

May 24, 2016

[REDACTED]

[REDACTED]

Dear [REDACTED]

**Re: Request for Access to Information Under Part II  
of the Access to Information and Protection Privacy Act**

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On April 25, 2016, the City of St. John's received your request for access to the following information:

*All information relating to the re-development of Richmond Cottage and the surrounding lands (now known as McLea Park) including but not limited to:*

1. *Correspondence from Kevin King, Paul Fowler, and/or Wrightland;*
2. *Heritage Advisory Committee agendas, minutes, and reports;*
3. *Planning Committee agendas and minutes;*
4. *Council agenda and minutes; and,*
5. *MOUs.*

Enclosed is the information you requested. With regard to item #'s 3 and 4 of your request, these items can be found via the following link to our website:

<http://www.stjohns.ca/city-hall/about-city-hall/council-committee>

Item #'s 1, 2, and 5 are attached. As the provision of the information constitutes full disclosure, we now consider this matter completed and will be closing the file.

If you have any further questions, please feel free to contact the undersigned by telephone at 576-8202 or by e-mail: [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca).

Yours truly,



Elaine A. Henley  
City Clerk  
Enclosures

**ST. JOHN'S**

<b>Chronology of Richmond Cottage Application from Wrightland Development 18 Topsail Road or 1 Shaw Street</b>	
Date	Issue <i>(click on issue to be redirected to background information)</i>
September 15, 2010	Planning & Housing Standing Committee Report to Council re: Application from Wrightland Development for proposed rezoning of property at civic No. 18 Topsail Road. <b>Committee Report and background memo attached.</b>
September 20, 2010	Council Directive from Regular Meeting of Council approving referral of application to Public Meeting. <b>Council Directive attached</b>
October 27, 2010	Public Meeting held to consider application from Wrightland Development Corporation to rezone a portion of the property at Civic No. 10 Shaw Street (corner of Topsail Road and Shaw Street). <b>Minutes attached</b>
November 8, 2010	Regular Meeting of Council reviewing Public Meeting feedback. <b>Council Directive and Excerpt from regular council minutes attached</b>
August 23, 2011	Wrightland Development meets with Heritage Advisory Committee to discuss application for exterior renovations to Richmond Cottage. <b>Committee Report and architectural renderings from Sheppard Case Architects Inc. attached</b>
September 6, 2011	Council Directive from Regular Meeting approving HAC's recommendation of August 23, 2011
October 24, 2011	Excerpt from Regular Council Meeting outlining Council's approval of Wrightland Development application to convert Richmond Cottage into two dwelling units. <b>Minute excerpt and Council Directive attached</b>
May 29, 2013	Heritage Advisory Committee Meeting with Paul Fowler and Dermot Karney of Wrightland Development to discuss proposed demolition of Richmond Cottage. Committee rejects application to demolish. <b>HAC report, proponent's rationale for demolition, and letter from NL Historic Trust attached.</b>
June 10, 2013	Regular Meeting of Council wherein Deputy Mayor Duff advises Council of Wrightland's request to withdraw demolition application. <b>Minute excerpt attached.</b>
July 11, 2013	Heritage Advisory Committee minutes. <b>HAC minutes attached</b>
July 26, 2013	Heritage Advisory Committee meets with Wrightland Development (Kevin King and Paul Fowler) <b>HAC minutes and letter dated July 26, 2013 from Wrightland attached.</b>
September 9, 2013	Heritage Advisory Committee Members conducted a site visit of Richmond Cottage at the invitation of Wrightland Development Corporation to assess the present condition of the structure following the water damage which occurred as a result of the leak from burst pipes.
September 13, 2013	Heritage Advisory Committee meets and recommends Council's rejection of application to demolish Richmond Cottage <b>HAC report, memo from Heritage Officer and Senior Building Inspector dated June 6, 2012, and photos attached.</b>
September 23, 2013	Council Directive from Regular Meeting directing that the HAC report be referred to the Planning & Housing Standing Committee to allow an opportunity for a full presentation to the Committee on the issue and a review of the regulatory process by staff. <b>Council directive attached.</b>
October 16, 2013	Planning & Housing Standing Committee report to Council. <b>Report attached.</b>
October 28, 2013	Council recognized that there is no active application to demolish the building and the matter will be addressed if and when an application is received. <b>Council directive attached.</b>
July 11, 2014	Heritage Advisory Committee Meeting held wherein Heritage Officer advises that property owner of Richmond Cottage will be given 30-60 days to fix safety issues. <b>HAC minutes attached.</b>
September 12, 2014	Heritage Advisory Committee Meeting wherein Co-Chairs update Committee on meetings held with property owner. <b>HAC minutes attached.</b>
December 12, 2014	Special Meeting of Heritage Advisory Committee re: Richmond Cottage. Owner was scheduled to meet with Committee but was not present. Committee requested a chronology of events prior to making a recommendation. <b>Minutes/background att.</b>

# REPORT/RECOMMENDATIONS

## Planning & Housing Standing Committee

September 15, 2010

In Attendance: Councillor Frank Galgay, Chairperson  
Deputy Mayor Shannie Duff  
Councillor Sheilagh O’Leary  
Councillor Tom Hann  
Councillor Sandy Hickman  
Councillor Danny Breen  
Councillor Bruce Tilley  
Mr. Ron Penney, City Manager  
Mr. Cliff Johnston, Director of Planning  
Mr. Walt Mills, Director of Engineering  
Mr. Dave Blackmore, Director of Building & Property Management  
Mr. Bob Bursey, City Solicitor  
Mr. Jim Clarke, Acting Director of Public Works & Parks  
Mr. Joe Sampson, Manager of Development  
Mr. Ken O’Brien, Manager of Planning & Information  
Mr. Robin King, Transportation Engineer  
Ms. Lynnann Winsor, Development Engineer  
Mr. Chris Small, Planning Technician  
Ms. Kelly Butler, Recording Secretary

Also in attendance were Mr. Craig Ennis, St. John’s Board of Trade, Ms. Alisha Morrissey with The Telegram and Mr. John Warren.

### **1. Delegation – Leger Holdings re: Proposed Residential Development – Murphy’s Right-of-Way off Signal Hill Road (Ward 2)**

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The Committee met with Messrs. Bill Clarke, Ryan Clarke and Danny Madden to discuss the proposed residential development for Murphy’s Right-of-Way off Signal Hill Road. The Committee also considered the **attached** memorandum dated September 13, 2010, from the Director of Planning and the Manager of Development. The Committee also reviewed a View Plane Analysis prepared by City Staff (a copy of which will be sent out with the Regular Agenda of Council).

The Manager of Development advised that following a public meeting on the original application, the developer submitted a revised subdivision plan which reduced the number of building lots from nine (9) to eight (8), with the proposed building lot fronting on Signal Hill Road having been removed from the plan. The proposed dwellings will be two storeys in height as viewed from the road, and one storey in height on the upper side or rear of the building lots.

Mr. Clarke noted that the project will follow all of the guidelines of the Battery Development Guidelines Study, with the exterior of the units being done in a manner that maintains the

requirement were granted, it may have an impact on the residential properties on the north side of Henry Street.

**The Committee recommends, on motion of Councillor Hickman; seconded by Deputy Mayor Duff: That the applicants be directed to provide electronic drawings of the proposed development to the Department of Planning so that staff may undertake a View Plane Analysis of the proposed development. The applicants should be asked to prepare drawings of the project as currently presented to the City, which shows heights above 15 metres, as measured from Henry Street, as well as drawings of the proposed development with building heights limited to 15 metres as measured from Henry Street.**

Upon submission of the information by the applicants and completion of the View Plane Analysis by City Staff, the View Plane Analysis will be referred to the Planning Committee for review and recommendation to Council on further processing of the application with respect to a Land Use Assessment Report and a public meeting.

**3. Proposed Rezoning of Property – Civic No. 18 Topsail Road (Ward 2) – Wrightland Development Corporation**

The Committee considered the **attached** memorandum dated September 13, 2010, from the Director of Planning and the Manager of Planning and Information regarding the above noted matter.

**The Committee recommends, on motion of Councillor Tilley; seconded by Deputy Mayor Duff: That the rezoning application be referred to a public meeting to be chaired by a member of Council.**

**4. Proposed Rezoning of Property – Civic No. 31-33 Golf Avenue (Ward 2) – Crystal White**

The Committee considered the **attached** memorandum dated September 13, 2010, from the Director of Planning and the Manager of Planning and Information regarding the above noted matter.

**The Committee recommends, on motion of Councillor Tilley; seconded by Councillor Breen: That That the rezoning application be referred to a public meeting to be chaired by a member of Council.**

**5. Proposed Rezoning of Property – Maddox Cove Road (Ward 5) – Kevin Heffernan**

The Committee considered the **attached** memorandum dated September 13, 2010, from the Director of Planning and the Manager of Planning and Information regarding the above noted matter.

**The Committee recommends, on motion of Deputy Mayor Duff; seconded by Councillor Breen, with Councillor Tilley opposed: That the rezoning application be**

file  
CJ

October 1, 2010

Wrightland Development Corporation  
c/o Mr. Paul Fowler  
40 Aberdeen Avenue, Suite 202  
St. John's NL A1A 5T3

Dear Mr. Fowler:

S-25-T-9

**Re: Department of Planning File Number S-25-T.9 / 10-00285  
Proposed Rezoning of Property  
Civic No. 18 Topsail Road (Ward 2)  
Applicant: Wrightland Development Corporation**

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At the Regular Meeting of the St. John's Municipal Council held on September 20, 2010, Council accepted a recommendation from the City's Planning Committee that your rezoning application be referred to a public meeting, and have directed staff to proceed with advertising the proposed rezoning for a residential subdivision at Civic Number 18 Topsail Road.

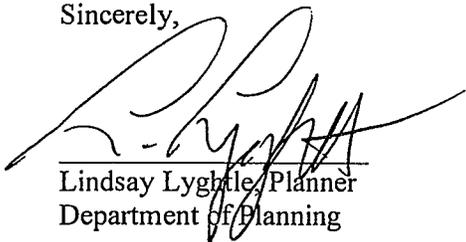
**The public meeting is scheduled for Wednesday, October 27, 2010 at 7:00pm in the Foran Greene Room located on the 4<sup>th</sup> floor of St. John's City Hall.** The public meeting will be chaired by a member of Council.

The City will advertise the public meeting in The Telegram Newspaper and on the City website. In addition, the City will also mail notices to property owners and residents within a minimum radius of 150 metres from Civic Number 18 Topsail Road.

**It is requested that you attend the upcoming public meeting or have a representative in attendance who is familiar with the plans for the proposed subdivision.**

Please find enclosed for your information, a copy of a report on the rezoning application dated September 13, 2010 prepared by the Department of Planning, which was included in the agenda for the meeting of the Planning Committee held on September 15, 2010 and the Regular Meeting of Council held on September 20, 2010.

Sincerely,



Lindsay Lyghtle/Planner  
Department of Planning

LL/ck

Enclosure

pc Cliff Johnson, Director of Planning  
Gerard Doran, Development Officer

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# ST. JOHN'S

# MEMORANDUM

Date: September 13, 2010

To: Chairperson and Members  
Planning Standing Committee

From: Ken O'Brien, MCIP  
Manager of Planning and Information

Cliff Johnston, MCIP  
Director of Planning

Re: Department of Planning File Number S.25-T.9/10-00285  
18 TOPSAIL ROAD (Ward 2)  
Proposed Rezoning to Accommodate a 12 Lot Residential Subdivision  
Wrightland Development Corporation

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Wrightland Development Corporation (Paul Fowler) has submitted an application to rezone part of a larger parcel of land at 18 Topsail Road (corner of Topsail Road and Shaw Street) from the Residential Special (RA) Zone to the Residential Low Density (R1) Zone. This is to allow development of the property into a subdivision containing four R1 Zone building lots and eight RA Zone building lots. This application has merit and warrants consideration for approval.

## BACKGROUND

The subject property has a total area of 1.26 hectares (3.12 acres), is heavily-treed, slopes downwards from west to east and is occupied by a large single-detached house, a Designated Heritage Structure, that is to be redeveloped and preserved. It is in the Residential Medium Density (RMD) Land Use District. The applicant's proposal is to rezone approximately 1700 m<sup>2</sup> (18,300 ft<sup>2</sup>) of the site from RA to R1.

On the opposite side of Shaw Street are seven lots with single-detached houses; these are zoned Residential Low Density (R1) and designated Residential Low Density (RLD). Abutting the property on the north are more than a dozen lots with single-detached houses with frontage on Warbury Street; these are zoned Residential High Density (R3) and designated RMD. Lastly, abutting the property on the east are several large lots with older homes that are zoned RA and designated RMD.

The subject property is in Planning Area 1 (The Downtown). There are no overlay districts or zones affecting the subject property.

# ST. JOHN'S

DEPARTMENT OF PLANNING  
CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHN'S.CA

**DISCUSSION**

**Planning Considerations**

	<b>St. John's Municipal Plan</b>	<b>St. John's Development Regulations</b>
<b>Existing</b>	Residential Medium Density (RHD) District	Residential Special (RA) Zone
<b>Proposed</b>	Same	Residential Special (RA) Zone and Residential Low Density (R1) Zone

1. The property is in the Residential Medium Density (RMD) District. This designation is applied to lands intended to accommodate a range of residential forms, including row houses and apartment buildings not exceeding a height of three storeys. It would not be necessary to amend the Municipal Plan to accommodate the proposed rezoning of part of the subject property.

The preliminary subdivision lotting plan needs minor revision to conform to the requirements of the Development Regulation.

2. There are many mature trees on the subject property. Some are presently "public trees"; with the construction of a short street and cul-de-sac, this number will be added to. In keeping with Municipal Plan policies aimed at maintaining and improving neighborhood quality and character and the City's Urban Forest Management Master Plan, it would be appropriate for the developer to retain as many of the existing trees as possible and to take appropriate protective measures during the development process to prevent damage to the trees. The proponent could avail of the assistance of the Municipal Arborist for advice and assistance in this regard.
3. This is one of the oldest residential neighborhoods in the City. Houses are mostly three storeys in height, with some two-storey houses. The architectural features, scale and height of the proposed new dwellings should be designed to reflect the character of the neighborhood.

**Technical Considerations**

The Department of Engineering advises that the subject property can be provided with municipal water and sewer services and that satisfactory site access is possible.

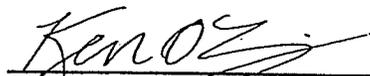
Review and approval of a site development plan, including connection to underground municipal services, controlled site access, parking lot layout and landscaping/buffering, would ordinarily be addressed at the time an application for development approval is submitted to the City.

## CONCLUSION AND RECOMMENDATION

The proposed rezoning has merit and warrants consideration for approval by Council.

If the Planning Committee and Council agree, staff will refer this application to the public consultation process. It is recommended that the rezoning application be referred to a public meeting to be chaired by a member of Council.

This is provided for the consideration of the Planning Committee.



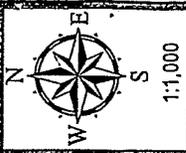
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Ken O'Brien, MCIP  
Manager - Planning and Information

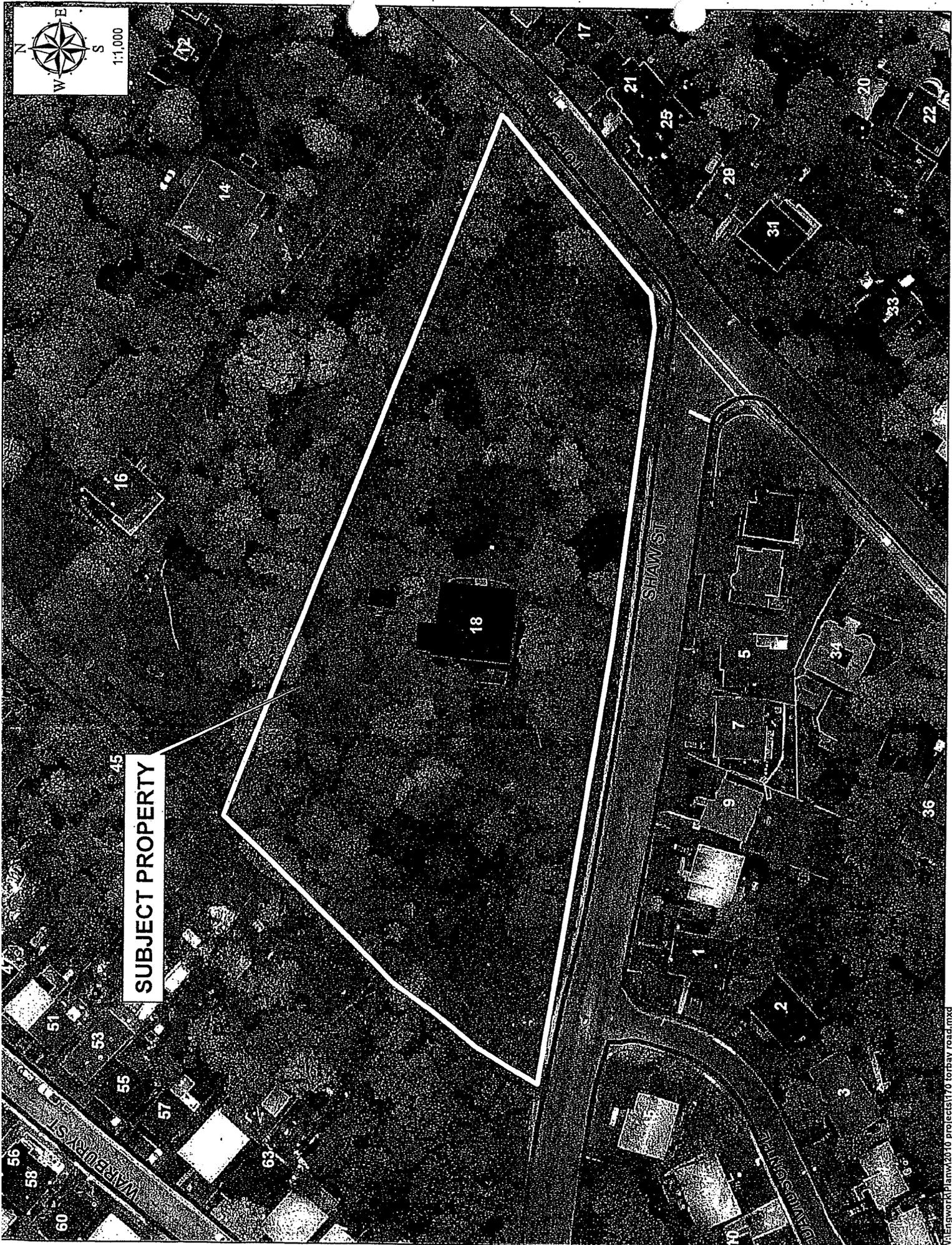


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Cliff Johnston, MCIP  
Director of Planning



**SUBJECT PROPERTY**





# COUNCIL DIRECTIVE

## REGULAR MEETING

**Date: 2010/09/20 12:00:00 AM**

**CD# R2010-09-20/24**

**To:** Cliff Johnston  
**Position:** Director of Planning  
**RE:** Planning and Housing Standing Committee Report - September 15, 2010  
Item # 3 - Proposed Rezoning of Property - Civic No. 18 Topsail Road  
Wrightland Development Corporation  
**DECISION:** Council accepted the Committee's recommendation that the rezoning application  
be referred to a public meeting to be chaired by a member of Council.

**Action:** As required.  
**Date:** 2010/09/20  
**Signed by:** Neil A. Martin  
Deputy City Manager/Director of Corporate Services & City Clerk

**Status Comments:**

**Closed By:** Cliff Johnston

mem

**cc:**

Eng./Plan./Bldg.(Minus Cliff)

**Response Required:** YES  
**Response deadline:** 2010/10/15  
**Response Received:**  
**Attachments:**

A public meeting was held on Wednesday, October 27, 2010, at 7:00 p.m. in the Foran Room, 4<sup>th</sup> Floor, City Hall.

In Attendance:           Councillor Frank Galgay, Chairperson  
                              Mr. Joe Sampson, Manager of Development  
                              Ms. Kelly Butler, Recording Secretary

Also in attendance were Mr. Paul Fowler, Wrightland Development Corporation, Mr. Beaton Sheppard, Sheppard Case Architects Inc., and approximately 17 members of the general public.

Councillor Galgay called the meeting to order and advised that the purpose of the meeting was to provide an opportunity for public review and comment on the application submitted by Wrightland Development Corporation to rezone a portion of the property at **Civic No. 10 Shaw Street** (corner of Topsail Road and Shaw Street), from the Residential Special (RA) Zone to the Residential Low Density (R1) Zone. The purpose of the proposed rezoning is to allow the development of a residential subdivision containing four (4) Residential Low Density (R1) Zone building lots and eight (8) Residential Special (RA) Zone building lots. The existing dwelling on the property will be maintained as the thirteenth lot.

Councillor Galgay noted that correspondence was received from the following people prior to the public meeting:

- S. Pumphrey, Warbury Street – email in opposition
- Richard Mandeville, Shaw Street – email of concern

The Manager of Development provided a brief overview of the rezoning application and proposed subdivision. He noted that the subject property is currently zoned as Residential Special (RA). The developer is proposing to rezone the northwest corner of the property to Residential Low Density (R1) to accommodate the development of four (4) R1 building lots, with a minimum lot area of 450 m<sup>2</sup> and minimum lot frontage of 15 metres. The remainder of the property will be subdivided to accommodate eight (8) RA lots, with a minimum lot area of 740 m<sup>2</sup> and minimum lot front of 21 metres. The proposed development will be connected to existing City services. With respect to the possible loss of trees, the Manager of Development indicated that the City Arborist will work with the developer to minimize the amount of trees that would be removed.

The Manager of Development also advised that notices of the public meeting were sent to homes located with 150 metres of the subject property. Since the notices were sent out, City staff have been advised that the property address for the subject property is actually 10 Shaw Street, not 18 Topsail Road as listed on the notice.

#### **Paul Fowler – Wrightland Development Corporation**

Mr. Fowler spoke about the proposed plans for the subject property, noting that there have been a number of previous projects proposed for this site. In 1993, the City approved a proposal for seven (7) RA lots. In 2003, Myles-Leger applied to the rezone the property for a townhousing development. The consensus at the public meeting held to discuss that application was that

residents preferred either RA or R1 development for this site. The current plan being proposed by Wrightland Development appears to fit with that wish. Only a small portion of the site, on the north western corner of the property is proposed to be rezoned to Residential Low Density (R1). The remainder of the land will be developed as RA lots, including the existing home. All house designs for the proposed building lots will have to be approved by the architectural consultant.

Mr. Beaton Sheppard has been engaged to work with the development company to look at a re-adaptive use for this existing home while preserving its heritage characteristics. The home was designated as a heritage property in 2003. It sits on a knoll which tapers off down towards Topsail Road, which means that the lot will have to be graded. A rock wall, with a grate to preserve the trees, will be built as part of the re-grading of this lot.

**Beaton Sheppard, Sheppard Case Architects Inc.**

Mr. Sheppard advised that he had been retained by the developer to look at the heritage aspects of the heritage building and find an appropriate re-adaptive use to preserve the building. The house has been photographed and measured as part of this process. The house is approximately 7800 ft<sup>2</sup> and was designed by Gilbert Browning in 1848. It could be redeveloped for two or three condominium units, or redeveloped as a large single family home, which the developer would prefer. Various heritage motifs have been identified in the existing home which could possibly be used in the new homes constructed in this area to help maintain the historic flavour of this property.

With respect to the restoration of the existing house, Mr. Sheppard noted that only a few changes have been made to it over the years, including changes to the dormer windows and the addition of stone to the base. The developer intends to remove this stone to expose the original sandstone base and restore the dormer windows. It is possible that some additional windows may be installed as well, however, the majority of the house will be retained as it is. Mr. Fowler advised that an application for the restoration of the heritage home will be submitted to the City separately, most likely by the end of November. The Manager of Development indicated that any changes to the use of the existing heritage building to increase the number of units would be considered a Discretionary Use because of the heritage designation. Residents would be notified when the application is submitted. The notification may simply ask for comments to be submitted to the City Clerk's Office or it may advise that another public meeting has been scheduled.

**Jeremy Ibson – 7 Shaw Street**

Mr. Ibson expressed his concern about the number of houses proposed and the impact on the existing traffic situation. He noted that he was particularly concerned that there would be more people backing out onto Shaw Street as there is a problem with speeding in this particular area. Cars come off of Topsail Road onto Shaw Street at a high rate of speed. He inquired if the City is currently looking at traffic calming measures for this area. The Manager of Development advised that he was unsure if the Traffic Division was currently reviewing this area, however, he noted he would pass on the request to the City's Transportation Engineer.

**Fred Winsor – 53 Warbury Street**

Mr. Winsor offered the following comments and suggestions regarding the proposed development:

- Retain the green mask around the perimeter of the property. The trees function as an important calming and stabilizing aesthetic in this part of the City as well as providing a wonderful natural habitat for many bird species.
- Replace low density single family units with 3-4 storey high end, high density row housing – urban development vs. suburban development.
- Make 15% of the units be affordable housing to provide a mix.
- Make the street one-way on the property with all housing on one side of the street to facilitate snow clearing and safer access.
- Make row houses to conform with the architectural style of Richmond Hill cottage and Queen Anne style to provide continuity and a sense of place in the neighbourhood.

**Kate O'Brien – 18 Topsail Road**

Ms. O'Brien expressed concern with the existing topography of the subject property and how changing it may impact her property with respect to drainage. Mr. Fowler advised that the grade of this lot would only be changed to meet the level of the existing basement, which has a 9.6 ft. ceiling. The corner portion of the lot will have its grade raised because it is below street level. As many trees as possible will be preserved which will help with the natural drainage and the property will be tied into the City's existing storm sewer.

Ms. O'Brien referenced Lot #6, which will have a long driveway located off Topsail Road, and she inquired if there was any plans to change the grade of this portion of the subject property. Mr. Fowler indicated that there are no plans to change the grade in this area as there are a number of significant trees that he wants to preserve. The driveway will be on the other side of those trees. The proposed house for this site will be designed to fit with the existing topography.

