclusion, the subject property located at 20642 Biederman Road, Wainfleet, has Cultural Heritage Value or Interest (CHVI) as determined under the prescribed *Ontario Regulation 9/06* and the Wainfleet Official Plan. The cultural heritage value is vested in the existing farmhouse and barn on-site. Specifically, the heritage value is reflected in the physical value of the log house and the English Style barn, as well as the historical association to early agricultural settlement within Wainfleet. The heritage value of the property is limited to the barn and the portion of the dwelling that comprises the original log home.

The impact assessment concludes that the proposed quarry extraction will not result in adverse impacts to the heritage resources on the property. Both the barn and the farmhouse are located outside of the extraction area. The barn is located outside of the license boundary, and therefore does not form part of the quarry lands. Further, the farmhouse, while located in the license boundary, is in an area of archaeological potential which has been deemed an area of avoidance. No extraction activities are proposed where the barn or farmhouse are located. No adverse impacts are anticipated as a result of the quarry extension.

Notwithstanding the heritage value of the property, it is inconclusive as to the integrity and condition of the remaining log dwelling located on the south elevation of the farm house. Similarly, the barn has significant exterior damage on the east elevation where a side of the barn has come apart. Given these considerations, the following is recommended:

- 1. Farmhouse:** There is significant evidence to suggest that the original farmhouse consisted of a log dwelling that remains a component of the current house, that being the south elevation. The log dwelling has been added to over its lifetime including additions to the north and east elevations, with exterior stucco cladding. Should future plans to demolish the dwelling arise, further analysis would need to be completed to determine the condition

of the original log component of the dwelling. The purpose of this will be to determine the condition and heritage integrity of the dwelling.

**Barn:** The barn has been determined to be of CHVI, however, it has undergone considerable change and no longer maintains its original function or agricultural use and does not contribute to the continued use of the property. Furthermore, the west façade of the barn has been damaged, and several original interior features have been replaced. Collectively, these factors have reduced the condition and stability of the barn. It is recommended that should the barn be considered for demolition, that a documentation and salvage report be completed. The purpose of this will be to provide measured drawings of the barn, photograph the barn, and provide recommendations on salvaging the barn materials.

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Google Maps. 20642 Biederman Rd, Wainfleet, Ontario. Accessed December 3, 5, 2021 and January 13, 24, 2022.

# **Appendix A**

## Consultant Overview



The Cultural Heritage division of MHBC was formed in 2008 and is led by Dan Currie, Partner and Managing Director of Cultural Heritage who is headquartered in our Kitchener office. Over time, the Cultural Heritage division has evolved into a diversified team of heritage planning professionals who maintain extensive knowledge of heritage planning in Ontario. Collectively, our experience includes more than 20 heritage conservation district studies, over two dozen National Historic Sites, over forty provincially significant sites, and hundreds of cultural heritage related reports, assessments, and studies. The Cultural Heritage team has been involved in a multitude of cultural heritage related projects for both public and private sector clients.

Services we offer include cultural landscape and built heritage assessment, heritage impact studies and assessments, heritage conservation district studies, municipal heritage planning services, heritage urban design, master planning for heritage properties, conservation management plans, peer reviews, historic research, expert witness testimony and heritage permit applications. It is this experience which allows us to deliver exceptional cultural heritage services to our clients.

The team members who have prepared this report include:

**Dan Currie, MA, MCIP, RPP, CAHP**

Partner, Manager of Cultural Heritage Division

Senior Reviewer

Dan is a Partner in our Kitchener office and has over 24 years of experience in both municipal planning and private consulting. Dan is a full member of the Canadian Institute of Planners, Ontario Professional Planners Institute and the Canadian Association of Heritage Professionals. Dan has experience in the management of large-scale projects which requires multiple members of staff, such as the implementation of Heritage Conservation District studies and Heritage Master Plans. Dan oversees all projects within the Cultural Heritage Division.

**Gillian Smith, MSc**

Planner

Author and Research

Gillian is a planner in our Kitchener Office who is part of both the Cultural Heritage and Planning divisions. Gillian joined MHBC in 2021 and has since completed several cultural heritage evaluation and impact assessment reports as well as contributed to several large-scale projects within the Cultural Heritage Division.