**Pat O'Brien – 16 Topsail Road**

Mrs. O'Brien inquired about the developer's plans for Lot #7, which sits behind Lot #6 with the long driveway. Mr. Fowler advised that this lot is part of the cul-de-sac plan. Once the cul-de-sac is cut in, the lot will slope up from the road. The house will be two storeys at the front and three at the rear with a walk out basement. The house will be designed to fit with the existing landscape. He again noted that the plan is to preserve as many trees as possible and have the new houses designed to fit with the topography of the site.

As a point of clarification, the Manager of Development noted that should Council ultimately decide to approve the rezoning of the subject property, as part of the detailed review, the developer would be required to submit a grading plan. The grading plan would pick up the grades of the subject property as well as other properties which abut it. The developer would not

be permitted to increase the grade in any way that would increase run-off on the abutting properties.

**Richard Mandeville – 1 Shaw Street**

Mr. Mandeville indicated that while the intention of trying to preserve as many trees as possible is a good one, the reshaping of the land as proposed by the developer will mean that there will be many trees lost. He inquired about the actual percentage of trees that are proposed to be kept. He suggested that with the amount of land reshaping discussed, the actual amount of trees that would be lost would be close to 80%. Mr. Mandeville also pointed out that the traffic on Topsail Road/Shaw Street intersection is bad. Additional driveways on the lower section of Shaw Street would likely be problematic given the speeding problems in this particular area. He suggested that this aspect of the development should be reviewed before any approvals are given. Mr. Mandeville also inquired about the time frame for site preparation, i.e. grading, street layout/construction, should the development proceed.

Mr. Fowler advised that the engineering firm contracted for this project will be preparing the grading plan and putting together detailed specifications for this development. The construction of the cul-de-sac could take 1-1½ months barring any unforeseen problems. Regarding the preservation of existing trees, Mr. Fowler suggested that it would be very foolhardy to remove a lot of trees from this site, especially given the type of high-end development being planned. He noted that the trees on the section of the land to be rezoned as R1 will be lost in order to develop this portion of the site.

With respect to the traffic issue, Mr. Fowler noted that prior to the start of the meeting, an area resident suggested that installing a three-way stop at the Topsail Road/Shaw Street intersection might be a way of addressing the speeding problem in the area. City Staff have indicated that they would bring the suggestion to the attention of the City's Transportation Engineer for consideration.

**Karen Moores – 19 Shaw Street**

Ms. Moores noted that she has lived in the neighbourhood for 43 years and is very familiar with the subject property. She noted that there are a lot of beautiful red maple trees, especially along the north side of the existing house, and she inquired if these trees, in particular, would be preserved. Mr. Fowler indicated that the trees at the south and east sides of the house would be preserved and culled out to admit more light. Unfortunately, some of the trees on the north side will have to be removed to allow for additional lot grading and the construction of the proposed cul-de-sac. He noted that it is in his interest to preserve as many trees as possible. In response to

Ms. Moores also inquired about the types of homes being proposed for this development. In response, Mr. Fowler indicated that the homes proposed for this development will be upscale and likely valued at between \$500,000 to \$1,000,000.

**Richard Ellis – 29 Topsail Road**

Mr. Ellis noted that he frequently parks on Shaw Street in front of what is proposed to be Lot #4, and he is well aware of the speeding and traffic problems. He inquired about the removal of trees to facilitate construction of the driveway for Lot #5 (off Topsail Road) and increase sight

distance for the future homeowner to exit the driveway. He suggested that most, if not all the trees along the front of this property will have to be removed for that purpose. He expressed concern that removing all of those trees would be a huge loss of the defining characteristics of the neighbourhood. Mr. Ellis also noted that there is a lot of brush along the front of this lot as well, and he suggested that if the brush was removed, it would allow more trees to remain.

Mr. Fowler once again advised that the retention of existing trees is important for the success of the proposed development. He referenced his earlier comments about a possible three-way stop at the intersection of Shaw Street and Topsail Road, and he indicated that it is important to get some input from the Engineering Department on this suggestion. The Manager of Development reiterated that should Council make a decision to proceed with the rezoning, then the developer would be expected to submit a more detailed site plan. The City has a major specification book that outlines how to design a subdivision and what is required by the City. Part of that process is a review of driveway locations by the City's Transportation Engineer, including sight distance on the corners and at intersections. He noted that at this particular stage in the application process, the City does not expect the applicant to spend a lot of money on detailed plans in the hopes that the rezoning application is approved. It is only when Council approves the application that the applicant will be required to provide more detailed plans.

**Doug Grouchy – 22 Shaw Street**

Mr. Grouchy advised that he purchased his property a couple of years ago but was unable to get a boundary agreement from the owner of the Sparkes property. He indicated that he would like to see the survey for the subject property to ensure that it matches the survey for his property. Mr. Fowler asked that Mr. Grouchy provide him with a copy of his survey so that the boundaries of both properties can be reviewed to ensure that all is in order. Mr. Grouchy also noted that there is a large tree on the boundary of his property and Lot #13, and he asked if it would be possible to preserve this tree. Mr. Fowler noted that Lot #13 is a little wider than the other three R1 lots, so there is some room to preserve the tree.

Finally, Mr. Grouchy noted that Lot #13 is located over a culverted river, and he inquired if there would be any design concerns because of that. Mr. Fowler indicated that this issue is something that the consulting engineer would have to examine before moving forward with design plans for the lot.

**Joan Hiller – Craigmillar Avenue**

Ms. Hiller expressed her concern about the loss of trees and green space as a result of this development. She suggested that the entire property should be developed as RA lots, and she indicated that the lots on the northwest corner would be too dense if they were developed as R1 lots. Mr. Fowler indicated that the R1 lots will provide a transition area from the R3 zoning on Warbury Street to the RA lots. He also noted that preserving trees is an important part of this development as it provides value to the project. Realistically, some trees will be lost, but there is enormous benefit to keeping as many trees as possible.

**Mr. Dinn – 11 Shaw Street**

Mr. Dinn agreed with Ms. Hiller's suggestion that the property should be developed as all RA lots, however, he noted any development of the subject property will add to the already problematic traffic congestion. With respect to the traffic issue, Mr. Dinn inquired about a firm commitment from the City to have a three-way stop installed at the Topsail Road/Shaw Street intersection. He noted that he is not confident with just looking at the feasibility of a three-way stop, and he suggested that a firm commitment should be made in this regard.

Mr. Dinn also noted that he was concerned with the proposed cul-de-sac, noting that because of the grade required, it will be difficult to preserve trees. Once the drainage and root systems are impacted by the cul-de-sac construction, the health of the trees will be at risk.

**Fred Winsor – Warbury Street**

Mr. Winsor indicated that the concerns of area residents regarding traffic and additional driveways onto Topsail Road and Shaw Street is a good reason to look at having only one main access road from this property. The development could be reconfigured around having only one main road and that would eliminate a lot of the issue with cars backing out into an already busy street.

Mr. Winsor also reiterated his suggestion to retain the green mask around the perimeter of the property, noting that it is very important to do so. He also noted that the aesthetics of the development is important as well, and it is something that the developer should keep in mind when designing the new homes.

Regarding the preservation of trees, Mr. Winsor inquired if the City would be able to restrict the developer from cutting down trees. The Manager of Development advised that the City does not require private property owners to have a permit to cut down trees on their own property. However, the City does control the cutting down of public trees which overhang City property.

**Adjournment**

There being no further comments or questions from those in attendance, the meeting was adjourned at 8:05 p.m.

Councillor Frank Galgay  
Chairperson

Members of Council supporting the motion were satisfied that the developers' revisions to the issues/concerns raised by the residents at the public meeting had been adequately addressed.

Councillor Collins objected to the motion indicating concerns relative to increased traffic on Ruby Line and Green Acre Drive; the impact of upstream development on downstream properties (flooding) and the residents request for buffer space.

Councillor Hann also objected to the motion because he felt the seniors' issues on Gisborne Place have not been satisfactorily addressed.

**The motion being put was carried with Councillors Collins and Hann dissenting.**

- b. **Public Meeting Report dated October 27, 2010**  
**Re: Civic No. 10 Shaw Street – Proposed Rezoning from the Residential Special (RA) Zone to the Residential Low Density (R1) Zone to allow a 12 Lot Residential Subdivision, Applicant Wrightland Development Corporation**  
**Memorandum dated November 4, 2010 from the Director of Planning**

Councillor Galgay presented a public meeting report dated October 26, 2010 which was held to provide an opportunity for public review and comment on the application submitted by Wrightland Development Corporation to rezone a portion of the property at Civic No. 10 Shaw Street (corner of Topsail Road and Shaw Street), from the Residential Special (RA) Zone to the Residential Low Density (R1) Zone, to allow the development of a residential subdivision.

In this regard, Council considered a memorandum dated November 4, 2010 from the Director of Planning.

**SJMC2010-11-08/612R**

**It was moved by Councillor Galgay; seconded by Councillor Deputy Mayor Collins: That an application by Wrightland Development Corporation to rezone a portion of the property at Civic No. 10 Shaw Street (corner of Topsail Road and Shaw Street), from the Residential Special (RA) Zone to the Residential Low Density (R1) Zone, to allow the development of a 12-Lot Residential Subdivision, be approved, and that the following Resolution for St. John's Development Regulations Amendment Number 498, 2010 be**

**adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial Registration of the amendment in accordance with the provisions of the Urban and Rural Planning Act:**

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 498, 2010**

**WHEREAS** the City of St. John's wishes to amend the St. John's Development Regulations in order to permit the development of a residential subdivision at Civic 10 Shaw Street;

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act, 2000:

**Rezone a portion of the property situated at Civic Number 10 Shaw Street from the Residential Special (RA) Zone to the Residential Low Density (R1) Zone as shown on Map Z-1A attached.**

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 8<sup>th</sup> day of November, **2010**.

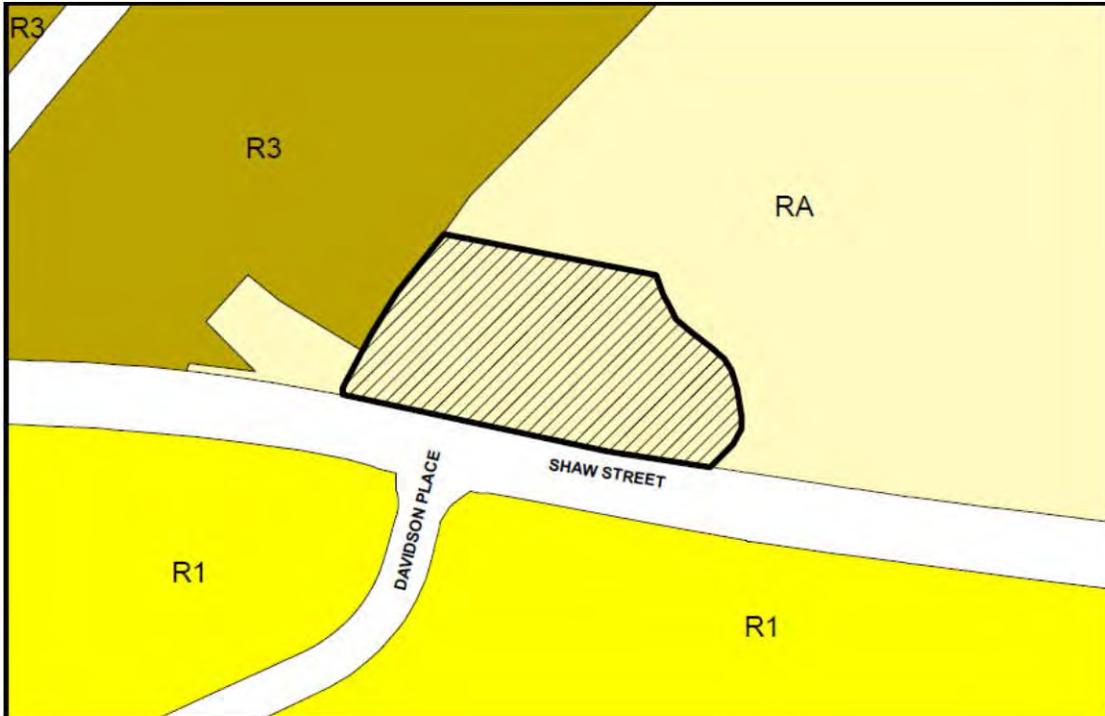
\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Director of Corporate Services/  
City Clerk**

\_\_\_\_\_  
**Provincial Registration**

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
MCIP



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 498, 2010  
[Map Z-1A]**

2010 11 01 SCALE: 1:1500  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING

I hereby certify that this amendment  
has been prepared in accordance with the  
Urban and Rural Planning Act.



AREA PROPOSED TO BE REZONED FROM  
RESIDENTIAL SPECIAL (RA) LAND USE ZONE TO  
RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE

10 SHAW STREET - formerly 18 Topsail Road  
(Richard Cottage property)

\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

Provincial Registration

Discussion ensued, during which all members of Council indicated their support of the development, were pleased that the development plan respects the historic characteristics of the existing home; that the section of Topsail Road is proposed to be subject to traffic calming measures and the developer intends to preserve as many trees as possible. Deputy Mayor Duff suggested that the Municipal Arborist work with the developer in terms of how to maximize saving the trees. Councillor O'Leary suggested that the development process include having the trees earmarked.

**Following discussion, the motion being put was unanimously carried.**

### **Notices Published**

1. **A Discretionary Use Application** has been submitted by Lori Long requesting permission to occupy **Civic No. 19 Mountainview Drive** as a Home Occupation for a Food Delivery Service. The proposed business will occupy a floor area of approximately 14m<sup>2</sup> on the main floor and will operate Monday-Friday, 9 a.m. to 9 p.m. Deliveries will take place Sundays and Wednesdays. The business involves preparing and cooking meals on domestic cooking equipment and is a delivery service only. Four (4) on-site parking spaces are provided. The applicant is the sole employee. **(Ward 5)**

One (1) Submission of Objection

### **SJMC2010-11-08/613R**

**It was moved by Councillor Collins; seconded by Councillor Breen: That the application be approved.**

Councillor Collins noted that the parking spaces available are adequate for the proposed business and therefore will not negatively impact the neighbourhood.

**The motion being put was unanimously carried.**

### **Development Committee Report dated October 26, 2010**

Council considered the following Development Committee Report dated November 2, 2010:

# COUNCIL DIRECTIVE

## REGULAR MEETING

**Date: 2010/11/08 12:00:00 AM**

**CD# R2010-11-08/1**

**To:** Cliff Johnston  
**Position:** Director of Planning  
**RE:** Council Directive #R2010-09-20/24  
Department of Planning File Number S-25-T.9  
Civic Number 10 Shaw Street  
Proposed Rezoning from the Residential Special (RA) Zone to the Residential Low Density (R1) Zone to allow a 2-Lot Residential Subdivision  
Applicant: Wrightland Development Corporation

**DECISION:** Council agreed that an application by Wrightland Development Corporation to rezone a portion of the property at Civic No. 10 Shaw Street (corner of Topsail Road and Shaw Street), from the Residential Special (RA) Zone to the Residential Low Density (R1) Zone, to allow the development of a 12-Lot Residential Subdivision, be approved, and that the following Resolution for St. John's Development Regulations Amendment Number 498, 2010 be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial Registration of the amendment in accordance with the provisions of the Urban and Rural Planning Act:

**Action:** As required.  
**Date:** 2010/11/09  
**Signed by:** Neil A. Martin  
Deputy City Manager/Director of Corporate Services & City Clerk

**Status Comments:**

**Closed By:** Phyllis Bartlett

mem

**cc:**

Eng./Plan./Bldg.(Minus Cliff)

**Response Required:** YES  
**Response deadline:** 2010/12/31  
**Response Received:**

# Report/Recommendations Heritage Advisory Committee

August 23, 2011

In Attendance: Deputy Mayor Shannie Duff, Chairperson  
Councillor Sheilagh O'Leary  
Wayne Purchase, Downtown St. John's  
David Kelland, NL Association of Architects  
George Chalker, Heritage Foundation of NL  
Tony Lockyer, NL Homebuilders Association  
Melanie Del Rizzo, Citizen Representative  
Gerard Hayes, Citizen Representative  
Sylvester Crocker, Manger of Technical Services  
Ken O'Brien, Manager of Planning & Information  
Peter Mercer, Heritage Officer  
Helen Miller, City Archivist  
Alannah Wicks, Archives Division  
Kelly Butler, Recording Secretary

Also in attendance was Dave Bartlett with The Telegram.

## **1. Delegation re: Proposed Subdivision of Property and Subdivision of Existing Heritage Dwelling Into Two (2) Dwelling Units – Civic No. 18 Topsail Road (2 Shaw Street)**

---

The Committee met with Mr. Paul Fowler, Wrightland Development and Mr. Beaton Sheppard, Sheppard Case Architects, to discuss the above noted application.

Mr. Sheppard provided some visual representations of the plans to redevelop the site, which is 3.4 acres, for a single detached housing subdivision. There will be four houses off the new cul-de-sac, including the existing heritage house, with six units off Shaw Street and two units off Topsail Road. The plans also include dividing the existing heritage house into two separate units, while maintaining many of its heritage characteristics such as the sky light, fire places, and windows. A garage for each unit will be constructed on either side of the house, and a conservatory area for each unit will be constructed on the roof of the dwelling. In addition, the main entrance of the dwelling will front on the new cul-de-sac located off Shaw Street, with a separate entrance for each unit. Currently, the main entrance faces onto Topsail Road.

**The Committee recommends that the application to redevelop the heritage designated house at Civic No. 18 Topsail Road be approved as presented.**

# ST. JOHN'S

- NOTES:
1. DO NOT SCALE FROM THIS DRAWING.
  2. CONTRACTOR TO VERIFY DIMENSIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.

No.	Description	Date
A	ISSUED FOR DEVELOPMENTAL APPROVAL	AUGUST 12, 2011

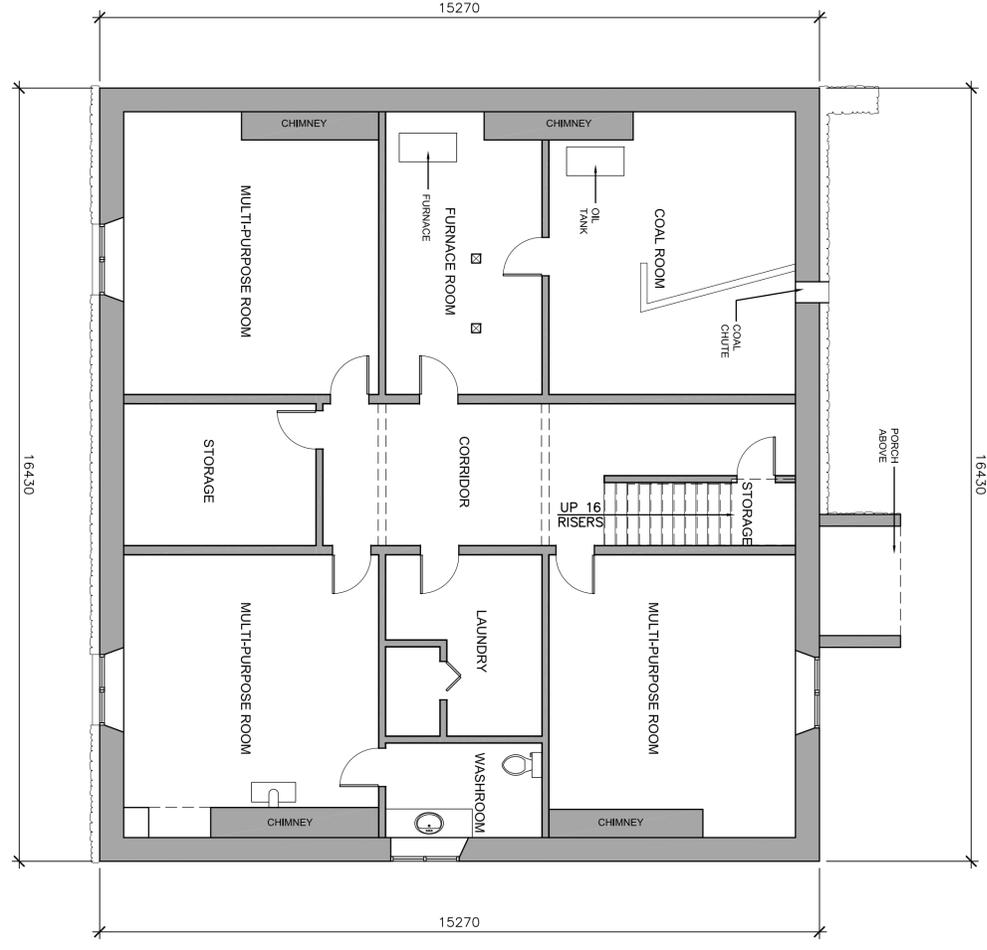
Stamp

**SHEPPARD CASE**  
ARCHITECTS INC  
683 Water Street  
St. John's, NF  
Canada A1E 1B5  
Tel (709) 353-2122  
Fax (709) 353-4469  
www.sheppardcasearchitects.ca

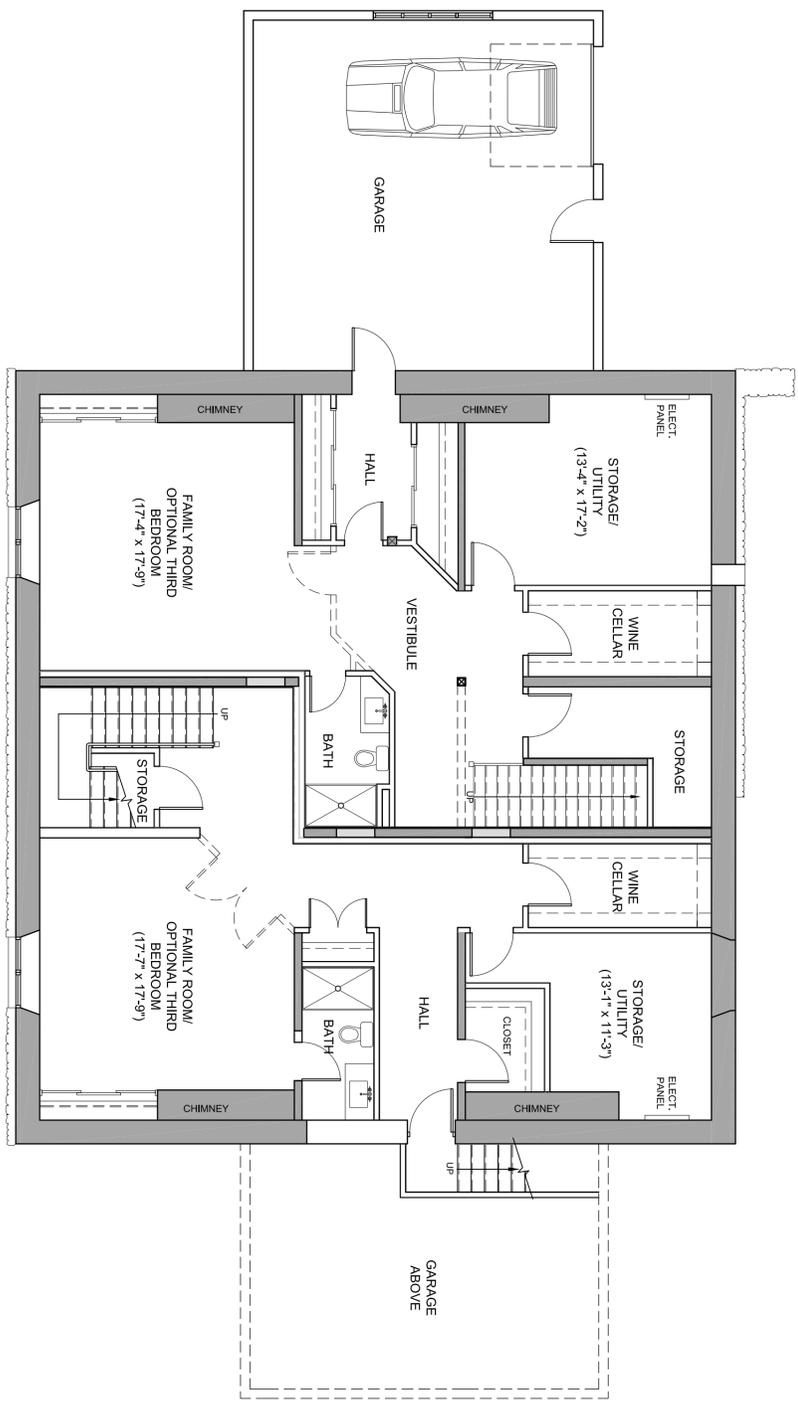
Client  
**wrightland**  
DEVELOPMENT CORPORATION

Project  
**MACLEA PARK**  
DOWNTOWN ST. JOHN'S

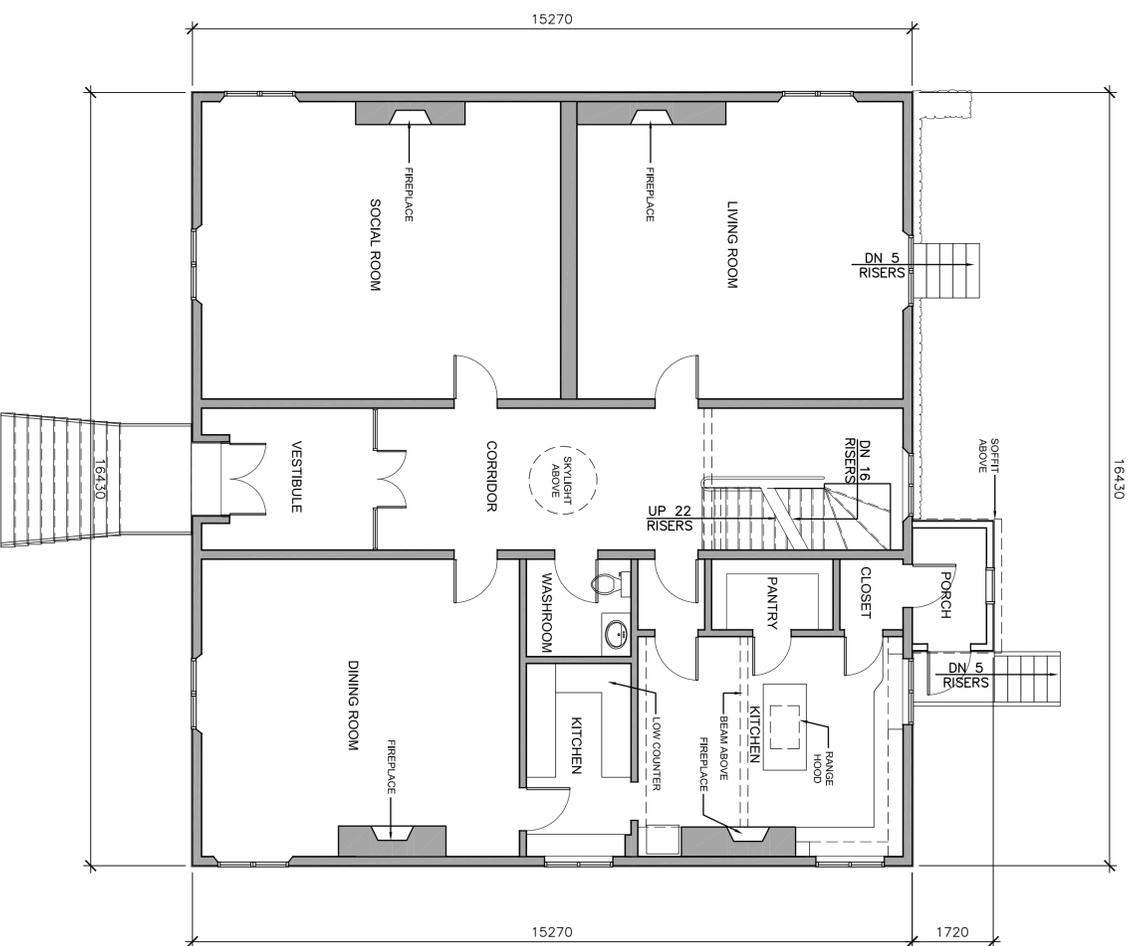
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Scale	1:75
Date	SEPTEMBER 2011
Drawn by	A. FILLER
Checked by	B. SHEPPARD
Drawing Number	<b>1187 - A1</b>



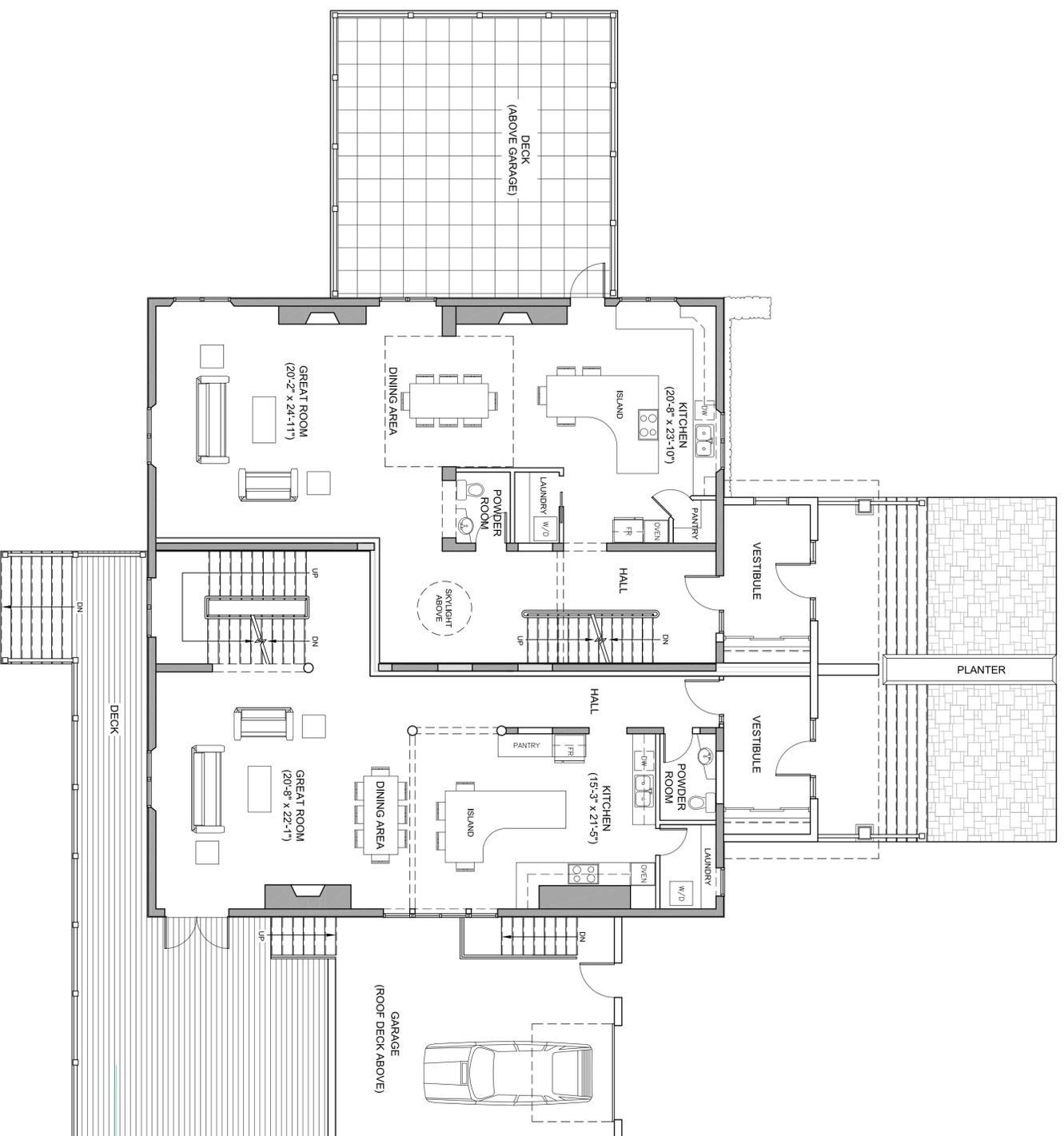
**EXISTING BASEMENT PLAN**  
SCALE 1:75



**NEW BASEMENT PLAN**  
SCALE 1:75



**EXISTING LEVEL 1 PLAN**  
SCALE 1:75



**NEW LEVEL 1 PLAN**  
SCALE 1:75

- NOTES:
1. DO NOT SCALE FROM THIS DRAWING.
  2. CONTRACTOR TO VERIFY DIMENSIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.

No.	Description	Date
A	ISSUED FOR REGULATORY APPROVAL	AUGUST 12, 2011

Stamp

**SHEPPARD CASE**  
ARCHITECTS INC  
683 Water Street  
St. John's, NF  
Canada A1E 1B5  
Tel (709) 753-1132  
Fax (709) 753-4469  
www.sheppardcasearchitects.ca

Client  
**wrightland**  
DEVELOPMENT CORPORATION

Project  
**MCLEA PARK**  
DOWNTOWN ST. JOHN'S

Drawing Title  
**EXISTING HOUSE LEVEL 1 PLANS**

Scale  
1:75

Date  
SEPTEMBER 2011

Drawn by  
A. FULLER

Checked by  
B. SHEPPARD

Drawing Number  
**1187 - A2**

RA

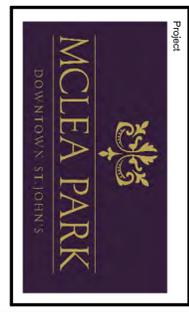


- NOTES:
1. DO NOT SCALE FROM THIS DRAWING.
  2. CONTRACTOR TO VERIFY DIMENSIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.

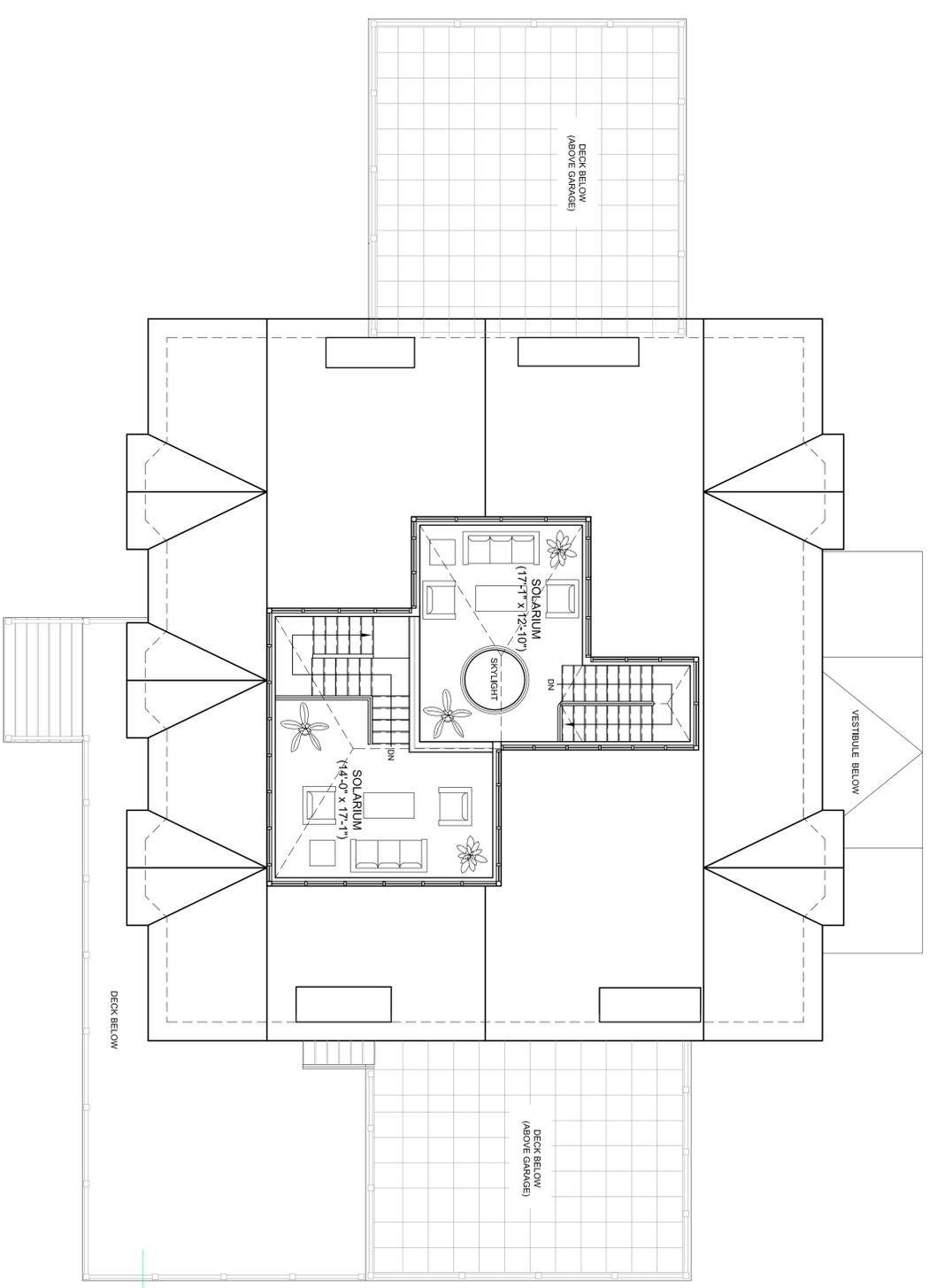
No.	Description	Date
A	ISSUED FOR PERIC/PERENTIAL APPROVAL	AUGUST 12, 2011

Stamp

**SHEPPARD CASE**  
ARCHITECTS INC  
483 Water Street  
St. John's, NF  
Canada A1E 1B5  
Tel (709) 353-2122  
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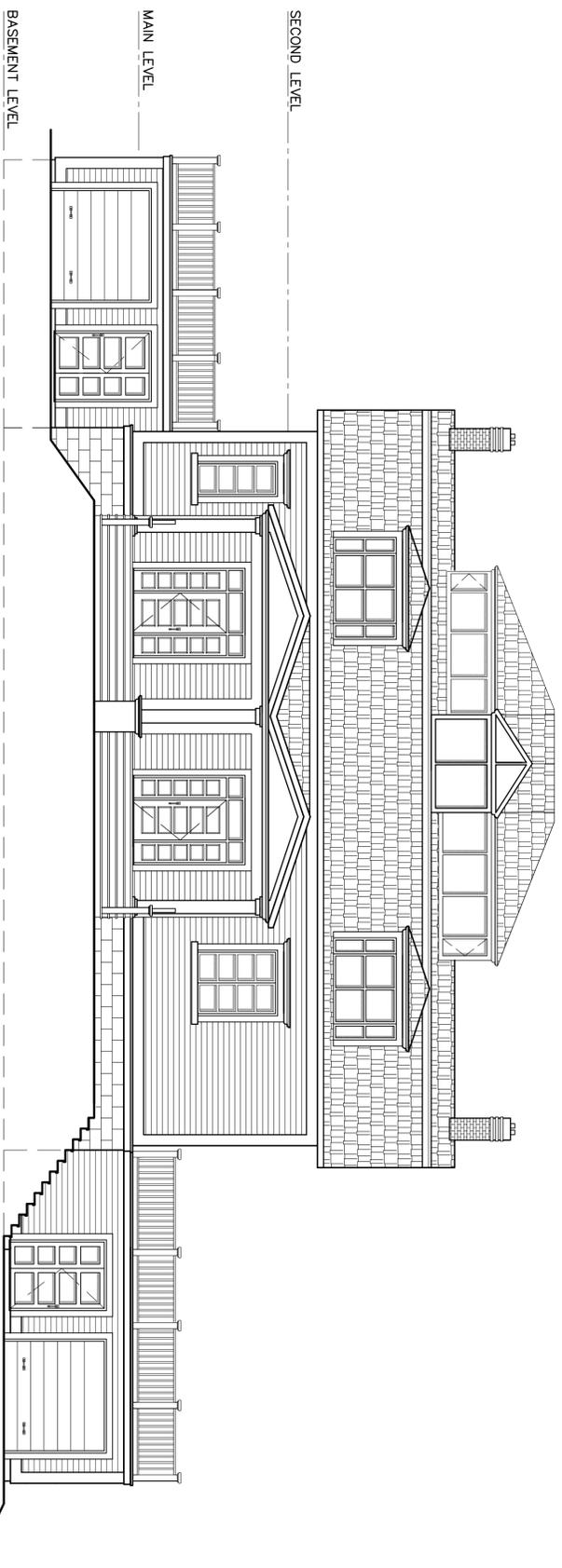


Drawing Title	
<b>EXISTING HOUSE ROOF PLAN</b>	
Scale	1:75
Date	SEPTEMBER 2011
Drawn by	A. FILLER
Checked by	B. SHEPPARD

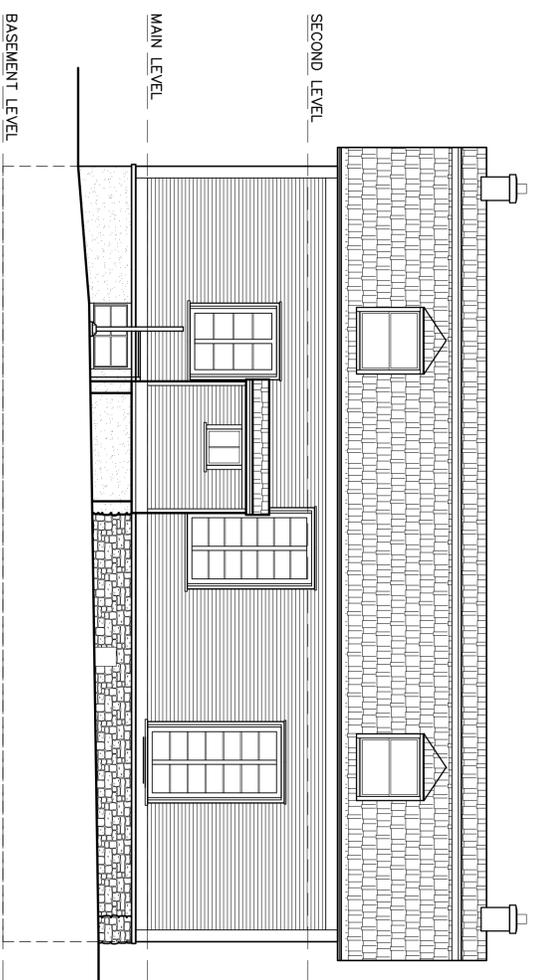


**NEW ROOF PLAN (SOLARIUM)**  
SCALE 1:75

- NOTES:
1. DO NOT SCALE FROM THIS DRAWING.
  2. CONTRACTOR TO VERIFY DIMENSIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.



**NEW NORTH ELEVATION**  
SCALE 1:75



**EXISTING NORTH ELEVATION**  
SCALE 1:75

No.	Description	Date
A	ISSUED FOR DESIGN/PERMIT APPROVAL	AUGUST 12, 2011

Stamp

**SHEPPARD CASE**  
ARCHITECTS INC  
683 Water Street  
St. John's, NF  
Canada A1E 1B5  
Tel (709) 753-1132  
Fax (709) 753-4469  
www.sheppardscasearchitects.ca

Client  
**wrightland**  
DEVELOPMENT CORPORATION

Project  
**MCLEA PARK**  
DOWNTOWN ST. JOHN'S

Drawing Title  
**EXISTING HOUSE  
NORTH ELEVATIONS**

Scale  
1:75

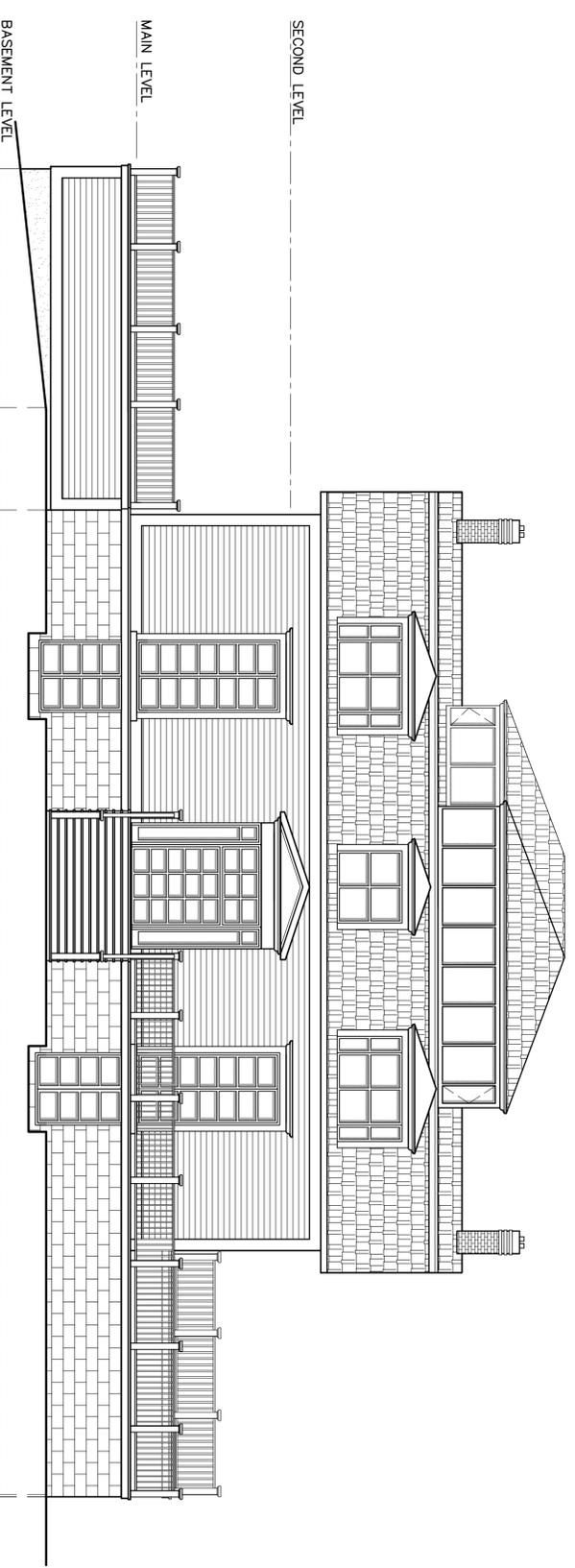
Date  
SEPTEMBER 2011

Drawn by  
A. FULLER

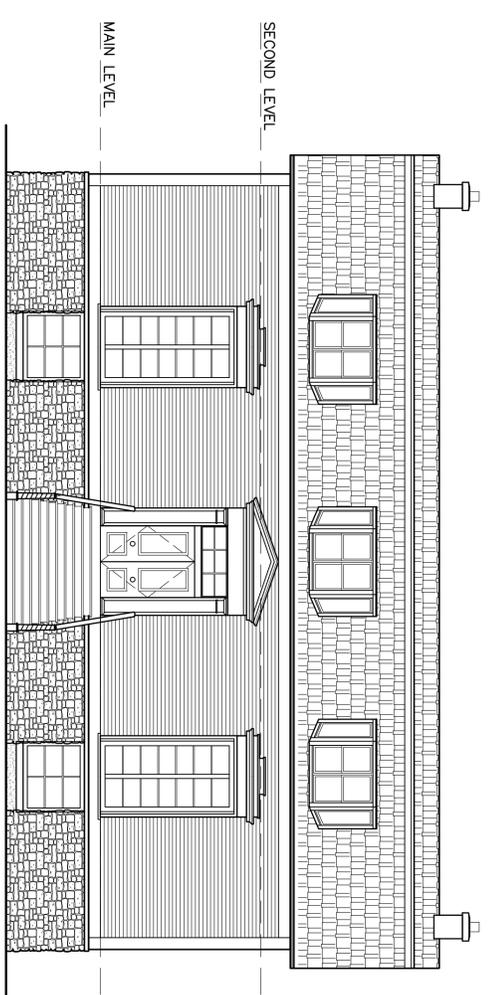
Checked by  
B. SHEPPARD

Drawing Number  
**1187 - A5**  
RA

- NOTES:
1. DO NOT SCALE FROM THIS DRAWING.
  2. CONTRACTOR TO VERIFY DIMENSIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.



**NEW SOUTH ELEVATION**  
SCALE 1:75



**EXISTING SOUTH ELEVATION**  
SCALE 1:75

No.	Description	Date
A	ISSUED FOR DEVELOPMENTAL APPROVAL	AUGUST 12, 2011

Stamp

**SHEPPARD CASE**  
ARCHITECTS INC  
483 Water Street  
St. John's, NF  
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Tel (709) 753-2122  
Fax (709) 753-4469  
www.sheppardcasearchitects.ca

Client  
**wrightland**  
DEVELOPMENT CORPORATION

Project  
**MCLEA PARK**  
DOWNTOWN ST. JOHN'S

Drawing Title	
<b>EXISTING HOUSE SOUTH ELEVATIONS</b>	
Scale	1:75
Date	SEPTEMBER 2011
Drawn by	A. FILLER
Checked by	B. SHEPPARD

Drawing Number  
**1187 - A6**  
RA

- NOTES:
1. DO NOT SCALE FROM THIS DRAWING.
  2. CONTRACTOR TO VERIFY DIMENSIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.

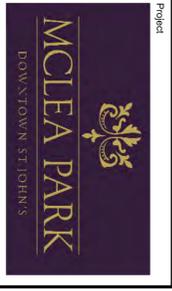
No.	Description	Date
A	ISSUED FOR PERMISSIVEAL APPROVAL	AUGUST 12, 2011

Stamp



**SHEPPARD CASE**  
ARCHITECTS INC  
883 Water Street  
St. John's, NF  
Canada A1E 1B5  
Tel (709) 753-1132  
Fax (709) 753-4469  
www.sheppardcasearchitect.ca

Client



Drawing Title

**EXISTING HOUSE  
EAST ELEVATIONS**

Scale 1:75

Date SEPTEMBER 2011

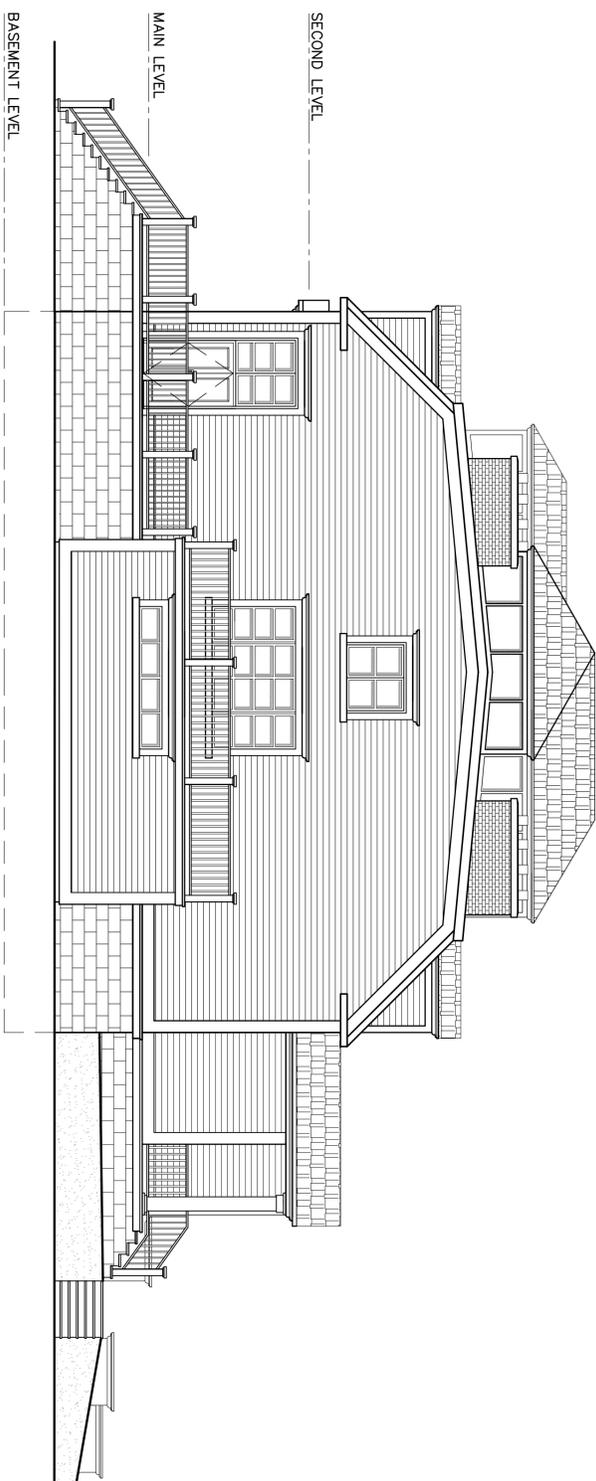
Drawn by A. FULLER

Checked by B. SHEPPARD

Drawing Number

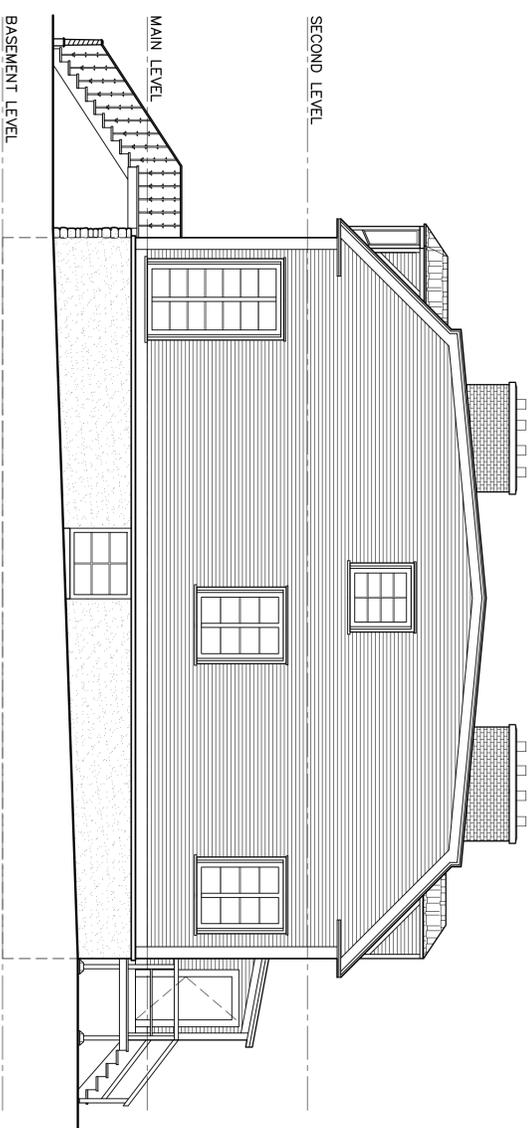
**1187 - A7**

RA



**NEW EAST ELEVATION**

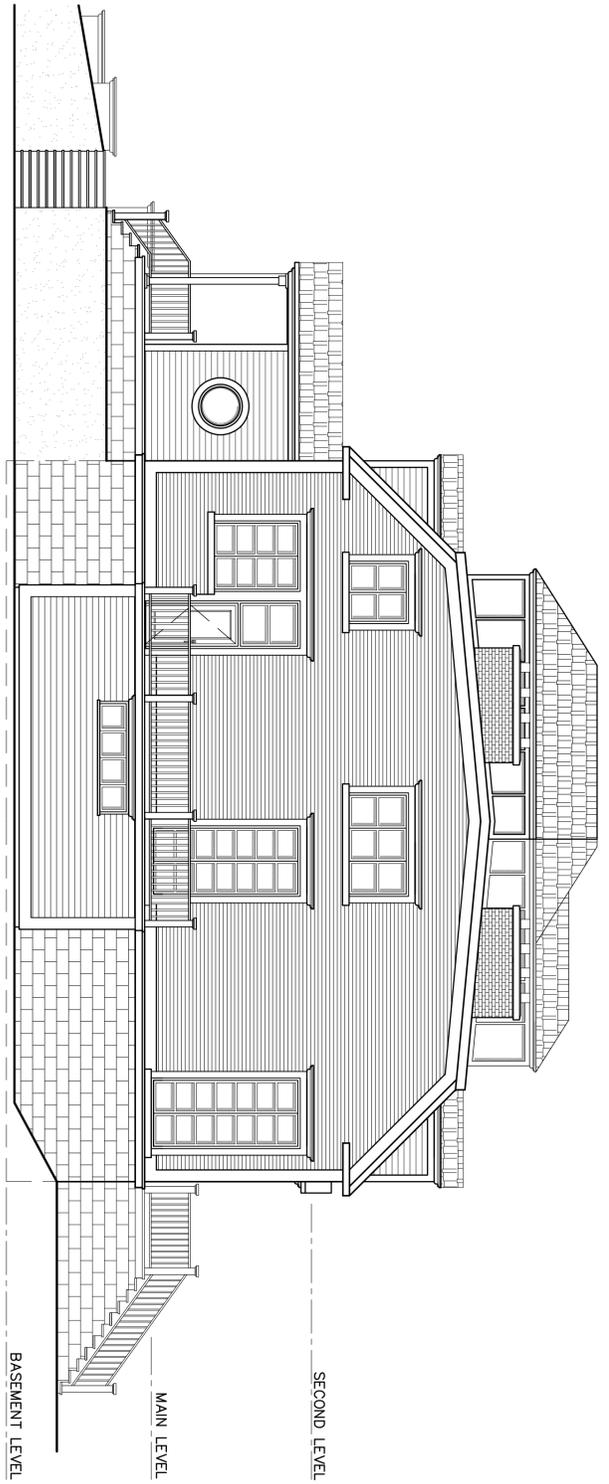
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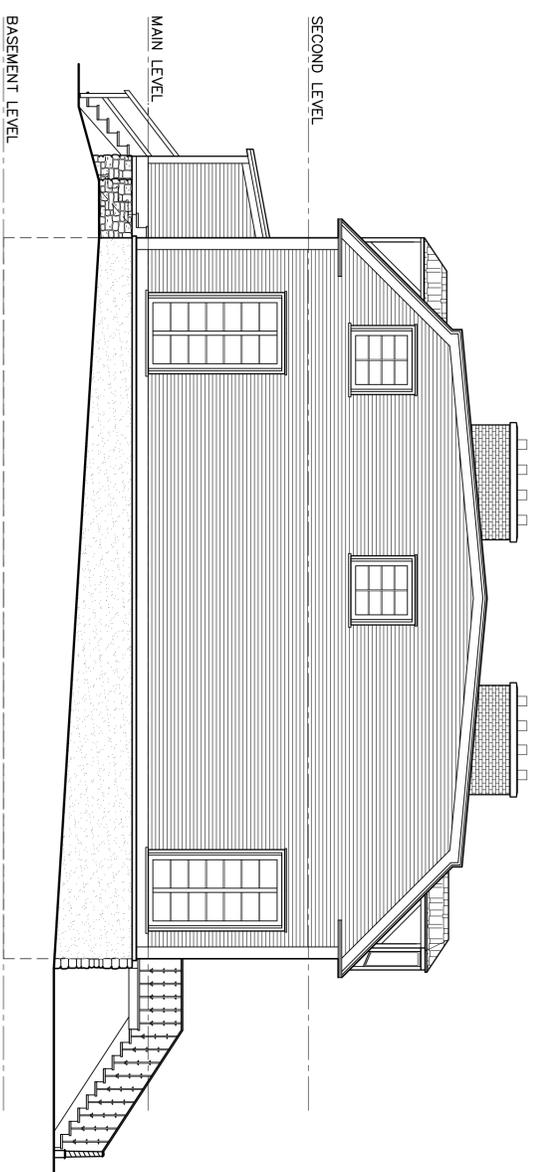
**EXISTING EAST ELEVATION**

SCALE 1:75

- NOTES:
1. DO NOT SCALE FROM THIS DRAWING.
  2. CONTRACTOR TO VERIFY DIMENSIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.



**NEW WEST ELEVATION**  
SCALE 1:75



**EXISTING WEST ELEVATION**  
SCALE 1:75

No.	Description	Date
A	ISSUED FOR DEVELOPMENTAL APPROVAL	AUGUST 12, 2011

Stamp

**SHEPPARD CASE**  
ARCHITECTS INC

683 Water Street  
St. John's, NF  
Canada A1E 1B5

Tel (709) 753-2122  
Fax (709) 753-4469  
www.sheppardcasearchitects.ca

Client

**wrightland**  
DEVELOPMENT CORPORATION

Project

**MCLEA PARK**  
DOWNTOWN ST. JOHN'S

Drawing Title	
<b>EXISTING HOUSE WEST ELEVATIONS</b>	
Scale	1:75
Date	SEPTEMBER 2011
Drawn by	A. FILLER
Checked by	B. SHEPPARD

Drawing Number  
**1187 - A8**

RA

# COUNCIL DIRECTIVE

## REGULAR MEETING

**Date: 2011/09/06 12:00:00 AM**

**CD# R2011-09-06/15**

**To:** Dave Blackmore  
**Position:** Director of Building & Property Management  
**RE:** Heritage Advisory Committee - August 23, 2011  
Item # 1 - Delegation re: Proposed Subdivision of Property and Subdivision of Existing Heritage Dwelling Into Two (2) Dwelling Units - Civic No. 18 Topsail Road (2 Shaw Street)

**DECISION:** Council agreed to the Committee's recommendation that the application to redevelop the heritage designated house at Civic No. 18 Topsail Road be approved as presented.

**Action:** As required.  
**Date:** 2011/09/06  
**Signed by:** Neil A. Martin  
Deputy City Manager/Director of Corporate Services & City Clerk

### Status Comments:

**Closed By:** Dave Blackmore

kd

**cc:** Eng./Planning/Bldg.; Peter Mercer/Heritage Officer/Building & Property Management

**Response Required:** YES  
**Response deadline:** 2011/10/28  
**Response Received:**  
**Attachments:**

# COUNCIL DIRECTIVE

## REGULAR MEETING

**Date: 2011/10/24 12:00:00 AM**

**CD# R2011-10-24/7**

**To:** Cliff Johnston  
**Position:** Director of Planning  
**RE:** Council Directive R2011-10-03/10 - Dept. of Planning File Number S-25-S.15  
Proposed Text Amendment to the St. John' Development Regulations  
Introduction of "Heritage Uses" into the Residential Special (RA) Zone &  
Proposed Heritage Use at Civic Number 10 Shaw Street (Ward 2)  
Applicant: Wrightland Development Corporation

**DECISION:** Council approved the application from the Wrightland Development Corporation to convert the existing Heritage Building at Civic Number 10 Shaw Street into two (2) dwelling Units, subject to approval by the applicant of all applicable requirements of the City's Department of Building and Property Management and Department of Engineering; and further, adopted as presented the Resolution for St. John's Development Regulations Amendment Number 521, 2011, which will then be referred to the Department of Municipal Affairs with a request for Provincial Registration of the amendment.

**Action:** As required.  
**Date:** 2011/10/24  
**Signed by:** Neil A. Martin  
Deputy City Manager/Director of Corporate Services & City Clerk

**Status Comments:**  
**Closed By:** Cliff Johnston  
mem  
**cc:**  
Eng./Plan./Bldg.(Minus Cliff)

**Response Required:** YES  
**Response deadline:** 2011/11/11  
**Response Received:**  
**Attachments:**

**Excerpt from October 24, 2011 regular council meeting**

**Proposed Text Amendment to the St. John's Development Regulations Introduction of "Heritage Uses" into the Residential Special (RA) Zone & Proposed Heritage Use at Civic Number 10 Shaw Street (Ward 2)**

**Applicant: Wrightland Development Corporation**

**(One (1) letter of objection to the application regarding 10 Shaw Street)**

Under business arising, Council considered a memorandum dated October 19, 2011 from the Director of Planning regarding the above noted.

**SJMC2011-10-24/528R**

**It was moved by Councillor Galgay; seconded by Councillor Hann: That the proposed text amendment to the St. John's Development Regulations to introduce "Heritage Use" as a Discretionary Use in the Residential Special (RA) Zone, be approved.**

**The motion being put was unanimously carried.**

**SJMC2011-10-24/529R**

**It was moved by Councillor Galgay; seconded by Councillor Hanlon: That the following Resolution for St. John's Development Regulations Amendment Number 521, 2011 be adopted which will then be referred to the Department of Municipal Affairs with a request for Provincial Registration of the amendment:**

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 521, 2011**

**WHEREAS** the City of St. John's wishes to include "Heritage Use" as a Discretionary Use in the Residential - Special (RA) Zone.

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act:

**Add to Section 10.1.2 (Discretionary Uses in the Residential Special (RA) Zone - "Heritage Use (except for an Office, a Boarding or Lodging House and/or a Restaurant)".**

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**IN WITNESS THEREOF** the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on Behalf of Council this 24<sup>th</sup> day of October, 2011.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

\_\_\_\_\_  
MCIP

**The motion being put was unanimously carried.**

**SJMC2011-10-24/530R**

**It was then moved by Councillor Galgay; seconded by Councillor Hanlon: That application from the Wrightland Development Corporation to convert the existing Heritage Building at Civic Number 10 Shaw Street into two (2) dwelling Units, be approved, subject to approval by the applicant of all applicable requirements of the City's Department of Building and Property Management and Department of Engineering.**

**The motion being put was unanimously carried.**

**Notices Published**

**1. A Discretionary Use Application** has been submitted Crane Services Limited requesting permission to construct an equipment storage building at **Civic No. 220-222 Main Road**. The proposed building which is be used to shelter three (3) utility trailers owned by the applicant will measure 8m x 12m and will be located at the rear of the property. **(Ward 3)**

**Petition of Support**

**SJMC2011-10-24/531R**

**It was moved by Councillor Collins; seconded by Councillor Hanlon: That the application be approved.**

**The motion being put was unanimously carried.**

# Report/Recommendations

## Heritage Advisory Committee

May 29, 2013

In Attendance: Deputy Mayor Shannie Duff, Chairperson  
Councillor Sheilagh O'Leary  
Taryn Sheppard, Nexter Representative  
Jeremy Bryant, NL Association of Architects  
Tony Lockyer, Eastern NL Homebuilders Association  
Dave Lane, NL Historic Trust  
Melanie DelRizzo, Citizen Representative  
Gerard Hayes, Citizen Representative  
Sylvester Crocker, Manager of Technical Services  
Peter Mercer, Heritage Officer  
Lindsay Lyghtle Brushett, Planner  
Mark Hefferton, Planner  
Helen Miller, City Archivist  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

### 1. **Request to Demolish Richmond Hill Cottage at 18 Topsail Road**

#### **(REQUEST WITHDRAWN BY APPLICANT)**

The Committee met with Paul Fowler and Dermot Karney of Wrightland Development Corporation who submitted a request for approval to demolish Richmond Hill Cottage at 18 Topsail Road and to replicate the existing with a new structure that would be more energy efficient and situated further back on the site. They outlined the rationale for demolition, a copy of which is attached to this report.

- Essentially, the developers feel that the property has deteriorated to the point that it is beyond repair as a result of a pipe break on the second floor, flooding the entire house and damaging the hardwood floors. Vandals have also caused damage by stealing fuel from the storage tanks and busting all visible copper pipes from the furnace for salvage. The developer further asserts that there is nothing of architectural significance or material value that can be retained from the existing house. The developer also stated that when the leak occurred, the property was vacant and they were only checking on it on a bi-weekly basis.
- The developer has also outlined concerns about the steep grade which has been created by the excavation for the new cul-de-sac at McLea Park. Consequently, Richmond Hill Cottage now sits higher above the cul de sac street grade which increases the difficulty of incorporating new garages and front door entries. The developer also claims that there is a very real exposure to undermining the existing foundation.

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The Heritage Advisory Committee notes that Council agreed to approve the subdivision of land for a residential development subject to preservation and restoration of Richmond Cottage which was designated as a heritage structure by the City of St. John's on June 9, 2003. At that time, Council also adopted By-Law 1461 under Section 355 of the City of St. John's Act which in part states the following:

*Section 355*

- (b) A building, structure, land or area designated by Council shall not be demolished or built upon nor shall the exteriors of the building or structure be altered, except with the approval of Council; and*
- (c) In exercising this power under the City Act, Council shall have regard to the following considerations:*
  - i. The need of preserving heritage buildings, structures, land or areas that collectively represent a cross-section of all periods and styles in the City's historic and cultural evolution;*
  - ii. The costs and benefits of the preservation; and*
  - iii. The compatibility of preservation with other lawful uses of the buildings, structures or lands.*

The Committee further notes that Section 5.9.3 of the St. John's Development Regulations provides that no person shall remove, pull down, or demolish any heritage building except for life safety reasons or for a public work, nor shall the exterior of any heritage building be repaired or altered without the express written permission of Council.

The Committee expressed major objection to the proposed demolition given that Richmond Hill Cottage was structurally sound when it was given heritage designation in 2003. Council's approval of the residential development surrounding the cottage was also subject to the maintenance of Richmond Hill as per the above noted By-Law 1461 and Section 355 of the City of St. John's Act. The Committee concludes, therefore, that the owner's failure to provide adequate security and maintenance to the property is an irresponsible act of demolition by neglect.

**The Committee recommends that the request to demolish Richmond Cottage at 18 Topsail Road be rejected and that this cottage be fully restored and maintained.**

**The Committee also recommends that the regulatory process be reviewed to ensure that heritage designated properties are properly maintained by their property owners prior to Council's granting permission to develop the lands surrounding them.**

The historical background for Richmond Cottage was presented during the meeting and is also attached to this report. Richmond Cottage is a 165 year old building consisting of early classical vernacular architecture, with distinctive Scottish features and unique long narrow windows. Its historic value is associated with the Honourable Kenneth McLea and Gilbert Browning. McLea was a St. John's merchant who purchased the land near the Crossroads in Riverhead in 1848. He was a candidate for St. John's west in the election of 1861, and his candidature resulted in an election riot in which three people were shot to death on Water Street. He died a year later. Subsequently his business went bankrupt and the family sold the property. Gilbert Browning was a Scottish builder-architect who came to Newfoundland following the Great Fire of 1846 in which a large portion of St. John's was burnt. Browning arrived amongst a large number of men who were engaged in the building trades in England and who came to help with rebuilding the town. He was hired by McLea to design and build Richmond Hill. Thirty years after Browning built the house, he purchased it as his family residence. He became a prominent businessman in his own right. His most successful venture was a biscuit factory near the Crossroads, which afterwards was carried on under the name of Browning-Harvey. This company is still in operation today.

2. **271-275 Duckworth Street (Former Telegram Building) Proposed Renovation**

The Committee met with Charlie Oliver, property owner and Beaton Sheppard, Architect to discuss their proposal for exterior renovation to 271-275 Duckworth St. The elevations are attached.

**The Committee, with the abstention of Taryn Sheppard, recommends approval of the elevations as outlined.**

3. **53-67 Margaret's Place (St. Michael's Convent and Belvedere Orphanage) Proposed Renovations and Extension**

The Committee met with Steve Saunders, Vice President of Future Group and Jeremy Bryant, Architect with Sheppard Case (and new member of the Heritage Advisory Committee) to discuss the proposed renovations and extension to the former Belvedere Orphanage. Mr. Bryant abstained from voting on this matter.

The developer proposes to develop seven condominiums in the former St. Michael's Convent, each with two storeys, and an additional 29 new condos in the former Belvedere orphanage and its proposed addition. Artist renderings and site layout were circulated and reviewed by the Committee. The exteriors of both St. Michael's Convent and the Belvedere Orphanage will be restored. The proposal for the new extension is preliminary and subject to the Committee's feedback and direction. The exterior is a simple design at present and the cladding intended is masonry. The scale of the new extension would be in keeping with the height of the existing buildings. The developer would like to create an oasis in the middle of this very plain area, and a landscape plan was circulated for the Committee's review.

## **18 Topsail Road - "Richmond Hill Cottage" Rationale for Demolition and New Construction**

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While 18 Topsail Road, as it stands today without consideration of modifications and additions to the existing structure may be classified as structurally sound, after further extensive analysis, to achieve the approved redesign concept, there will be only stick framing and stone foundation remaining through the course of redevelopment.

To effectively rebuild Richmond Hill Cottage, all siding, windows, doors, roof, electrical and mechanical, and complete interior finish, must be removed from the structure.

Unfortunately, during last winter, we experienced a pipe break on the second floor, which resulted in the entire house being flooded and all existing hardwood floors being destroyed.

Additionally, the home has been broken into on a couple of occasions and vandalized. Fuel was stolen from the storage tank and all visible copper pipes busted off the furnace for salvage.

There is absolutely nothing of architectural significance or material value that can be retained from the existing house. (Apart from interior wrought iron railings, fireplace mantels and chimney tops).

Further, in order to achieve the redesign, new openings for additional windows and door entries must be cut through the existing building envelope framing, which will expose potential compromises to the existing structural integrity.

As well, the grade of the new cul de sac for McLea Park had to be lowered as much as possible to improve the excessive and rapid grade change that was occurring in the case of Lots 4 and 5. (See photos). Consequently, Richmond Hill Cottage sits higher above the cul de sac street grade than initially conceived, making what was to begin with, an even more difficult task incorporating and attaching new garages and front door entries. Given the acute excavation required to add the new entries and garages, there is a very real exposure to undermining the existing foundation.

Wrightland is intent on achieving the most desirable end result for it's McLea Park project and are committed to producing in the highest form the redesign concept for Richmond Hill Cottage.

McLea Park has employed Restrictive Covenants to ensure all new home designs maintain complimentary architectural elements that essentially have been influenced by the property's heritage. Visit website: [www.mcleapark.ca](http://www.mcleapark.ca)

Through its approach to master plan development projects, optimum building design and construction integrity represent the core values of Wrightland Development Corporation.

Attempting to modify the existing Richmond Hill Cottage structure into a state-of-the-art, energy efficient, refined and well-crafted end product, represents an almost impossible challenge given the foregoing.

Also for consideration, is the fact that once the building has been stripped to the frame there is effectively no heritage value remaining?

Wrightland believes it has employed with the assistance of Beaton Sheppard, a refined master plan development in McLea Park that has been sensitive to the property's heritage.

The creation of two semi-detached McLea Park Townhomes represented the only feasible approach for preserving the exterior detail and form of the massive scaled house at 8,000 sf.

Each dwelling embraces and carries forward primary architectural features including.

- A. 12' main floor ceiling height with expansive floor to ceiling windows.
- B. Circular through floor openings with wrought iron railing in main foyers.
- C. Pediments and exterior casing, corner board and clapboard detailing.
- D. Mansard roof and dormers. (Note: Existing dormers do not represent original).

Each dwelling additionally receives redesign enhancements including:

- A. Attached garages and decks.
- B. New cul de sac fronting main entries.
- C. Increased glazing and rooftop observatory over-looking the city and harbour.

Wrightland's complete new reconstruction of the Beaton Sheppard redesigned Richmond Hill Cottage will enable optimum energy efficiency and demising party wall construction. It will facilitate the opportunity to improve each dwelling's relationship to street grades, setbacks and side yards. The end product will be constructed using the highest caliber materials and will be maintenance-free and stand the test of time for many years to come for it's future homeowners.



PO Box 2403, ST. JOHN'S, NEWFOUNDLAND, CANADA A1C 6E7

29 May 2013

City of St. John's Heritage Advisory Committee  
10 New Gower Street  
P.O. Box 908  
St. John's, NL A1C 5M2

Dear Members of the Heritage Advisory Committee:

18 Topsail Road, Richmond Hill was designated a municipal heritage building in 2003 because it has historic and aesthetic values.

The structure's historic value is tied to its associations with the Honorable Kenneth McLea, and Gilbert Browning. McLea was a St. John's merchant who purchased the land in 1848. He was a candidate for St. John's West in the election of 1861. His campaign resulted in an election riot in which three people were shot and killed on Water Street and his business premises were destroyed. He died a year later. The family sold the property to Reverend George Bond, Sir Robert Bond's brother, in 1875.

Gilbert Browning was a Scottish builder and architect who came to Newfoundland following the Great Fire of 1846. He had been hired by McLea to design and build Richmond Hill. Thirty years after Browning built the house, he purchased it from Bond for his family residence. Browning had become a prominent businessman in his own right. His most successful venture was a biscuit factory, which is still in operation today under the name of Browning-Harvey.

Richmond Hill is aesthetically valuable because of its age – it is 165 years old – and because it is a very good example of early Classical Vernacular architecture. This house has narrow wooden siding and wide cornerboards and is one of only two or three houses in Newfoundland with distinctive Scottish features, notably the five-sided dormer windows with peaked roofs. Richmond Hill has unique windows, which are very tall, spanning from the floor to the top of the first floor. Classical pediments adorn the façade over each window and door. The main entrance is recessed and has a transom. This building speaks to the wealth of its original owner, being one of the finest, earliest residences in St. John's.

As I'm sure you are aware, Richmond Hill was to be divided into townhouses as part of a 12-lot subdivision at the corner of Old Topsail Road and Shaw Street. The development was approved by Council in fall 2010. A City Notice appeared in *The Telegram* on October 13, 2010, that stated, "The original dwelling on the property will be maintained."

Paul Fowler, a principle with the project's proponent, Wrightland Development Corporation was quoted in a January 2011 article in *The Telegram* as saying, "It's a very large house, that's our plan, to develop it in to two town homes."

Councillor Frank Galgay was also quoted in that article and said that he considered the development a good one. He particularly liked that Wrightland had committed to maintaining the integrity of Richmond Hill. He said, "It's important that [they] do that because there were people associated with that particular cottage who were very prominent in the economic, cultural and business community of St. John's."

The support that was given for the original development proposal and the text amendment to the Development Regulations that would allow for the conversion of the house into two residential dwellings was given with the understanding that the heritage structure would be maintained. The amendment was supported as part of a consultative process. The demolition application that has been filed is not subject to public consultation requirements.

The Trust would propose that the Heritage Advisory Committee recommend that approval for demolition be rejected as the structure is a Municipally Designated Building and holds great significance to the city. In addition, the demolition of the building would contravene the original agreement whereby approval for the development of the surrounding property was given with the understanding that the developer would maintain the original dwelling.

Sincerely,



Robyn Pike  
President  
Newfoundland Historic Trust

also considered a letter from Mr. Nassir Badrudin, The Waterford Manor, in response to the letters of objections to the establishment of a Restaurant at Civic No. 185 Waterford Bridge Road.

Members of Council voting in favour of rejection of the application expressed concern relative to parking and traffic and the impact the proposed establishment would have on the residents' quality of life.

**Following discussion, the motion to reject being put was unanimously carried.**

### **Committee Reports**

#### **Heritage Advisory Committee Report dated May 29, 2013**

Council considered the following Heritage Advisory Committee Report dated May 29, 2013:

In Attendance: Deputy Mayor Shannie Duff, Chairperson  
Councillor Sheilagh O'Leary  
Taryn Sheppard, Nexter Representative  
Jeremy Bryant, NL Association of Architects  
Tony Lockyer, Eastern NL Homebuilders Association  
Dave Lane, NL Historic Trust  
Melanie DelRizzo, Citizen Representative  
Gerard Hayes, Citizen Representative  
Sylvester Crocker, Manager of Technical Services  
Peter Mercer, Heritage Officer  
Lindsay Lyghtle Brushett, Planner  
Mark Hefferton, Planner  
Helen Miller, City Archivist  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

**1. Request to Demolish Richmond Hill Cottage at 18 Topsail Road  
(REQUEST WITHDRAWN BY APPLICANT)**

The Committee met with Paul Fowler and Dermot Karney of Wrightland Development

Corporation who submitted a request for approval to demolish Richmond Hill Cottage at 18 Topsail Road and to replicate the existing with a new structure that would be more energy efficient and situated further back on the site. They outlined the rationale for demolition, a copy of which is attached to this report.

- Essentially, the developers feel that the property has deteriorated to the point that it is beyond repair as a result of a pipe break on the second floor, flooding the entire house and damaging the hardwood floors. Vandals have also caused damage by stealing fuel from the storage tanks and busting all visible copper pipes from the furnace for salvage. The developer further asserts that there is nothing of architectural significance or material value that can be retained from the existing house. The developer also stated that when the leak occurred, the property was vacant and they were only checking on it on a bi-weekly basis.
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The Heritage Advisory Committee notes that Council agreed to approve the subdivision of land for a residential development subject to preservation and restoration of Richmond Cottage which was designated as a heritage structure by the City of St. John's on June 9, 2003. At that time, Council also adopted By-Law 1461 under Section 355 of the City of St. John's Act which in part states the following:

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written permission of Council.

The Committee expressed major objection to the proposed demolition given that Richmond Hill Cottage was structurally sound when it was given heritage designation in 2003. Council's approval of the residential development surrounding the cottage was also subject to the maintenance of Richmond Hill as per the above noted By-Law 1461 and Section 355 of the City of St. John's Act. The Committee concludes, therefore, that the owner's failure to provide adequate security and maintenance to the property is an irresponsible act of demolition by neglect.

**The Committee recommends that the request to demolish Richmond Cottage at 18 Topsail Road be rejected and that this cottage be fully restored and maintained.**

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The Committee met with Steve Saunders, Vice President of Future Group and Jeremy Bryant, Architect with Sheppard Case (and new member of the Heritage Advisory Committee) to discuss the proposed renovations and extension to the former Belvedere Orphanage. Mr. Bryant abstained from voting on this matter.

The developer proposes to develop seven condominiums in the former St. Michael's Convent, each with two storeys, and an additional 29 new condos in the former Belvedere orphanage and its proposed addition. Artist renderings and site layout were circulated and reviewed by the Committee. The exteriors of both St. Michael's Convent and the Belvedere Orphanage will be restored. The proposal for the new extension is preliminary and subject to the Committee's feedback and direction. The exterior is a simple design at present and the cladding intended is masonry. The scale of the new extension would be in keeping with the height of the existing buildings. The developer would like to create an oasis in the middle of this very plain area, and a landscape plan was circulated for the Committee's review.

With regard to concerns about emergency access to the laneway, it was noted that the new landscape plan should improve the access. The proposed development will also reduce the density by the removal of the commercial component thereby reducing traffic by at least half.

The Committee was receptive to the preliminary design and the contrast of the new building from the existing structures.

**The Committee recommends approval in principle subject to ongoing consultation about material and design details with the Heritage Officer and the Heritage Advisory Committee.**

**SJMC2013-06-10/260R**

**It was moved by Councillor Tilley; seconded by Councillor O'Leary: That the Committee's recommendations be approved.**

Regarding Item #1 – Request to Demolish Richmond Hill Cottage at 18 Topsail Road, Deputy Mayor Duff advised that the request was withdrawn by the applicant following the Heritage Committee meeting, and stressed the importance of the Committee’s recommendation that a regulatory process be reviewed to ensure that heritage designated properties are properly maintained by their property owners, prior to Council granting approval to develop the lands surrounding them.

Councillor Galgay asked if there is any consultation taking place with developers to recognize the significance of the historic buildings. The Deputy Mayor indicated that the Committee has discussed the matter and will bring back a specific recommendation that would require some level of public recognition of the important history of the historic buildings.

**The motion being put was unanimously carried.**

**Environmental Advisory Committee Report dated June 10, 2013**

Council considered the following Environmental Advisory Committee Report dated June 10, 2013:

**Attendees:** Councillor Sheilagh O’Leary  
Deputy Mayor Shannie Duff  
Kieran Hanley, NL Environmental Industry Association  
Randal Greene, Nature Conservancy Canada  
Rick Kelly, Food Security Network  
Bill Stoyles, Northeast Avalon ACAP  
Arvo McMillan, Individual Representative  
Jonas Roberts, Individual Representative  
Marvin Barnes, Individual Representative  
Rick Comerford, Individual Representative  
Stephanie Curran, Individual Representative  
Ken O’Brien, Manager of Planning and Information  
Karen Chafe, Recording Secretary

A meeting of the Heritage Advisory Committee was held on Thursday, July 11, 2013 at 12:00 noon in the fourth floor conference room A, City Hall.

Deputy Mayor Shannie Duff, Chairperson  
George Chalker, Heritage Foundation of NL  
Wayne Purchase, Downtown St. John's  
Representative Jeremy Bryant, NL Association of Architects  
Gerard Hayes, Citizen Representative  
Ken O'Brien, Manager of Planning & Information  
Peter Mercer, Heritage Officer  
Karen Chafe, Recording Secretary

### **Adoption of Agenda**

The agenda was adopted on motion of George Chalker; seconded by Wayne Purchase.

### **Adoption of Minutes**

The minutes of the meeting held April 4, 2013 were approved and adopted on motion of Wayne Purchase; seconded by George Chalker.

### **18 Topsail Road (Meeting with Kevin King and Paul Fowler)**

Since the last Heritage Advisory Committee meeting and prior to the Committee's report being referred to Council recommending rejection of the proposed demolition of 18 Topsail Road, KMK Developers withdrew their application. Deputy Mayor Duff advised that she along with the Deputy City Manager of Planning, Development, and Engineering met with Messrs Kevin King and Paul Fowler at which time it was agreed they would meet with the Committee on today's date. Subsequently, the proponents advised the City they were unavailable to meet until after July 15<sup>th</sup>. The agreed upon date is now Friday, July 26<sup>th</sup> at noon.

Deputy Mayor Duff noted that the City's regulations protecting heritage designated buildings need to be reviewed, particularly when developers are given density bonus incentives in exchange for the protection of heritage property. The following points were outlined:

- When developers are given bonus density incentives to protect heritage properties, a time limit should be imposed to ensure that the heritage structure is adequately stabilized and secured prior to any other development taking place on the property.
- Prescriptive regulations and development agreements must be imposed that clearly stipulate the requirements for the protection of heritage properties.
- A statement of principles needs to be developed to guide the adaptive reuse of heritage buildings while ensuring they maintain their heritage value. Reference was made to the guidelines imposed elsewhere which should be obtained and reviewed. Jeremy Bryant agreed to forward some information to the Committee in this regard. The establishment of a sub-committee to review these issues would also be beneficial.

### **Four Sisters – Temperance Street**

The Committee requested that the Heritage Officer follow up with the owner of the Four Sisters heritage designated properties on Temperance Street to determine the status of renovation and condition as well as whether or not there are any legal issues outstanding.

A meeting of the Heritage Advisory Committee was held on Friday, July 26, 2013 at 12:00 noon in the fourth floor conference room A, City Hall.

In Attendance: Deputy Mayor Shannie Duff, Chairperson  
Councillor Sheilagh O’Leary  
Dave Lane, NL Historic Trust  
Gerard Hayes, Citizen Representative  
Dave Blackmore, Deputy City Manager of Planning, Development & Engineering  
Ken O’Brien, Manager of Planning & Information  
Peter Mercer, Heritage Officer  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

### **Adoption of Minutes**

The minutes of the meeting held July 11, 2013 were approved and adopted.

### **Meeting with Wrightland Development re: 18 Topsail Road (Richmond Cottage)**

The Committee met with Mr. Kevin King and Mr. Paul Fowler representing Wrightland Development Corporation to discuss their challenges with restoration of Richmond Cottage given its deteriorated state. A letter dated July 26, 2013 was also tabled from Wrightland and signed by Kevin King, President. The letter attempts to clarify Wrightland’s reasoning for seeking to demolish Richmond Cottage and a copy of the letter is on file with the City Clerk’s Department. Mr. King asserted that the house has to be torn down and this can be done either piece by piece or more practically with an overall demolition which will enable the developer to start from scratch to replicate the cottage. He also wished to stress that they will rebuild the property exactly as they said they would and as per the approved drawings attached to their letter.

The Committee referenced page 2 of the above-noted letter and the phrase: “These plans ... were accepted by the Committee, on the basis that the existing house would be *disassembled and rebuilt* in accordance with the plans.” The Committee advised that though they did approve the plans, it was with the understanding that the plans would be carried out as a restoration and enhancement of the existing property. At no time, did they give permission to disassemble the property. The Committee also reiterated its concerns about the property being allowed to deteriorate and the developer’s failure to protect this heritage asset. The Committee noted the following:

- Richmond Cottage dates from the early 19<sup>th</sup> century and there are very few such buildings left in the City. Its historical significance is outlined in the attached letter from the NL Historic Trust.
- Given the presentation conducted by Beaton Sheppard at the August 23, 2011 Heritage Advisory Committee meeting, the Committee was satisfied that the restoration of the cottage would be done in a sensitive and professional manner, respecting the key architectural elements of the building, while adapting it to today’s modern standards.
- The City agreed to rezone the surrounding property giving Wrightland Development a significant development opportunity in exchange for Richmond Cottage’s restoration and adaptive reuse.

- If the City allowed this demolition, it would set a precedent for other heritage buildings which are under such threat.

**Given the aforementioned, the Committee reaffirms its original recommendation of August 23, 2011 which is attached to this report and which recommends that the application to redevelop the heritage designated house at Civic No. 18 Topsail Road be approved as presented.**

### **Quidi Vidi Village**

The Committee considered a council directive from the regular meeting of February 25, 2013 directing that staff develop a paper to consider the designation of Quidi Vidi Village as a heritage area and prepare draft development regulations that would reflect appropriate design controls to reflect the historic character of the Village.

In this regard, draft terms of reference for the study were tabled for the Committee's review and a copy is on file with the City Clerk's Department. It was agreed that under the section "Objectives", the following be added to the last sentence: and to identify the character defining elements of Quidi Vidi. The Deputy City Manager of Planning, Development and Engineering advised that this matter will be referred to the next meeting of the Planning & Housing Standing Committee.

### **Draft Terms of Reference for Heritage Advisory Committee**

The above noted was tabled for the Committee's review and feedback. It was agreed that eventually a small internal committee would be established to review the draft.

### **488 Water St. – Application to Replace Front Door**

The Committee considered the above-noted application. The building known as Apothecary Hall is a heritage designated structure. The Heritage Officer has consulted with the owner who has agreed to replace the door with a fiberglass  $\frac{3}{4}$  windowed door which will line up with the existing window sill façade.

**The Committee recommended approval as per the recommendation of the Heritage Officer.**

### **The Four Sisters Properties – Temperance St.**

Deputy Mayor Duff requested that the Heritage Officer contact Ms. Judith Bobbitt to ascertain her intentions for these properties and to determine whether or not the City's assistance is required.

### **Adjournment**

There being no further business, the meeting adjourned at 1:35 p.m.

Deputy Mayor Shannie Duff  
Chairperson



July 26, 2013

Heritage Advisory Committee  
City of St. John's  
10 Gower Street  
P.O. Box 908  
St. John's, NL A1C 5M2

**Attention:** Deputy Mayor Shannie Duff, Chairperson

**Regarding:** Civic number 18 Topsail Road  
Richmond Cottage Heritage Designation

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Dear Ms. Duff:

Further to our attached correspondence of May 22, 2013 and our meeting with you subsequent to that correspondence, we wish to provide further information and explanation with respect to our position in that correspondence.

As you are aware, pursuant to the St. John's Heritage Designation 18 Topsail Road (2 Shaw Street) By-Law, the building known as Richmond Cottage was designated as a heritage building. Section 355(2) of the *City of St. John's Act* provides that a heritage building may not be demolished nor shall the exteriors of the building or structure be altered, except with the approval of the St. John's Municipal Council ("Council"). Similarly, section 5.9.3 of the St. John's Development Regulations provides that a heritage building shall not be removed, pulled down or demolished nor shall its exterior be repaired or altered without the express written permission of Council.

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**Wrightland Development Corporation**

Suite 202, 40 Aberdeen Avenue  
St. John's, NL Canada A1A 5T3  
T: +1 709 754 2057  
F: +1 709 738 0707

In or about September 2011, plans to redesign Richmond Cottage were submitted to the Heritage Advisory Committee (the "Committee"). These plans, copies of which are attached for your reference, were accepted by the Committee, on the basis that the existing house would be disassembled and rebuilt in accordance with the plans. An application to demolish the existing house was later made by Wrightland Development Corporation ("Wrightland") but was withdrawn when we became aware that the Committee was opposed to it. Currently, Wrightland does not have any outstanding application to Council with respect to this structure.

We wish to emphasize that Wrightland's demolition application was not an attempt to circumvent the approval which the Committee had previously granted, nor was it intended to disregard Richmond Cottage's status as a heritage building. Rather, it was felt that demolition would be the most practical and efficient means of facilitating the construction of the house which the Committee had approved. The application was withdrawn as Wrightland would prefer to work together with the Committee to address this matter. To that end, we felt it would be useful to outline Wrightland's reasons for proposing a demolition of the existing house.

Primarily, we believe a demolition would be best due to the current condition of the house. The undersigned recently personally reviewed the house and had a report prepared regarding its condition. The report noted the following:

1. The pediments above the main door entrance are in fair to poor condition and would need to be restored or duplicated to suit the new entrance.
2. The shingles on the Mansard roof show evidence of leaks and need replacement. The roof sheathing needs extensive repair or replacement. The felt moulding, fascia, soffit and frieze board show signs of rot and disrepair, which also indicates that the rafter tails will need repair or replacement.
3. The steps to the recessed entryway and the threshold need replacement. All decorative elements are in poor condition and approximately 25% could be restored. The remainder would have to be replaced.
4. The windows are in poor condition, show evidence of rot and have missing or broken glass. They would need to be replaced.
5. The dormers are in poor condition, and the roofs and windows would need to be replaced.
6. Due to splits, cracks and signs of rot, 20% to 25% of the wooden clapboard would need to be replaced. The original vapor barrier is in poor condition and would need to be replaced.

7. The corner boards, skirt board and water table may not be original. They show signs of being poorly installed or repaired, and there is evidence of rot and general deterioration. They would need to be removed and replaced.
8. The chimneys would need to be removed and rebuilt.
9. The shingles on the roof and approximately 60% of the roof sheathing would need to be replaced. The felt moulding and fascia show signs of rot and would need to be replaced. The condition of the felt moulding and fascia would suggest that the soffit would need to be replaced, as well.
10. The perimeter of the house would need to be excavated in order to repair and waterproof the foundation and install drainage with proper backfill. The stonework above grade is not original and is poorly done, as it allows water to enter the house. It would need to be replaced.
11. The basement floor would need to be excavated to permit proper ventilation and install crushed stone with vapor barrier. New footings may have to be installed. Approximately 30% of the basement flooring could be salvaged for re-use.
12. The back porch is not original and is poorly constructed. It would need to be removed and replaced.

Unfortunately, the condition of the house was exacerbated when the house was broken into and vandalized during the winter. The pipes in the house burst as a result of the vandalism, causing extensive water damage to the house.

Based on the above observations, if the house was to be disassembled and rebuilt in accordance with the approved plans, little to none of the original exterior of the house would remain. Also, in order to arrange new windows, doors and structural point loads, the house would have to be stripped completely. Essentially, everything would have to be removed from the house down to the studs, and virtually nothing would be suitable for re-use.

As indicated in the approved plans, the proposed new house would differ substantially from the existing house. The new house, for example, would feature new windows in different locations, new doorways, two garages, a solarium and generally would be converted from a single-family residence to two townhomes. Based on these differences, and the fact that there is little to be salvaged from the current house, Wrightland felt that demolition may be the most practical option. It would also be safer for workers to demolish the house, rather than attempt to rebuild it, which would require them to work for extended periods in a house which is in poor condition.

Wrightland remains willing to construct a house in accordance with the approved plans. It is only the manner of that construction which Wrightland is proposing to

change. A demolition would allow the new house to be built in the best manner with proper materials so, we feel, the finished product would be better for the ultimate purchaser of the property.

We hope that this helps to clarify Wrightland's reasoning for seeking a demolition, as initially set forth in the attached correspondence, and we welcome the opportunity to discuss this matter further with the Committee.

Regards,

**Wrightland Development Corporation**

A handwritten signature in blue ink that reads "Kevin King". The signature is written in a cursive style with a large, sweeping "K" and "K" at the end.

Kevin King, C.A.  
President

**Report/Recommendations  
Heritage Advisory Committee  
September 13, 2013**

**In Attendance:** Deputy Mayor Shannie Duff, Chairperson  
Gerard Hayes  
Taryn Sheppard  
Dave Lane  
George Chalker  
Melanie Del Rizzo"  
Ken O'Brien, Chief Municipal Planner  
Sylvester Crocker, Manager of Technical Services  
Peter Mercer, Heritage Officer  
Helen Miller, Archivist  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

**1. Marconi Building (Condominium Development) 342 Duckworth St.**

Dick Cook and Dan Ripley met with the Committee to discuss revised plans for the above noted property which were previously approved in principle by Council. Revised elevations were reviewed and are on file with the City Clerk's Department. The design has been somewhat refined from the original and the intention is still to preserve the original art deco elements of the building, but by using a ceramic cladding on the newer sections.

**The Committee recommends approval of the revised design as submitted, noting that it is a good blend of old and new material and complements the historic character of the Downtown.**

**2. Richmond Cottage – 4-6 McLea Place (formerly 18 Old Topsail Road/10 Shaw St.)**

The Heritage Advisory Committee presents the following brief chronology for Council's information:

- On August 23, 2011, the Heritage Advisory Committee met with Mr. Paul Fowler of Wrightland Development and Mr. Beaton Sheppard, Sheppard Case Architects who presented the proposed subdivision of 3.4 acres of land surrounding Richmond Cottage (4-6 McLea Place) as well as the subdivision of that cottage into two dwelling units. The attached plans were recommended by the Committee and subsequently approved by Council. The architectural renderings submitted showed a heritage sensitive design for the renovation of Richmond Cottage for adaptive reuse.
- On May 29, 2013, the Heritage Advisory Committee met with Paul Fowler and Dermot Karney of Wrightland Development Corporation to discuss their request for approval to demolish Richmond Cottage and replicate it with a new structure set further back on the

**ST. JOHN'S**

site. Their rationale for demolition is attached to this report. The Committee recommended that Council reject the application to demolish though the report was not considered by Council as the applicant decided to withdraw the request. The Committee's recommendation to reject has since been held in abeyance.

- On September 9, 2013, the members of the Committee conducted a site visit of Richmond Cottage at the invitation of Wrightland Development Corporation in order to assess the present condition of the structure subsequent to the water damage which occurred as a result of the leak from burst pipes.
- The Committee during its meeting of September 13, 2013 agreed that there is no good reason to demolish the building from a structural perspective as it appears to be in reasonably sound condition. The amount of refurbishment the developer will be required to undertake to complete the proposed rehabilitation of Richmond Cottage has not been materially increased as a result of the leak. The attached memo from the City's Department of Building & Property Management confirms the Committee's opinion and the following quote from the report is noteworthy:

*Please note that most, if not all the work outlined in the rationale for demolition would need to be completed to facilitate the work that was outlined and presented in their original application for sub-division and renovations from August 23, 2013. In their original application all new exterior cladding and windows were being installed, the roof framing would have had to be re-structured to accommodate the new solariums, the interior would have been stripped to install new electrical, plumbing, ventilation, and insulation and new window and door openings were needed to accommodate reconfiguration.*

Based on the foregoing, the following recommendations are put forth:

**The Committee reaffirms its earlier recommendation from the May 29, 2013 meeting to reject the request from Wrightland Development to demolish Richmond Cottage and that the structure be fully rehabilitated for the adaptive reuse that was originally proposed by Sheppard Case Architects during the August 23, 2011 Heritage Advisory Committee meeting. The Sheppard Case proposal conforms with the *Parks Canada Standard Guidelines for the Conservation of Historic Places in Canada*.**

**The Committee also recommends that the regulatory process be reviewed to ensure that heritage designated properties are properly maintained prior to Council's granting permission to develop the lands surrounding them. Comprehensive criteria must be developed to ensure the guaranteed protection of heritage**

structures through the establishment of development agreements which outline the specific conditions under which heritage properties must be maintained, i.e.:

- proper security to ensure protection of property from vandalism and neglect;
- timeframes for completion of restoration which must take place prior to further development of the property;
- The submission of bona fide architectural plans which adhere to the standard guidelines imposed by Parks Canada for the preservation and restoration of heritage buildings. The use of these standards ensures that a heritage building's architectural integrity is protected while allowing its adaptive reuse to modern day standards.

3. **7 Monkstown Road**

The Committee considered an application for the replacement of the windows situated within the second floor dormers of 7 Monkstown Road. The division bar within the new windows will be somewhat lower than those in the originals; however they do comply with building code.

**The Committee recommends approval of the windows replacement but suggests that the applicant, if he has not already done so, check with local contractors who specialize in heritage window construction, particularly given that this is a heritage designated property. Mr. George Chalker with the Heritage Foundation of NL agreed to provide a list of professionals in this area.**

4. **8 Ordnance St.**

The Heritage Officer tabled an application for the installation of windows at 8 Ordnance St. to be situated along the side and back of the property.

**The Committee recommends approval of the window installation as outlined by the Heritage Officer.**

5. **63 Bond St.**

The Committee considered an application for a window opening at 63 Bond St. on the third storey of the building facing eastward.

**The Committee recommends approval of the application and further suggests that the applicant may also wish to install the same window on the opposite corner for the purpose of symmetry.**

Deputy Mayor Shannie Duff  
Chairperson

# MEMORANDUM

Date: June 6, 2012  
To: Sylvester Crocker  
From: Peter Mercer & Darren Dodd  
Re: **2-4 McLea Place - Richmond Hill Cottage  
(formerly 18 Topsail Road and/or 2 Shaw Street)**

---

Sylvester;

Below is a brief history of the redevelopment application from Wrightland Development Corporation for Richmond Hill Cottage.

August 23, 2011 the owner presented a design for redevelopment to the Heritage Advisory Committee (HAC). It included subdivision of the property into two semi-detached dwelling units, the addition of a garage on each unit, the addition of a solarium on the roof, the addition of new window & door openings to reconfigure the dwelling units to front on the new McLea Place cul-de-sac, the installation of all new windows & doors, and the installation of new clapboard, trims, & decorative mouldings. This was discussed at the HAC meeting and a recommendation to approve was forwarded to Council. Council accepted the HAC recommendation and approved the application as presented.

April 17, 2013 the owner advised the City of St. John's that the property was in very poor condition and that they wanted to demolish and rebuild the property. As this property is a Municipal Designated Heritage Structure an inspection was performed

April 25, 2013 Mr. Darren Dodd inspected the property to evaluate its condition.

***The inspection revealed that the property did receive water and fuel damage due to broken water and fuel lines, but the property appeared to be structurally sound and worthy of restoration, renovation and repair (see attached photos).***

May 2, 2013 Mr. Paul Fowler and Mr. Dermot Kearney of Wrightland Development Corporation met with Peter Mercer and Darren Dodd to discuss the condition of Richmond Hill Cottage and the possible demolition. He was informed that any application for this property would have to be approved by HAC and Council as it was a Municipal Designated Heritage Structure. If he wished to proceed he would need to make application and meet with HAC to discuss his proposal.

# ST. JOHN'S

DEPARTMENT OF BUILDING  
& PROPERTY MANAGEMENT

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

# MEMORANDUM

May 29, 2013 Mr. Paul Fowler of Wrightland Development Corporation met with the HAC to request approval to demolish and rebuild Richmond Hill Cottage. In a letter submitted (see attached) he explains that to effectively renovate Richmond Hill Cottage, all siding, windows, doors, roof, electrical, mechanical, and complete interior finish must be removed from the structure. With this and the recent water damage, he feels it would be better to demolish and rebuild completely.

***Please note that most, if not all the work outlined in the Rational for Demolition would need to be completed to facilitate the work that was outlined and presented in their original application for sub-division and renovations from August 23, 2013. In their original application all new exterior cladding and windows were being installed, the roof framing would have had to be re-structured to accommodate the new solariums, the interior would have been stripped to install new electrical, plumbing, ventilation, and insulation, and new window and door openings were needed to accommodate reconfiguration.***

The HAC recommendation will be included in the Agenda for the Regular Council Meeting of June 10, 2013.

If you wish to discuss the above further or require additional information, please do not hesitate to contact the undersigned.

Regards



Peter Mercer, CET  
Heritage Officer  
576-6975

and



Darren Dodd, CET  
Senior Building Inspector  
576-8284

# ST. JOHN'S

DEPARTMENT OF BUILDING  
& PROPERTY MANAGEMENT

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA



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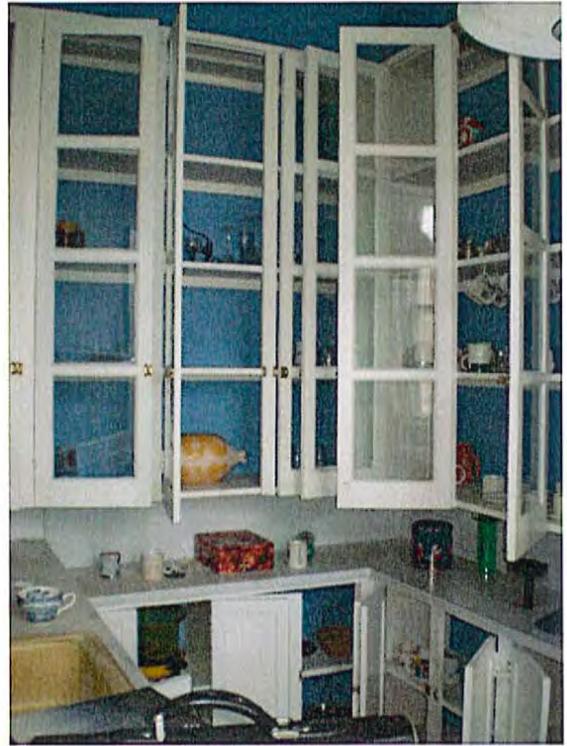
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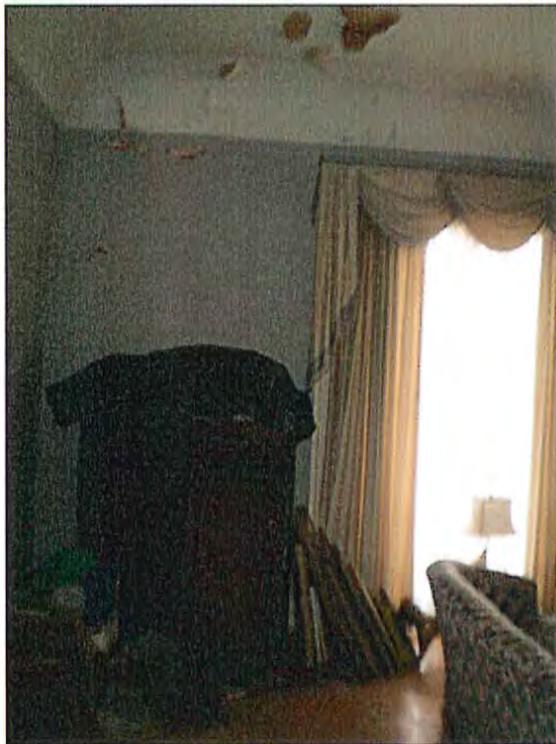
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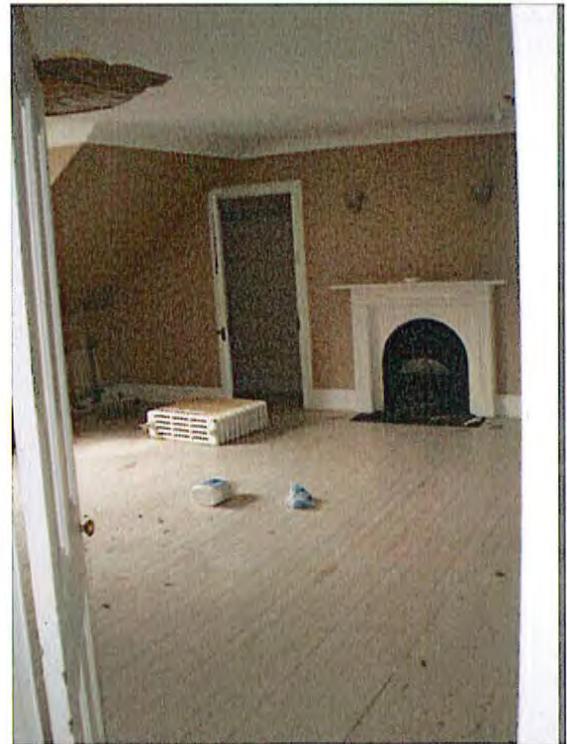
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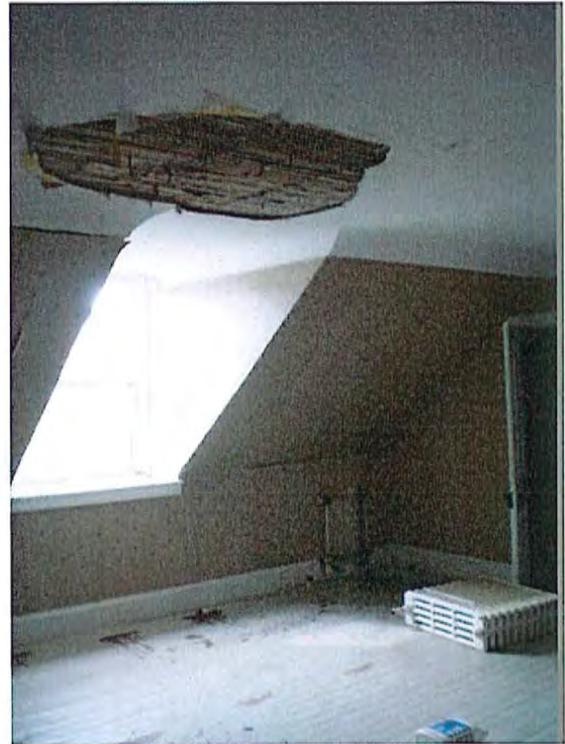
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May 22<sup>nd</sup>, 2013

**Peter Mercer, C.E.T.**  
Heritage Officer  
Building & Property Management Department

City of St. John's  
P.O. Box 908  
St. John's, NL  
A1C 5M2

**18 Topsail Road "Richmond Hill Cottage" - Civic 4 and 6 "McLea Park"**

**Peter,**

Further to our meeting May 2<sup>nd</sup>, 2013, please see Wrightland Development Corporation's enclosed Building / Development Application and Rationale to demolish 18 Topsail Road and carryout complete new construction in effort to optimally establish architect Beaton Sheppard's property redesign, transforming Richmond Hill Cottage into two semi-detached townhomes - Civic 4 and 6 McLea Park - as previously approved by Council.

Best regards,

**Paul Fowler**

---

**Wrightland Development Corporation**

Suite 202, 40 Aberdeen Avenue  
St. John's, NL Canada A1A 5T3  
T: +1 709 754 2057  
F: +1 709 738 0707

## **18 Topsail Road - "Richmond Hill Cottage" Rationale for Demolition and New Construction**

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While 18 Topsail Road, as it stands today without consideration of modifications and additions to the existing structure may be classified as structurally sound, after further extensive analysis, to achieve the approved redesign concept, there will be only stick framing and stone foundation remaining through the course of redevelopment.

To effectively rebuild Richmond Hill Cottage, all siding, windows, doors, roof, electrical and mechanical, and complete interior finish, must be removed from the structure.

Unfortunately, during last winter, we experienced a pipe break on the second floor, which resulted in the entire house being flooded and all existing hardwood floors being destroyed.

Additionally, the home has been broken into on a couple of occasions and vandalized. Fuel was stolen from the storage tank and all visible copper pipes busted off the furnace for salvage.

There is absolutely nothing of architectural significance or material value that can be retained from the existing house. (Apart from interior wrought iron railings, fireplace mantels and chimney tops).

Further, in order to achieve the redesign, new openings for additional windows and door entries must be cut through the existing building envelope framing, which will expose potential compromises to the existing structural integrity.

As well, the grade of the new cul de sac for McLea Park had to be lowered as much as possible to improve the excessive and rapid grade change that was occurring in the case of Lots 4 and 5. (See photos). Consequently, Richmond Hill Cottage sits higher above the cul de sac street grade than initially conceived, making what was to begin with, an even more difficult task incorporating and attaching new garages and front door entries. Given the acute excavation required to add the new entries and garages, there is a very real exposure to undermining the existing foundation.

Wrightland is intent on achieving the most desirable end result for it's McLea Park project and are committed to producing in the highest form the redesign concept for Richmond Hill Cottage.

McLea Park has employed Restrictive Covenants to ensure all new home designs maintain complimentary architectural elements that essentially have been influenced by the property's heritage. Visit website: [www.mcleapark.ca](http://www.mcleapark.ca)

Through its approach to master plan development projects, optimum building design and construction integrity represent the core values of Wrightland Development Corporation.

Attempting to modify the existing Richmond Hill Cottage structure into a state-of-the-art, energy efficient, refined and well-crafted end product, represents an almost impossible challenge given the foregoing.

Also for consideration, is the fact that once the building has been stripped to the frame there is effectively no heritage value remaining?

Wrightland believes it has employed with the assistance of Beaton Sheppard, a refined master plan development in McLea Park that has been sensitive to the property's heritage.

The creation of two semi-detached McLea Park Townhomes represented the only feasible approach for preserving the exterior detail and form of the massive scaled house at 8,000 sf.

Each dwelling embraces and carries forward primary architectural features including.

- A. 12' main floor ceiling height with expansive floor to ceiling windows.
- B. Circular through floor openings with wrought iron railing in main foyers.
- C. Pediments and exterior casing, corner board and clapboard detailing.
- D. Mansard roof and dormers. (Note: Existing dormers do not represent original).

Each dwelling additionally receives redesign enhancements including:

- A. Attached garages and decks.
- B. New cul de sac fronting main entries.
- C. Increased glazing and rooftop observatory over-looking the city and harbour.

Wrightland's complete new reconstruction of the Beaton Sheppard redesigned Richmond Hill Cottage will enable optimum energy efficiency and demising party wall construction. It will facilitate the opportunity to improve each dwelling's relationship to street grades, setbacks and side yards. The end product will be constructed using the highest caliber materials and will be maintenance-free and stand the test of time for many years to come for it's future homeowners.



July 26, 2013

Heritage Advisory Committee  
City of St. John's  
10 Gower Street  
P.O. Box 908  
St. John's, NL A1C 5M2

**Attention:** Deputy Mayor Shannie Duff, Chairperson

**Regarding:** Civic number 18 Topsail Road  
Richmond Cottage Heritage Designation

---

Dear Ms. Duff:

Further to our attached correspondence of May 22, 2013 and our meeting with you subsequent to that correspondence, we wish to provide further information and explanation with respect to our position in that correspondence.

As you are aware, pursuant to the St. John's Heritage Designation 18 Topsail Road (2 Shaw Street) By-Law, the building known as Richmond Cottage was designated as a heritage building. Section 355(2) of the *City of St. John's Act* provides that a heritage building may not be demolished nor shall the exteriors of the building or structure be altered, except with the approval of the St. John's Municipal Council ("Council"). Similarly, section 5.9.3 of the St. John's Development Regulations provides that a heritage building shall not be removed, pulled down or demolished nor shall its exterior be repaired or altered without the express written permission of Council.

---

**Wrightland Development Corporation**

Suite 202, 40 Aberdeen Avenue  
St. John's, NL Canada A1A 5T3  
T: +1 709 754 2057  
F: +1 709 738 0707

In or about September 2011, plans to redesign Richmond Cottage were submitted to the Heritage Advisory Committee (the "Committee"). These plans, copies of which are attached for your reference, were accepted by the Committee, on the basis that the existing house would be disassembled and rebuilt in accordance with the plans. An application to demolish the existing house was later made by Wrightland Development Corporation ("Wrightland") but was withdrawn when we became aware that the Committee was opposed to it. Currently, Wrightland does not have any outstanding application to Council with respect to this structure.

We wish to emphasize that Wrightland's demolition application was not an attempt to circumvent the approval which the Committee had previously granted, nor was it intended to disregard Richmond Cottage's status as a heritage building. Rather, it was felt that demolition would be the most practical and efficient means of facilitating the construction of the house which the Committee had approved. The application was withdrawn as Wrightland would prefer to work together with the Committee to address this matter. To that end, we felt it would be useful to outline Wrightland's reasons for proposing a demolition of the existing house.

Primarily, we believe a demolition would be best due to the current condition of the house. The undersigned recently personally reviewed the house and had a report prepared regarding its condition. The report noted the following:

1. The pediments above the main door entrance are in fair to poor condition and would need to be restored or duplicated to suit the new entrance.
2. The shingles on the Mansard roof show evidence of leaks and need replacement. The roof sheathing needs extensive repair or replacement. The felt moulding, fascia, soffit and frieze board show signs of rot and disrepair, which also indicates that the rafter tails will need repair or replacement.
3. The steps to the recessed entryway and the threshold need replacement. All decorative elements are in poor condition and approximately 25% could be restored. The remainder would have to be replaced.
4. The windows are in poor condition, show evidence of rot and have missing or broken glass. They would need to be replaced.
5. The dormers are in poor condition, and the roofs and windows would need to be replaced.
6. Due to splits, cracks and signs of rot, 20% to 25% of the wooden clapboard would need to be replaced. The original vapor barrier is in poor condition and would need to be replaced.

7. The corner boards, skirt board and water table may not be original. They show signs of being poorly installed or repaired, and there is evidence of rot and general deterioration. They would need to be removed and replaced.
8. The chimneys would need to be removed and rebuilt.
9. The shingles on the roof and approximately 60% of the roof sheathing would need to be replaced. The felt moulding and fascia show signs of rot and would need to be replaced. The condition of the felt moulding and fascia would suggest that the soffit would need to be replaced, as well.
10. The perimeter of the house would need to be excavated in order to repair and waterproof the foundation and install drainage with proper backfill. The stonework above grade is not original and is poorly done, as it allows water to enter the house. It would need to be replaced.
11. The basement floor would need to be excavated to permit proper ventilation and install crushed stone with vapor barrier. New footings may have to be installed. Approximately 30% of the basement flooring could be salvaged for re-use.
12. The back porch is not original and is poorly constructed. It would need to be removed and replaced.

Unfortunately, the condition of the house was exacerbated when the house was broken into and vandalized during the winter. The pipes in the house burst as a result of the vandalism, causing extensive water damage to the house.

Based on the above observations, if the house was to be disassembled and rebuilt in accordance with the approved plans, little to none of the original exterior of the house would remain. Also, in order to arrange new windows, doors and structural point loads, the house would have to be stripped completely. Essentially, everything would have to be removed from the house down to the studs, and virtually nothing would be suitable for re-use.

As indicated in the approved plans, the proposed new house would differ substantially from the existing house. The new house, for example, would feature new windows in different locations, new doorways, two garages, a solarium and generally would be converted from a single-family residence to two townhomes. Based on these differences, and the fact that there is little to be salvaged from the current house, Wrightland felt that demolition may be the most practical option. It would also be safer for workers to demolish the house, rather than attempt to rebuild it, which would require them to work for extended periods in a house which is in poor condition.

Wrightland remains willing to construct a house in accordance with the approved plans. It is only the manner of that construction which Wrightland is proposing to

change. A demolition would allow the new house to be built in the best manner with proper materials so, we feel, the finished product would be better for the ultimate purchaser of the property.

We hope that this helps to clarify Wrightland's reasoning for seeking a demolition, as initially set forth in the attached correspondence, and we welcome the opportunity to discuss this matter further with the Committee.

Regards,

**Wrightland Development Corporation**

A handwritten signature in blue ink that reads "Kevin King". The signature is written in a cursive style with a large, sweeping "K" and "K" at the end.

Kevin King, C.A.  
President



PO Box 2403, ST. JOHN'S, NEWFOUNDLAND, CANADA A1C 6E7

29 May 2013

City of St. John's Heritage Advisory Committee  
10 New Gower Street  
P.O. Box 908  
St. John's, NL A1C 5M2

Dear Members of the Heritage Advisory Committee:

18 Topsail Road, Richmond Hill was designated a municipal heritage building in 2003 because it has historic and aesthetic values.

The structure's historic value is tied to its associations with the Honorable Kenneth McLea, and Gilbert Browning. McLea was a St. John's merchant who purchased the land in 1848. He was a candidate for St. John's West in the election of 1861. His campaign resulted in an election riot in which three people were shot and killed on Water Street and his business premises were destroyed. He died a year later. The family sold the property to Reverend George Bond, Sir Robert Bond's brother, in 1875.

Gilbert Browning was a Scottish builder and architect who came to Newfoundland following the Great Fire of 1846. He had been hired by McLea to design and build Richmond Hill. Thirty years after Browning built the house, he purchased it from Bond for his family residence. Browning had become a prominent businessman in his own right. His most successful venture was a biscuit factory, which is still in operation today under the name of Browning-Harvey.

Richmond Hill is aesthetically valuable because of its age – it is 165 years old – and because it is a very good example of early Classical Vernacular architecture. This house has narrow wooden siding and wide cornerboards and is one of only two or three houses in Newfoundland with distinctive Scottish features, notably the five-sided dormer windows with peaked roofs. Richmond Hill has unique windows, which are very tall, spanning from the floor to the top of the first floor. Classical pediments adorn the façade over each window and door. The main entrance is recessed and has a transom. This building speaks to the wealth of its original owner, being one of the finest, earliest residences in St. John's.

As I'm sure you are aware, Richmond Hill was to be divided into townhouses as part of a 12-lot subdivision at the corner of Old Topsail Road and Shaw Street. The development was approved by Council in fall 2010. A City Notice appeared in *The Telegram* on October 13, 2010, that stated, "The original dwelling on the property will be maintained."

Paul Fowler, a principle with the project's proponent, Wrightland Development Corporation was quoted in a January 2011 article in *The Telegram* as saying, "It's a very large house, that's our plan, to develop it in to two town homes."

Councillor Frank Galgay was also quoted in that article and said that he considered the development a good one. He particularly liked that Wrightland had committed to maintaining the integrity of Richmond Hill. He said, "It's important that [they] do that because there were people associated with that particular cottage who were very prominent in the economic, cultural and business community of St. John's."

The support that was given for the original development proposal and the text amendment to the Development Regulations that would allow for the conversion of the house into two residential dwellings was given with the understanding that the heritage structure would be maintained. The amendment was supported as part of a consultative process. The demolition application that has been filed is not subject to public consultation requirements.

The Trust would propose that the Heritage Advisory Committee recommend that approval for demolition be rejected as the structure is a Municipally Designated Building and holds great significance to the city. In addition, the demolition of the building would contravene the original agreement whereby approval for the development of the surrounding property was given with the understanding that the developer would maintain the original dwelling.

Sincerely,



Robyn Pike  
President  
Newfoundland Historic Trust

# COUNCIL DIRECTIVE

## REGULAR MEETING

**Date: 2013/10/28 12:00:00 AM**

**CD# R2013-10-28/3**

**To:** Jason Sinyard  
**Position:** Director of Planning and Development  
**RE:** Planning and Development Standing Committee Report - October 16, 2013  
Item # 1 - Richmond Cottage, 4-6 McLea Place (formerly 18 Old Topsail Road/  
10 Shaw Street  
**DECISION:** Council recognized that there is no active application to demolish the building at  
this time, and this matter will be addressed if and when an application is received.

Furthermore, Council accepted the Committee's recommendation that where developers are granted bonuses or increased densities as a measure to ensure the protection and revitalization of a heritage property, the approval be conditional on dealing with the heritage protection aspect of the approval first.

**Action:** As required.  
**Date:** 2013/10/28  
**Signed by:**

### Status Comments:

**Closed By:** Jason Sinyard

mem

**cc:**

Planning/Dev./Eng. (Minus Jason Sinyard)

**Response Required:** YES  
**Response deadline:** 2013/11/29  
**Response Received:**  
**Attachments:**

# MEMORANDUM

## REPORT / RECOMMENDATIONS TO COUNCIL Planning and Housing Standing Committee Wednesday, October 16, 2013

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**In Attendance:** Councillor Tom Hann, Chairperson  
Deputy Mayor Ron Ellsworth  
Councillor Wally Collins  
Councillor Bruce Tilley  
Councillor Danny Breen  
Councillor Jonathan Galgay  
Councillor Bernard Davis  
Robert Smart, City Manager  
Dave Blackmore, Deputy City Manager, PDE  
Brendan O'Connell, Director, Engineering  
Lynnann Winsor, Director, Water & Wastewater  
Jason Sinyard, Director, Planning and Development  
Ken O'Brien, Chief Municipal Planner  
Sean Janes, City Internal Auditor  
Judy Powell, Metrobus  
Sandy Abbott, Recording Secretary

---

The following matter was considered by the Planning and Housing Committee at its meeting held on October 16, 2013.

**1. Richmond Cottage, 4-6 McLea Place (formerly 18 Old Topsail Road/ 10 Shaw Street)**

The Committee recognized that there is no active application to demolish the building at this time, and this matter will be addressed if and when an application is received.

Furthermore, the Committee agreed that where developers are granted bonuses or increased densities as a measure to ensure the protection and revitalization of a heritage property, the approval be conditional on dealing with the heritage protection aspect of the approval first.

# ST. JOHN'S

# COUNCIL DIRECTIVE

## REGULAR MEETING

**Date: 2013/10/28 12:00:00 AM**

**CD# R2013-10-28/3**

**To:** Jason Sinyard  
**Position:** Director of Planning and Development  
**RE:** Planning and Development Standing Committee Report - October 16, 2013  
Item # 1 - Richmond Cottage, 4-6 McLea Place (formerly 18 Old Topsail Road/  
10 Shaw Street  
**DECISION:** Council recognized that there is no active application to demolish the building at  
this time, and this matter will be addressed if and when an application is received.

Furthermore, Council accepted the Committee's recommendation that where developers are granted bonuses or increased densities as a measure to ensure the protection and revitalization of a heritage property, the approval be conditional on dealing with the heritage protection aspect of the approval first.

**Action:** As required.  
**Date:** 2013/10/28  
**Signed by:**

### Status Comments:

**Closed By:** Jason Sinyard

mem

**cc:**

Planning/Dev./Eng. (Minus Jason Sinyard)

**Response Required:** YES  
**Response deadline:** 2013/11/29  
**Response Received:**  
**Attachments:**

A meeting of the Heritage Advisory Committee was held on Friday, July 11, 2014 at 12:00 noon in the fourth floor conference room A, City Hall.

In Attendance: Councillor Sandy Hickman, Co-Chairperson  
Councillor Dave Lane, Co-Chairperson  
George Chalker, Heritage Foundation  
Taryn Sheppard, Nexter Representative  
Peter Jackson, NL Historic Trust  
Wayne Purchase, Downtown St. John's  
Jeremy Bryant, NL Association of Architects  
Garnet Kindervator, Canadian Homebuilders, NL Chapter  
Lydia Lewycky, Planners Institute  
Melanie Del Rizzo, Citizen Representative  
Gerard Hayes, Citizen Representative  
Lindsay Lyghtle Brushett, Planner  
Peter Mercer, Heritage Officer  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

#### **Adoption of Agenda/Minutes**

The agenda and the minutes of the meeting held June 13, 2014 were adopted by unanimous consent.

#### **Welcome New Member Lydia Lewycky**

The Committee welcomed Ms. Lydia Lewycky to the committee representing the Atlantic Planners' Institute.

#### **Salvation Army Update**

The Heritage Office advised that there are no updates on this matter from his perspective. Mr. Bryant advised that his firm, Lat 49 Architecture was awarded the contract to design/redevelop the site on Springdale St.

#### **128 Water St.**

The Heritage Office advised that he and Sylvester Crocker had a meeting with the owner of 128 Water St. who was unclear as to what he did wrong but he did agree to come back with a proposal to either cover the stone cladding or replace it with a material more appropriate. The Committee will be kept apprised as new developments occur.

#### **Richmond Cottage**

The Heritage Officer advised that the property owner will be requested to bring Richmond Cottage up to minimum property standards and to repair the clapboard and other deficiencies as outlined in the Minimum Property Standards By-law, including rectifying any safety issues that may exist. The property owner will be given a 30-60 day timeframe to fix the problems. If the work is not done within that period, the matter will be referred for legal action.

City Hall would be looked at in terms of encouraging higher density and height restrictions. Lemarchant Road was also identified as an area for redevelopment potential. The existing residential neighborhoods, however, will still be protected.

- The urban design guidelines will focus on the downtown area and more public input will be sought as to how this will unfold. The general time lines for completion of the development regulations will be by the end of this year and the urban design guidelines will be developed by the following spring. The urban design guidelines will guide issues such as density bonusing, adaptive reuse, etc.
- Concern was expressed about the ad hoc nature of development and the lack of enforcement to ensure consistency in the regulation of development. As a result, investment is discouraged by lack of consistency and there have to be carrots as well as sticks, i.e. incentives as well as consistent application of regulations.
- The Committee agreed that the City is in need of a heritage planner who has a specific architectural, heritage and planning background. It was agreed that this idea should be part of the Committee's submission to Council.
- Concern was also expressed about the prescriptive nature of regulations so as not to hold back creative approaches.

It was agreed that members send their comments to the Recording Secretary for eventual compilation into a comprehensive document in response to the Envision St. John's Municipal Plan review. Members were given two weeks to submit their feedback in writing. It was also agreed that the next meeting of the Committee be dedicated to the Municipal Plan Review.

### **Richmond Cottage Update**

Councillor Lane updated the Committee on the background history regarding this property, from its proposed restoration to its proposed demolition by the proponent and the apparent impasse with Council that has occurred as a result. Recently, a meeting was held with Councillors Lane, Hickman and Hann; Mr. Kevin King, proponent; and the Deputy City Manager of Planning, Development & Engineering. Mr. King continues to assert that the property is too expensive to rehabilitate; and at this stage, he is open to the idea of selling it as is. Councillor Lane felt that consideration now has to be given to solutions that include incentives such as heritage funding, tax back incentives, conversion of building to three units instead of two.

The Heritage Officer advised that the owner of this property was provided a notice to upkeep the minimum standards, but the deadline from that notice has now passed. The owner is presently in consultation with Council on the matter. Councillor Lane asked members of the Committee to consider alternative solutions to save the building, i.e. the conversion of the building in to three instead of two condos and the relocation of the garages to the side of the building or conversion to a boutique hotel. If the preservation of the exterior is the main concern, the Committee can investigate options for converting the interior into more marketable units by inserting a steel frame interior that facilitates different floor levels to enable more units and higher density use.

A meeting of the Heritage Advisory Committee was held on Friday, December 12, 2014 in the fourth floor conference room A, City Hall.

In Attendance: Councillor Dave Lane, Co-Chairperson  
Councillor Sandy Hickman, Co-Chairperson  
Garnet Kindervater, Canadian Homebuilders NL  
Wayne Purchase, Downtown St. John's  
Peter Jackson, NL Historic Trust  
Maria Lear, Citizen Representative  
Gerard Hayes, Citizen Representative (entered meeting at 12:23 p.m.)  
Bob Bursey, City Solicitor  
Jason Sinyard, Director of Planning & Development  
Elaine Henley, City Clerk  
Peter Mercer, Heritage Officer  
Lindsay Lyghtle Brushett, Planner  
Helen Miller, Archivist  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Supervisor of Legislative Services

#### **Adoption of Agenda**

The agenda was adopted by unanimous consent.

#### **Adoption of Minutes**

The minutes of the meeting held November 14, 2014 were adopted by unanimous consent.

#### **Heritage Designation Legal Implications**

Mr. Bob Bursey, City Solicitor was in attendance to discuss the above noted matter. He referenced Section 355 of the City of St. John's Act dealing with heritage preservation, specifically subsections 1 and 3 which are outlined as follows:

355. (1) *The council may, by by-law, designate buildings, structures, lands or areas in whole or in part, as heritage buildings, structures, lands or areas for the purpose of preserving evidences of the city's history, culture and heritage for the education and enjoyment of present and future generations.*
- (3) *In exercising the power under this section, the council shall have regard to the following considerations:*
- (a) *the need of preserving heritage buildings, structures, lands or areas that collectively represent a cross-section of all periods and styles in the city's historic and cultural evolution;*
  - (b) *the costs and benefits of the preservation; and*
  - (c) *the compatibility of preservation with other lawful uses of the buildings, structures or lands.*

The City Solicitor advised that essentially a two part analysis needs to be undertaken prior to heritage designation. The first part requires that there be a determination of a failure to preserve a structure which would result in a style or period in the history's cultural revolution not

being represented; identification of the specific cultural heritage significance; and review of the existing heritage inventory to determine whether or not the property being considered for preservation is already adequately being represented. He added that there is a significant heritage inventory in the City and the Act does not contemplate every building being so designated; rather it talks about a *cross section*. There is then a requirement to conduct a cost benefit analysis to determine whether the costs of maintenance and restoration will increase property value. Consideration also has to be given to the potential for uses of a heritage designated property within a particular zone. If such considerations are not taken into account, a disaffected property owner may be able to go to court and disaffect. With regard to a proposed demolition of a heritage designated property, Council under Section 355(7) may withhold a permit to demolish for a period of 90 days pending the undertaking of a financial analysis which will better inform Council as to whether or not a property can be designated.

In the case of 35 Winter Avenue for example, the Committee's recent recommendation to designate this building as a heritage structure should have instead recommended the undertaking of an analysis to determine whether or not the building should be designated or to defer demolition until an analysis could be completed. Should the costs of heritage designation require a person to spend more money in relation to a building, structure, land or area than if this section were not in force, the Council may pay to that person the money that it considers appropriate to reduce the difference in the amount of the money spent. Though the statute says council does not have to make any financial contribution, it does require that the cost be considered and the reality of that is practical as opposed to legal. Ultimately, if a property owner cannot or will not undertake restoration, and council is unwilling to provide support toward that restoration, it is not practical to impose heritage designation.

The Committee questioned how a cost analysis could be realistic without input from the property owner, particularly one not in favor of heritage designation. In the end, it is Council's decision to direct whether or not the Heritage Advisory Committee should do a cost benefit analysis, from which date, they have 90 days to do so.

The City Archivist referenced the first heritage by-law in 1977 wherein a report was prepared outlining a comprehensive list of heritage significant properties. She agreed to forward this information to the Committee for their future reference. With regard to the 2003 list from the PHB Group Study, it was suggested that the owners of those properties recommended for heritage designation be engaged in a dialogue to facilitate such designation in a proactive rather than reactive manner.

During discussion, Mr. Gerard Hayes entered the meeting at 12:23 p.m.

The City Solicitor retired from the meeting at 12:30 p.m. It was agreed that the issue remain on the Committee's running agenda.

### **Richmond Cottage Update**

Mr. Kevin King was scheduled to attend today's meeting; however was not present. Councillor Lane updated the Committee on discussions held with Mr. King about various options for the McLea Park Development and tabled background information from the proponent dated October

29, 2014, a copy of which is on file with the Office of the City Clerk. The proponent “*is seeking permission to re-build Richmond Cottage via the demolition of the existing structure and erecting a new building closely resembling the current form with similar architectural features and building materials, including the reuse of any existing materials on site that can be feasibly salvaged and reused.*” The proponent also proposes that the new structure contain three units instead of the originally proposed two and without the attached garages. The first unit would be situated entirely on the third floor while units 2 and 3 would consist of two levels dividing the first and second stories in half. A separate building would be constructed to the rear of the residence to accommodate three new garages. No architectural elevations for the proposed design of the new structure were submitted by the proponent. In addition to the proposed demolition and reconstruction, three additional lots are proposed for the remainder of the property along the south west corner.

Staff advised that should Council agree with the proposal, it would first have to go through a rezoning process as the removal of the heritage designated structure would invalidate the present approval for redevelopment which was based on the preservation of Richmond Cottage. The proponent has argued that the original structure is beyond repair; however, the Committee asserts that the building is structurally sound and can be rehabilitated with the proper expertise. The Committee also notes that the existence of the heritage structure has enabled the developer to access bonus density opportunities that would have otherwise been unavailable.

Following discussion, the Committee agreed to defer the matter until the New Year at which time; staff will have prepared a chronology of the City’s previous decisions regarding this matter.

### **Heritage Day Awards**

The Heritage Officer advised that to date, no nominations have been received for the Heritage Day Awards. Committee members were requested to consider any potential properties that fit the criteria and to relay these to the Heritage Officer.

### **35 Monkstown Road**

The Tourism Industry Coordinator advised that the exposed porch on 35 Monkstown Road has now been tarped and it appears to be under reconstruction.

### **Downtown Churches Update**

Councillor Hickman advised that he would like to schedule another meeting with the Downtown Church group in the New Year – perhaps late January/February. Reference was made to the ongoing adaptive reuse of the Cochrane St. United Church. The City’s Director of Strategy & Engagement, Ms. Elizabeth Lawrence has some background information on adaptive reuse programs for churches in the United States, and she may be available to present this information to the Committee.

The Tourism Industry Coordinator also advised that the City is looking at the development of an ecclesiastical walking tour in consultation with the NL Historic Trust. She suggested that this be raised during the proposed meeting with the Downtown church representatives to ascertain their interest in participating.

# **McLea Park Development - Proposed Plan**

October 29<sup>th</sup>, 2014

## McLea Park Development

Developed by Wrightland Development Corporation (Wrightland), McLea Park is one of our city's most exhilarating and historically significant residential communities. McLea Park offers opportunity for construction of architecturally designed homes located within the cultured west end valley of Downtown St. John's.

## Property History

Originally known as Richmond Hill, the property was first acquired in 1848 by prominent local merchant and politician, Kenneth McLea. At the time, McLea engaged fellow Scottish builder-architect Gilbert Browning to design and build what became known as, Richmond Cottage, a majestic house, whose history of title also includes notably the Baird, Lynch, and Sparkes families of St. John's.

## Proposed Plan

Wrightland understands the significance and importance of the area, and is proposing a plan that will allow its rich history to be preserved. Wrightland is seeking permission to re-build Richmond Cottage via the demolition of the existing structure and erecting a new building closely resembling the current form with similar architectural features and building materials, including the reuse of any existing materials on site that can be feasibly salvaged and reused. The proposed building will be constructed from the ground up and it will blend better with the overall development of the area as many of the same elements are being used in the other residences.

This newly constructed building will have an appearance and exterior similar to the existing building. The new building will have a classic vernacular style and showcase the same elements that embody the original Richmond Cottage.

As seen in the attached, Figure 1, the proposed building will house three separate living units. The top floor will be a self-contained dwelling unit and the lower two floors will be split down the middle, creating a two storey dwelling unit on each side, which will incorporate basement space. There will also be three garages constructed at the rear of the property, one for each dwelling unit. These garages are planned to be separated from the main building in order to maintain the aesthetics of the new construction and to fall in line with the current style.

The final product will be of higher quality construction and finish than the current Richmond Cottage. It will be built to current codes, be more energy efficient and have better sound attenuation and fire separation.

Also attached are Figure 2 and Figure 3 which depict the approved McLea Park development and the newly proposed McLea Park Development. In addition to the changes of Richmond Cottage, Figure 3 includes three smaller lots, which will assist in the financing of the planned redevelopment.

In summary, the above course of action for the redevelopment of Richmond Cottage provides for a financially feasible way to preserve the rich heritage architecture while also providing for a far more environmentally friendly, energy efficient and safer building.

Skilled Craftsman  
Materials re-used  
Flawless  
Canning

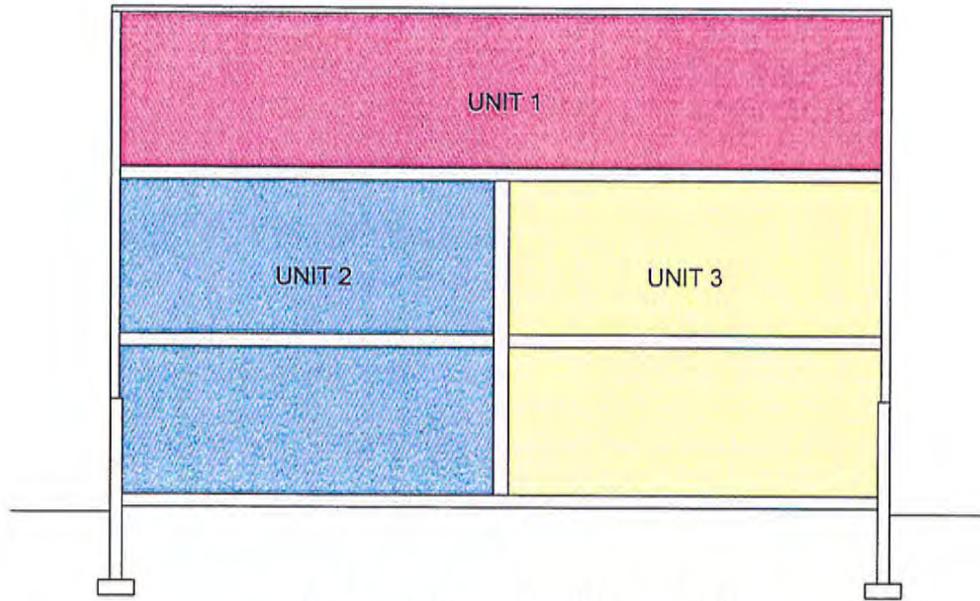


Figure 1: Proposed Residential Units

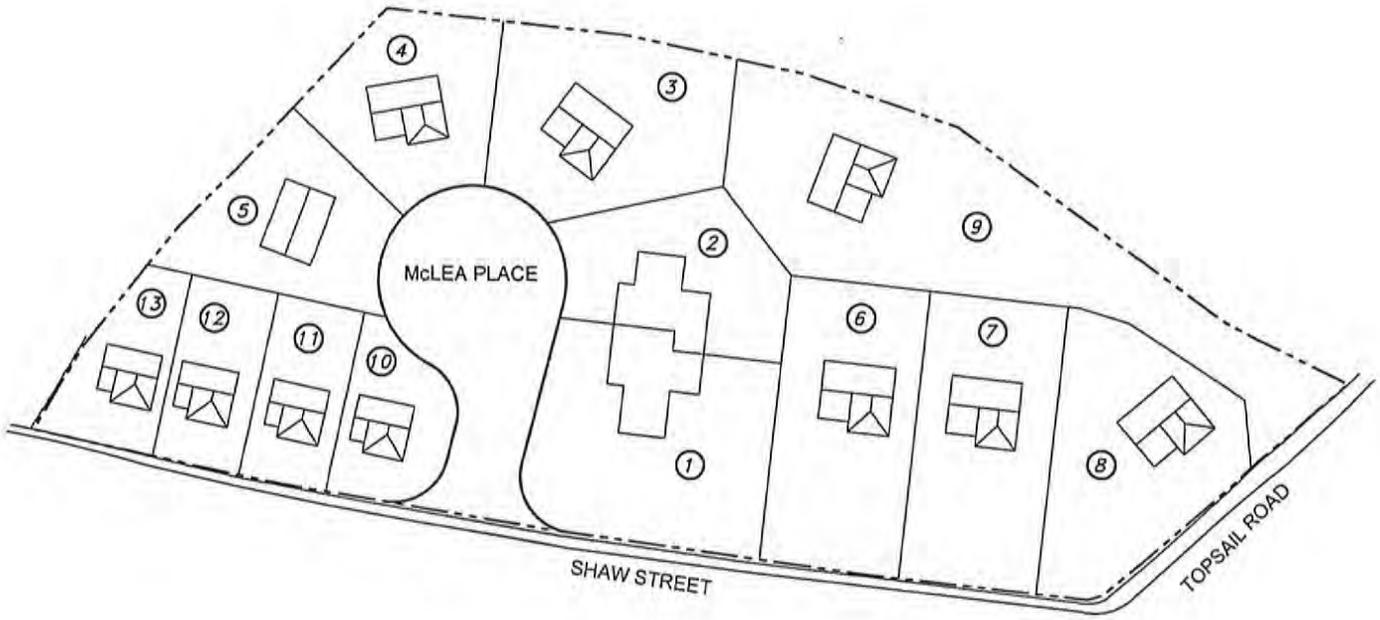


Figure 2: Approved McLea Park Development



Figure 3: Proposed McLea Park Development

# COUNCIL DIRECTIVE

## REGULAR MEETING

Date: 2016/03/15 12:00:00 AM

CD# R2016-03-15/17

**To:** Cheryl Mullett  
**Position:** City Solicitor  
**RE:** Richmond Cottage - Memorandum of Understanding  
**DECISION:** Council approved the Memorandum of Understanding in relation to Richmond Cottage as presented and attached to this Directive.

**Action:** As Required.  
**Date:** 2016/03/15  
**Signed by:** Karen Chafe  
Recording Secretary; Supervisor - Legislative Services; Acting City Clerk

### Status Comments:

jcd

### cc:

Jason Sinyard/Deputy City Manager; Planning; Development & Engineering

**Response Required:** YES  
**Response deadline:** 2016/04/11  
**Response Received:**

### Attachments:



Signed Richmond Cottage Agreement.pdf

MEMORANDUM OF UNDERSTANDING

**BETWEEN:**

**CITY OF ST. JOHN'S**

(the "City")

**AND:**

**WRIGHTLAND DEVELOPMENT CORPORATION**

("WDC")

**Collectively the "Parties"**

**WHEREAS** WDC is the owner of lands situate on Shaw Street.

**AND WHEREAS** WDC has developed a portion of this land into a subdivision, and approval for this subdivision was subject to WDC restoring the designated heritage home, known as "Richmond Hill Cottage" (the "Cottage"), in accordance with the Heritage Advisory Committee's recommendations.

**AND WHEREAS** WDC has not yet completed the conditional restoration of the Cottage as required.

**AND WHEREAS** WDC now wishes to demolish the Cottage in favour of constructing a new dwelling on the lot.

**AND WHEREAS** the City wishes for WDC to attempt to sell the Cottage as a heritage home, in keeping with the Heritage Advisory Committee's intent to preserve the Cottage as a heritage home.

**AND WHEREAS** the Heritage Advisory Committee will be replaced by the Built Heritage Expert Panel in the near future.

**AND WHEREAS** if the above mentioned attempt to sell is unsuccessful pursuant to the terms herein, then City Council will approve the demolition of the Cottage.

The Parties, for the sum of \$1.00 paid by each Party to the other, and for other good and valuable consideration already received, hereby agree to and acknowledge the following terms and obligations:

- 1) The Parties shall execute any agreements or documents required to finalize the terms outlined herein.

- 2) WDC shall subdivide the existing lot into two lots and list the lot containing the Cottage for **\$350,000.00** (lot plan attached as **Schedule "A"**). The subdivision to create the second lot will be subject to the normal approval process. Any retaining walls required as a result of the subdivision shall be the responsibility of WDC.
- 3) WDC shall list the property on MLS, which shall provide exposure to local, national and international markets. WDC and the Heritage Community shall market the property as a heritage home to be restored. WDC and the City will form a working group to develop the marketing material. The City shall have an opportunity to review and approve the listing. The Cottage shall be used for residential purposes with a maximum of two living units and shall not be used as an Office, a Boarding or Lodging House, and/or a Restaurant as defined in the *St. John's Development Regulations*, and any sale of the Cottage shall be subject to a Restrictive Covenant reflecting these restrictions.
- 4) The listing shall be made public as of (Start Date), 2016 and remain on the market until the earlier of a successful sale transaction takes place, or until May 1, 2017 (the "Term").
- 5) The listing shall indicate that the purchaser must have their restoration plan for the Cottage reviewed by the Built Heritage Expert Panel and approved by Council prior to undertaking the restoration. The listing shall also include that the Cottage is subject to the St. John's Heritage Designation 18 Topsail Road (2 Shaw Street) By-Law and that the Cottage may not be demolished and the exteriors of the Cottage may not be altered, except with the approval of the City. WDC will have the opportunity to provide input on the exterior design to ensure that it meets the general standard of the neighbourhood.
- 6) Any purchaser shall submit restoration plans to the City within three (3) months of completion of the sale of the Cottage to the purchaser, shall commence restoration of the Cottage within three (3) months of receiving City approval of the restoration plans, and shall complete restoration within twenty-four (24) months of commencement. These timelines may be extended as agreed to between the purchaser and WDC in good faith. If the purchaser fails to commence or complete development within these time periods, or extensions thereof, WDC shall have the right to purchase the Cottage from the purchaser, at the purchase price paid by the purchaser upon the sale of the Cottage to the purchaser. In that event, the City, by way of approval by City Council of this MOU, shall approve the demolition of the Cottage. It shall be the responsibility of WDC to ensure the above conditions are agreed to and binding as between WDC and any purchaser. The City cannot force a purchaser to sell back to WDC or strictly adhere to the timelines set forth herein. The City does not warrant or guarantee that a purchaser will agree to these conditions. The purchaser is not a party to this MOU.
- 7) WDC shall make a genuine and best effort to sell the Cottage throughout the Term, which shall include maintaining the listing on the MLS and the engagement of a Real Estate Agent. WDC, along with the City, will develop a marketing package of photographs and historical information on the Cottage to assist in marketing the property. All marketing costs shall be the responsibility of WDC.

- 8) WDC shall inform the City of all offers received and the details thereof for the duration of the Term.
- 9) Should WDC receive and accept an unconditional offer, or an offer subject to Reasonable Conditions, prior to May 1, 2017, but do not close said transaction prior to this date, WDC may remove the listing but shall make best efforts to complete the pending transaction. Reasonable Conditions shall mean any or all of the following: Subject to the purchaser obtaining financing within 20 days of the end of the Term, confirming clear and marketable title within 20 days of the end of the Term, a closing date within 20 days of the end of the Term. WDC shall have no obligation to accept an offer which is subject to conditions other than the Reasonable Conditions or an offer to purchase the Property for less than the listing price.
- 10) Should WDC be unsuccessful in selling the Cottage by May 1, 2017, and there are no pending purchase agreements in place, the City, by way of approval of this MOU by City Council, shall approve the demolition of the Cottage.
- 11) This Memorandum of Understanding has been approved by City Council.

The undersigned have agreed to the contents of this Memorandum of Understanding. Any changes to the contents shall be only made with the consent of all Parties.

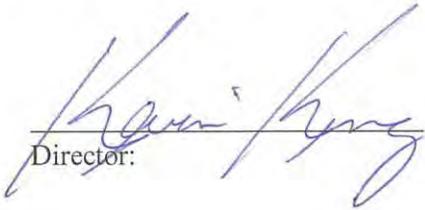
Dated at \_\_\_\_\_, in the Province of Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ST. JOHN'S**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**WRIGHTLAND DEVELOPMENT  
CORPORATION**

  
Director:

A meeting of the Heritage Advisory Committee was held on Thursday, February 5, 2015 at 12:00 Noon in the Department of Recreation's Board Room in the Crosbie Building, Crosbie Place.

In Attendance: Councillor Dave Lane, Co-Chairperson  
Councillor Sandy Hickman, Co-Chairperson  
Deputy Mayor Ron Ellsworth  
Councillor Tom Hann  
Councillor Art Puddister  
Garnet Kindervater, Canadian Homebuilders Association  
Wayne Purchase, Downtown St. John's  
Maria Lear, Citizen Representative  
Taryn Sheppard, Nexter Representative  
Shannie Duff, Citizen Representative  
Gerard Hayes, Citizen Representative  
Jeremy Bryant, NL Association of Architects  
Grant Genova, NL Historic Trust  
Dave Blackmore, Deputy City Manager of Planning, Development & Engineering  
Sylvester Crocker, Manager of Technical Services  
Peter Mercer, Heritage Officer  
Helen Miller, City Archivist  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Supervisor of Legislative Services

The purpose of this meeting was to discuss the status of Richmond Cottage, particularly in light of an informal assessment conducted by Garnet Kindervater. He presented a series of photographs detailing the property's basement, first and second floors as well as the exterior. These photographs are on file with the Office of the City Clerk. Overall, Mr. Kindervater concludes that the 160 year old building is structurally sound and has potential for significant marketable and adaptive reuse. The following points were outlined with respect to the property's general condition:

- **Basement area:** some mould and mildew exists in the basement, likely due to the shut-off of the heating and electrical systems. The foundation is in overall good condition. No evidence of groundwater penetration. Minimal asbestos with the exception of a few pipe wrappings.
- **First Floor:** Evidence of some modernization in kitchen area. Drywall over original plaster. Plaster around circular stairwell except for some peeling of paint, is in excellent shape and a rare example of this type of feature. The main entrance contains all original glasswork and door with zero modification. Stair railing is cast iron. Architectural mouldings and unique plaster work in perfect condition. Original hardware on door (rare example). Large plaster crown mouldings – excellent condition. Hardwood floors have patterns and designs and show no signs of upheaval or shifting. Some water damage to front room ceiling likely caused by burst pipe or bathroom on 2<sup>nd</sup> floor. All floors are

true and level. All fireplaces are unique, some with slate mantels. Very little paint build-up on doors and window frames – original varnish underneath some.

- **Second Floor:** Mostly flaking paint. No leaks in skylight. One bedroom's fireplace is cast iron with two shelves (likely used for warming rocks). Some rounded corners.
- **Exterior:** base stone on Shaw St. side is not original. Some windows at basement level have been filled in but can be reopened for more light on the east side. Clapboards and corner boards are in good condition. Little evidence of rot. Lead based paints used will have to be removed. Options for exterior could be to scrape the paint or replace some boards or combination of both. House has good ventilation. Roof in good shape – no evidence of leaks.

Reference was made to the original plan submitted by Sheppard Case Architects on behalf of Wrightland Development Corporation and which was approved by the Committee and subsequently approved by Council during the Regular Council meeting of September 6, 2011. A copy of this rendering is attached to these minutes. It was Mr. Kindervater's opinion that the original plan was no longer viable for the property, particularly given the excavation of land close by which took place to accommodate the cul-de-sac for the new subdivision. The existing building, however, could be subdivided into 4 or 5 self-contained condominium units with an average size of 800-1000 square feet each.

The first and second floors could accommodate two units each with one additional unit in the basement. The basement would also accommodate a locker storage room area and the utility room. Such a conversion would also accommodate the retention of some of the property's original features. The option to restore as a single family home is also possible but not likely marketable. The original proposal for conversion into two units is also less marketable given the excavation of the land.

Consideration would have to be given to the requirements for fire protection and the possible installation of a sprinkler system; as well as sound separation; however, these requirements are quite possible. The land also exists to accommodate sufficient parking. Without getting into the costs, Mr. Kindervater felt reasonably confident that the conversion to five units is the most cost effective option. The following points were put forth to substantiate this assertion:

- The complete demolition of the property is a much larger project, particularly with respect to the required disposal of hazardous waste which would have to be sent away for analysis.
- The suggestion to incorporate some of the old elements of the existing building with a completely new structure is not practical given the difficulty of mixing old and new materials. "One laughs at the other".
- There is an inherent value in the structural components of the existing building and there is no reason to warrant its complete demolition. To build a house of that same size would cost twice as much as redeveloping the existing space.
- There is no evidence contained within the two environmental assessments provided by the developer to Mr. Kindervater to substantiate the tearing down of the house.

The Committee thanked Mr. Kindervater for his analysis which is based on forty years of experience in the field of restoration. Given this information, the Committee feels that it is now in order to have a different dialogue with the property owner who would have to be apprised of the economics of saving the building vs. its complete demolition. The City would also have to be prepared to facilitate this possibility through its regulatory requirements.

Reference was also made to the tremendous assistance provided by the employees of the property owner who have taken the time to enable Mr. Kindervater's entry to the property as well as providing him with copies of the environmental assessment reports for the building. Mr. Kindervater also advised that the property owner has access to skilled tradespeople in-house who are qualified to undertake the proposed renovation and restoration of the property.

Members of the Committee felt that the new concept should be introduced to the property owner and that it should be made known that the restoration of this property into five marketable condominium units would also be a major selling factor to the overall development. Such conversions are common in other parts of the world and particular reference was made to the City of San Francisco where historic properties are converted into modern owner occupied units that still retain their heritage character and authenticity.

The following questions were raised:

- With regard to the technical considerations for converting the existing building, staff questioned how hazardous materials would have to be dealt with, noting that this will be a significant cost irrespective of the property's conversion or removal. Mr. Kindervater asserted that material such as the iron paint on the staircase for example, if not disturbed could be painted over and safely recovered. The environmental concerns stem mostly from the newer materials introduced into the house such as lead paint and the minimal amount of asbestos contained in the basement's stucco which would require removal.
- With regard to the challenges of ensuring each unit is adequately sound proofed and fire-rated, staff noted the need to possibly strip away much of the architectural features that give the property its heritage value. This was acknowledged by Mr. Kindervater who noted that the area needs further study. The basement would not pose an issue in that regard as it can be stripped entirely. Sound barriers between the main and second floors could be achieved by the removal of the floors to accommodate the installation of sound insulation. This may be required in any event once rewiring takes place. The paint can also be stripped down to the plaster. A sprinkler system would also need to be installed.
- Energy efficiencies will also be a challenge once the interior gets tightened up to accommodate separate units. This may have an adverse impact on the healthy circulation of air through the building.
- Some members of Council questioned the historic value of a building that will be stripped out. Members of the Committee indicated that the retention of architectural elements to the building's interior would be ideal but they also recognize the need for modernization of the interior should the units be marketable. The most important consideration is the retention of the building's exterior and the possibility of creative solutions as suggested by Mr. Kindervater should be explored with the property owner. This should form the basis for entering into a new dialogue with the property owner. The Committee felt that

it is also time for Council to address what value the City places on its built heritage, given that there are very few examples of 18<sup>th</sup> century structures remaining.

Councillor Hickman agreed to relay today's deliberations with the property owner, Mr. Kevin King. The Committee agreed that this was a unique opportunity to resolve the problem of preserving the property while making it economically feasible for the property owner.

There being no further business, the meeting adjourned 1:12 p.m.

Councillor Dave Lane  
Councillor Sandy Hickman  
Co-Chairs

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"      Uj c'p' p' k' e' F' v' h' 'E' k' k' g' p' 'T' gr t' g' u' p' v' k' x' g' ""  
"      O' c' t' k' 'N' g' t. 'E' k' k' g' p' 'T' gr t' g' u' p' v' k' x' g' ""  
"      I' c' t' p' g' v' M' k' p' f' g' t' x' c' v' g' t. 'E' c' p' c' f' k' c' p' 'J' qo g' d' w' k' f' g' t' u' P' N'  
"      N { f' k' 'N' g' y { e' m' f' . 'R' r' c' p' p' g' t' u' o' 'K' p' u' k' w' w' g' "  
"      L' c' u' q' p' 'U' k' p' { c' t' f' . 'F' k' t' g' e' v' q' t' 'q' h' 'R' r' c' p' p' l' o' i' ' ( 'F' g' x' g' m' r' o' g' p' v' "  
"      M' g' p' 'Q' o' D' t' k' e' p' . 'E' j' k' g' h' 'O' w' p' l' e' k' r' c' i' 'R' r' c' p' p' g' t' "  
"      U { r' k' g' u' g' t' 'E' t' q' e' n' g' t' . 'O' c' p' c' i' g' t' 'q' h' 'V' g' e' j' p' l' e' c' n' 'U' g' t' x' l' e' g' u' "  
"      R' g' v' g' t' 'O' g' t' e' g' t' . 'J' g' t' k' c' i' g' 'Q' h' h' e' g' t' "  
"      O' c' t' i' c' t' g' v' 'F' q' p' q' x' c' p' . 'V' q' w' k' u' o' 'K' p' f' w' u' t' { 'E' q' q' t' f' k' p' c' v' q' t' "  
"      J' g' r' g' p' 'O' k' n' g' t' . 'E' k' v' { 'C' t' e' j' k' x' k' u' v' "  
"      M' c' v' j' { 'F' t' k' u' e' q' m' 'N' g' i' k' u' r' v' k' x' g' 'C' u' u' k' r' c' p' v'      "  
"      M' c' t' g' p' 'E' j' c' h' g' . 'U' w' r' g' t' x' k' u' q' t' 'q' h' 'N' g' i' k' u' r' v' k' x' g' 'U' g' t' x' l' e' g' u' "  
"

**Adoption of Agenda**

Vj g'ci gpf c'y cu'cf qr vgf 'y kj 'v' g'cf f' k' k' q' p' "qh'v' g'cr r' r' k' e' c' v' k' p' "h' q' t' "53: "Y' c' v' g' t' 'U' o' c' p' f' 'v' j' g' "3; 98"  
k' p' x' g' p' v' q' t' { "q' h' j' g' t' k' c' i' g' d' w' k' f' k' p' i' u' h' t' q' o' 'v' j' g' 'E' k' v' { 'C' t' e' j' k' x' k' u' v' "  
"

**Adoption of Minutes**

Vj g'o k' p' w' g' u' "q' h' v' j' g' o' g' g' w' p' i' "j' g' r' f' 'F' g' e' g' o' d' g' t' "34. "4236' y' g' t' g' "c' r' r' t' q' x' g' f' "d' { 'w' p' c' p' l' o' q' w' u' e' q' p' u' g' p' v' o' "  
"

**55 Duckworth Street – Exterior Renovations**

Vj g'Eqo o kwgg' b' g'v' y' k'j' 'O' c' t' n' i' 'Y' j' g' r' c' p' . "V' t' q' { 'J' g' c' r' g' { 'c' p' f' 'G' r' c' k' p' g' 'E' c' o' r' d' g' m' 'q' h' 'H' q' w' i' g' t' g' "  
O' g' p' e' j' g' p' v' q' p' 'v' q' 'f' k' u' e' w' u' u' 'v' j' g' k' t' 'c' r' r' r' k' e' c' v' k' p' "h' q' t' "g' z' v' g' t' k' q' t' 't' g' p' q' x' c' v' k' p' u' 'v' q' "77' 'F' w' e' n' y' q' t' v' j' 'U' t' g' g' v' o' 'C' 'e' q' r' { "  
q' h' v' j' g' c' t' e' j' k' g' e' w' t' c' n' i' t' g' p' f' g' t' k' p' i' u' 'k' u' 'q' p' 'h' k' g' 'y' k' j' 'v' j' g' 'Q' h' h' e' g' 'q' h' v' j' g' 'E' k' v' { 'E' r' g' t' n' o' "  
"

**The Committee recommended approval of the plans as submitted.**

**Richmond Cottage**

Vj g'Eqo o kwgg' eqpukf g' t' g' f' "c' e' j' t' q' p' q' m' i' { "q' h' g' x' g' p' w' u' f' g' c' n' k' p' i' 'y' k' j' 'v' j' g' 'T' l' e' j' o' q' p' f' 'E' q' w' e' i' g' "  
c' r' r' r' k' e' c' v' k' p' "c' u' r' t' g' r' c' t' g' f' "d' { 'v' j' g' 'Q' h' h' e' g' 'q' h' v' j' g' 'E' k' v' { 'E' r' g' t' n' o' "O' t' o' M' k' p' f' g' t' x' c' v' g' t' "j' c' u' i' t' g' g' f' "v' q' 'e' q' p' u' w' v' c' v' "  
p' q' 'e' q' u' v' y' k' j' 'v' j' g' r' t' q' r' g' t' v' { "q' y' p' g' t' "c' d' q' w' v' j' g' "g' z' v' g' p' v' q' h' g' z' r' g' t' v' k' u' g' t' g' s' v' k' t' g' f' "v' q' 't' g' h' w' t' d' k' u' j' "v' j' g' 'g' z' k' u' k' p' i' "  
d' w' k' f' k' p' i' 'h' t' q' o' "c' 'u' t' w' e' w' t' c' n' i' r' g' t' u' r' g' e' v' k' x' g' o' "J' g' 'u' r' g' e' w' r' e' v' g' f' 'v' j' c' v' v' j' g' 'e' q' u' u' v' 'v' q' 'v' g' e' t' 'f' q' y' p' 'v' j' g' r' t' q' r' g' t' v' "  
y' q' w' f' "d' g' 'u' k' i' p' k' h' e' c' p' v' n' { "j' k' i' j' g' t' 'v' j' c' p' 'v' q' 't' g' h' w' t' d' k' u' j' "v' j' g' 'g' z' k' u' k' p' i' "h' q' t' "c' f' c' r' v' k' x' g' t' g' w' u' g' o' ""  
"

Y' k' j' 't' g' i' c' t' f' 'v' q' 'v' j' g' r' t' q' r' q' u' c' n' i' v' q' 'h' w' t' v' j' g' t' 'u' w' d' f' k' x' k' f' g' 'v' j' g' r' t' q' r' g' t' v' { "h' q' t' "v' j' g' 'e' t' g' c' v' k' p' "q' h' o' q' t' g' 'h' q' w' u' . 'u' w' c' h' "  
f' k' f' 'k' p' f' l' e' c' v' g' 'v' j' c' v' j' g' 'q' t' k' i' k' p' c' n' i' r' n' c' p' 'y' c' u' 'v' q' 't' g' v' k' l' p' 'v' j' g' 'r' c' t' i' g' 'h' v' r' c' t' v' n' { 'v' q' 'r' t' g' u' g' t' x' g' 'v' j' g' 'q' r' g' p' 'u' r' c' e' g' "  
e' q' o' r' q' p' g' p' v' c' u' 'y' g' m' i' c' u' 'v' j' g' o' c' w' t' g' 't' g' g' u' o' "W' p' f' g' t' 'v' j' g' 'p' g' y' 'r' t' q' r' q' u' c' n' i' h' q' t' 'u' w' d' f' k' x' k' u' k' p' . 'v' j' g' t' g' 'k' u' 'p' q' "

r quakdkk\ "vq"r t gugt xg'v'j g't ggu0"Vj gtg'y cu'cnuq"eqpegt'v'j cv'hwv'j gt'uwdf kxkukqp'y qwf "tgs wktg"  
 v'j g'kpuvcmv'kqp"qh'c'o cuukxg'tgvckp'kpi 'y cm'dgj kpf "Tlej o qpf "Eqwci g"\*rw"36"cpf "37"kp"  
 r ct'vwrc't+'kp"qtf gt'vq'hqt'vkh' 'v'j g'eqwci g0"K'v'j g'Eqo o kwgg"cpf 'v'j g'r tqr gtv' "qy pgt'ecp'eqo g'vq"  
 cp"ci tggg' gpv'vq'ucxg'v'j g'r tqr gtv'. 'v'j g'hwv'j gt'uwdf kxkukqp"qh'rcpf "uwtqwpf kpi 'k'y qwf 'j cxg'vq"  
 dg'y qtn'gf "qww'kp"eqpuvcmv'kqp'y kj 'v'j g'F gr ctwo gpv'qh'R'c'ppkpi . 'F gxgnr o gpv' ( 'Gpi kpggtkpi 0'  
 "

Vj g'o cwtg'y cu'f ghgtt'gf 'r gpf kpi 'v'j g'uwo kxkukqp"qh'O t0M'kpf gtxcvgt'au'cuuguo gpv0'  
 "

### **Heritage Awards Nomination – 32 Queen’s Road**

Vj g'Eqo o kwgg'ci tggf 'y kj 'v'j g'p'qo kpcv'kqp"qh'54'S wggp'au'T'qcf "hqt'c'j' g'kci g'cy ctf 0'T'ghgt'gpeg'  
 y cu'o cf g'vq'75'Dcwtg { 'T'qcf 'y j lej 'ku'c'pgy 'kph'kni'dw'dr'gpf u'plegn' 'y kj 'v'j g'uwtqwpf kpi "  
 xgt'pcevrc't0"Vj g'J' g'kci g'Q'h'leg't'ci tggf 'vq'hwv'j gt'kpx'guki cv'g0"Vj g'Eqo o kwgg'y cu'cnuq'cungf "  
 vq'eqpuk' gt'cp { "qv'j gt'r tqr gev'kx'g'r tqr gt'v'gu'o g'k'kpi 'c'j' g'kci g'cy ctf "cpf "vq'r cuu'v'j go "qp"vq'v'j g"  
 J' g'kci g'Q'h'leg't0'  
 "

### **318 Water Street – Rooftop Deck for the Cove at O’Reilly’s**

F'v'kpi 'v'j g'J' g'kci g'C'f'x'kuqt { 'Eqo o kwgg'o gg'v'kpi "qh'L'wp'g'44."4233. 'v'j g'f'guki p"\*qp'h'k'g'y kj 'v'j g'  
 Q'h'leg'qh'v'j g'Ek'v' { 'E'ngtm'y cu'cr r tqx'gf 'hqt'v'j g't'qq'h'qr "f'gen0"C'r j qv'qh'v'j g'r tqr gtv' "cu'k'  
 r t'gug'p'v' "gz'kuu'y cu'cnuq'r t'gug'p'v'f "cpf "h'k'g'f '+'cpf "uj qy u'v'j cv'v'j g'f'gen'u'y cm'h'cek'pi 'v'j g'rc'p'gy c { "  
 uk'f'g'qh'v'j g'd'v'k'f'kpi . 'cewcm' { 'r tqv'wf gu'dg { qpf 'v'j g'd'v'k'f'kpi 'y j lej 'ku'eqp'v'ct { "vq'v'j g'cr r tqx'gf "  
 f'guki p0'  
 "

**The Committee recommended that the applicant be required to conform with the original approval of June 22, 2011.**

### **1976 Heritage Inventory**

Vj g'Eqo o kwgg'y cu'ek'ew'rc'v'gf "xlc'g'o c'k'ic'eqr { "qh'v'j g'3; 98"J' g'kci g'k'p'x'gp'v'qt { "cu't'gug'ctej gf "d { "  
 v'j g'Ek'v' { 'au'C'tej kx'ku'0"K'y cu'ci tggf 'v'j cv'v'j g'k'p'x'gp'v'qt { "dg't'gx'k'ey gf "vq'f'gv'to k'pg'j' qy "o cp { "  
 d'v'k'f'kpi u'y g't'g'm'uv'qt'f'k'uk'ki w'gf "uk'peg'v'j g'k'p'h'q'to cv'k'qp'y cu'r w'd'rikuj gf 0"Vj g'Ek'v' { 'C'tej kx'ku'  
 t'ghgt'gpegf 'r ci g'67"qp'y j lej 'v'j g't'g'ct'g'h'ku'v'gf "67"d'v'k'f'kpi u."35"qh'y j lej "ct'g'ct'g'cf { "i'qp'g0"  
 "

### **Adjournment**

Vj g't'g'd'g'kpi "pq'hwv'j gt'd'w'uk'p'guu.'v'j g'o gg'v'kpi "cf'l'q'w'p'gf "cv'3-47'r 0'0'  
 "

"

**Councillor Sandy Hickman  
 Co-Chair**

**Report/Recommendations  
Heritage Advisory Committee  
March 6, 2015**

In Attendance: Councillor Sandy Hickman, Co-Chairperson  
Councillor Dave Lane, Co-Chairperson  
Councillor Tom Hann  
George Chalker, Heritage Foundation of NL  
Peter Jackson, NL Historic Trust  
Wayne Purchase, Downtown St. John's  
Shannie Duff, Citizen Representative  
Taryn Sheppard, Nexter Representative  
Maria Lear, Citizen Representative  
Garnet Kindervater, Canadian Homebuilders NL  
Gerard Hayes, Citizen Representative  
Lydia Lewycky, Planners' Institute  
Jason Sinyard, Director of Planning & Development  
Ken O'Brien, Chief Municipal Planner  
Lindsay Lyghtle Brushett, Planner  
Peter Mercer, Heritage Officer  
Margaret Donovan, Tourism Industry Coordinator  
Helen Miller, City Archivist  
Karen Chafe, Supervisor of Legislative Services

1. **295 Water Street (Designated Heritage Building) Installation of Illuminated Sign**  
The Committee considered the above noted application for the manufacture and installation of a set of halo letters by E.C. Boone Ltd. on behalf of the Golden Tulip.

**The Committee recommends approval of the application subject to its dimensions fitting within the sign band of the front façade so as not to cover any architectural detailing on this heritage designated building.**

2. **2 Holdsworth Court –Application for Wall Sign**  
The Committee considered the above noted application for the manufacture and installation of LED backlit channel letters on a sculpted aluminum carrier cabinet. The proposed dimensions submitted exceed those outlined in the Heritage Sign By-law.

**The Committee recommends approval of the application subject to the sign's dimensions conforming to those permitted under the Heritage Sign By-Law.**

3. **O'Reilly's Roof Deck – 318 Water Street**  
The Committee met with Mr. Craig Flynn to discuss proposed changes to his original application for a roof-top deck which was recommended for Council's approval by the Committee on June 22, 2011. The original design consisted of maintaining the existing parapet atop the front façade and to build behind it a higher brick parapet which would be wrapped around the side of the building, enclosing a roof-top garden. The proponent has since exposed and restored the stone and brick cladding on the building's front; however, has installed a plywood wall above the original parapet instead of the brick wall originally proposed. In addition, the plywood wall

**ST. JOHN'S**

facing the laneway side of the building actually protruded beyond the building's eave which is contrary to the original plan submitted. Mr. Flynn has since had the protrusion removed but would like to maintain the plywood wall in the interim of replacing it with a more aesthetic glass vertical slider wall which can extend to a height of 72 inches when fully extended. He circulated various samples of the glass product in this regard.

**The Committee recommends approval of the suggested glass wall to replace the plywood wall extension. The glass wall should also be flush with the stone wall extended back as far as the staircase situated on the side of the building at William's Lane. The Committee expressed no objection to the applicant's retaining the plywood extension in the interim of it being replaced by the glass material, noting that once ordered, this will take 8-12 weeks for delivery.**

**4. 4 Park Place – Installation of Vinyl Windows**

The Committee met with Mr. Lawrence Canning representing the property owner to discuss an application to replace the property's windows with vinyl single hung and casement windows that would have the same style as the existing. The property is heritage designated. It was noted that the owner of the property next door has agreed to replace his windows to conform to those of civic # 4 should they be approved by Council.

**The Committee recommends approval of the replacement of the existing windows with vinyl windows of the same size and dimension as the originals.**

**5. Cochrane St. Church – Installation of Elevator Shaft**

The Committee briefly considered the above noted.

**The Committee recommends approval of the installation of an elevator shaft at Cochrane St. Church as shown on the attached photos.**

Councillor Sandy Hickman  
Councillor Dave Lane  
Co-Chairs

A meeting of the Heritage Advisory Committee was held on Friday, March 13, 2015 at 12:00 noon in the fourth floor conference room A, City Hall.

In Attendance: Councillor Dave Lane, Co-Chairperson  
Councillor Tom Hann  
Peter Jackson, NL Historic Trust  
Wayne Purchase, Downtown St. John's  
Shannie Duff, Citizen Representative  
Taryn Sheppard, Nexter Representative  
Garnet Kindervater, Canadian Homebuilders NL  
Gerard Hayes, Citizen Representative  
Jason Sinyard, Director of Planning & Development  
Lindsay Lyghtle Brushett, Planner  
Karen Chafe, Supervisor of Legislative Services

### **Adoption of Agenda**

The agenda was adopted by unanimous consent.

### **Adoption of the Minutes**

The minutes of the meeting held March 6, 2015 were approved by unanimous consent.

### **Manga Hotel Proposed for New Gower @ Springdale Street**

The Committee considered the revised renderings dated June 3, 2013 for the above noted development. The Committee had approved the original rendering.

**The Committee recommended approval of the new design renderings as presented subject to the submission of information on the materiality that will be used for the building's exterior, as this information was not included in the package submitted.**

**With regard to the site location which is currently situated within the heritage area, the Committee further recommended that the City's staff investigate and report back to the Committee on the implications and advisability of removing this site from the heritage area.**

### **Richmond Cottage Update**

There has been no update on this matter since the Committee's last meeting. It was agreed that Councillor Lane would contact Mr. Kevin King to further discuss. He will keep the Committee apprised of any developments.

### **Proposed Heritage Designation of 124 Military Road**

The Committee considered a heritage designation application as submitted by the Tammy Pike Farrell on behalf of the property owner of 124 Military Road. One of the purposes for designation is to convert the building to office space. The building's date of construction is possibly as early as 1835 though the builder and architect were unknown. The building has won a Southcott award and certainly merits consideration of heritage designation given the information supplied by the applicant.

**The Committee recommended that consideration be given to the property's heritage designation, subject to the development of a Statement of Significance prepared by the City's Heritage Officer. The Heritage Officer will also ensure that the application process is in line with Section 355 of the City of St. John's Act dealing with heritage preservation.**

#### **55 Rennies Mill Road – Request for Window Installation/Heritage Designation**

There was no update to report on this matter.

#### **The Architectural Heritage of St. John's: An Evaluative Inventory**

The Committee reviewed the above noted document prepared by the NL Historic Trust under the direction of Shane O'Dea in 1977. The Committee recommended the following:

**That in keeping with best practices for heritage conservation at the municipal level, consideration be given to a comprehensive revision and update of the Inventory of Architectural Heritage currently in use by the City. This would provide a more accurate and informative evaluative tool for city staff and the Heritage Advisory Committee.**

#### **Municipal Plan Update**

Ms. Lyghtle Brushett, Planner updated the Committee on staff's review process of the Municipal Plan and development regulations. The issue of height restrictions in the Downtown needs to be reviewed and this is currently being looked at by the City's Legal Dept. The Committee will continue to be fully apprised and consulted with respect to the ongoing review.

#### **Historic Trust AGM**

Mr. Jackson advised the Committee that the Historic Trust's AGM will be held this Thursday, March 19<sup>th</sup> at the Plantation in Quidi Vidi, starting at 7:00 p.m. Carpooling is recommended.

#### **Adjournment**

There being no further business, the meeting adjourned at 1:05 p.m.

**Councillor Dave Lane  
Co-Chairperson**

## Minutes

### Heritage Advisory Committee

Thursday, August 13, 2015 @ 12:00 p.m. – Conference Room A

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**Present:** Councillor Lane, Co-Chair  
Councillor Hickman, Co-Chair (left at 12:40)  
Peter Jackson, NL Historic Trust  
Maria Lear, Citizen Representative  
Wayne Purchase, Downtown St. John's  
Taryn Sheppard, Nexter Representative  
Jeremy Bryant, NL Association of Architects  
Maria Lear, Citizen Representative  
George Chalker, Heritage Foundation of NL  
Garnet Kindervater, Canadian Homebuilders  
Jason Sinyard, Director of Planning & Development  
Sylvester Crocker, Manager of Technical Services  
Lindsay Lyghtle Brushett, Planner  
Peter Mercer, Heritage Officer  
Margaret Donovan, Supervisor of Tourism & Culture  
Kathy Driscoll, Senior Legislative Assistant

Delegation: Ayola Greene, Lydon and Lynch Architects  
Collin Sullivan, Lydon and Lynch Architects

#### Adoption of Agenda and Minutes

The agenda was adopted by unanimous consent.

The minutes of July 10, 2015 were adopted as presented.

#### Delegation

##### **345-353 Duckworth Street**

Ayola Greene from Lydon and Lynch Architects presented an overview of a proposed development for 345-353 Duckworth Street and referenced rendered drawings. She expressed the intent was to transform the existing buildings on Duckworth Street into one combined building reflecting residential units with French balconies and retail in the lower portions. Ms. Greene spoke to the façade and colour scheme for the buildings and recognized the need to maintain the original character as well. The entrances to the building would have lit canopies and the street scape would provide an actual pedestrian area.

The Co-Chair thanked Ms. Greene for her presentation, advised the Committee would discuss her design and would report back to her.

### **36 Temperance Street**

The 12:30 p.m. delegation did not attend the meeting.

## **Business Arising**

### **Update on Heritage Incentives**

No staff report is available on this matter yet. The Committee asked Staff to provide a report for the September meeting.

### **Richmond Cottage Update**

The Committee spoke to the above noted. It was suggested that the property has remained in a stale mate since 2013 and the applicants have not brought forward a proposed design or attempted any restoration.

Furthermore, Council accepted the recommendation that where developers are granted bonuses or increased densities as a measure to ensure the protection and revitalization of a heritage property, the approval be conditional on dealing with the heritage protection aspect of the approval first.

The Committee agreed to adhere to their recommendation that some form of repair work by the applicant begin on the property. The Heritage Officer advised he could issue a maintenance order that would require the repair work to be completed within thirty days.

### **12-20 Springdale St. (Salvation Army)**

The Committee advised that a partial demolition permit has been issued and the City is waiting on a traffic plan to issue the full demolition permit.

### **191 Water Street**

The Committee considered the above noted property. The owner was granted temporary permission to install the property sign. The temporary sign still exists; however, the Committee stands by the original decision of Council.

**The Committee recommended that the owner be requested to comply with the original decision of Council which rejected the proposed waterfall style awning and requested the applicant work with a Heritage Officer to develop a more appropriate design that fits with the existing heritage sign by-law.**

### **50 Forest Road**

The Committee considered the above noted application to repair flashing and cedar shakes on dormers as well as replace eave and cornice on one side only and cedar shakes on lower mansard roof.

**The Committee recommended approval of the application to complete the necessary repairs to flashing, cedar shakes, and eaves and cornices.**

### **8 Military Road**

The Heritage Officer spoke to the above noted and advised that the permit is just to replace asphalt shingles with asphalt shingles.

### **95 Water Street**

The Heritage Officer updated the Committee on the above noted and advised the permit was issued for minor façade repairs.

### **199 Water Street**

The Heritage Officer addressed the above noted and updated the Committee about a permit issued for interior cosmetic work and repair to the brick on the store front.

### **318 Water Street**

The Heritage Officer spoke to the unfinished deck at O'Reilly's. The Committee recognized that the owner had not complied with the Committee's recommendation of March 6, 2015 which was:

***The Committee recommends approval of the suggested glass wall to replace the plywood wall extension. The glass wall should also be flush with the stone wall extended back as far as the staircase situated on the side of the building at William's Lane. The Committee expressed no objection to the applicant's retaining the plywood extension in the interim of it being replaced by the glass material, noting that once ordered, this will take 8-12 weeks for delivery.***

As the recommendation had not been adhered to, the Committee suggested Staff speak to the owner about the permitted allowance for the roof top deck and determine if he will comply or further, ask that he make a new submission. The Committee also recommended inviting the owner to speak at the next Committee meeting with his intentions.

### **Adjournment**

There being no further business, the meeting adjourned at 1:20 p.m.

**Councillor Dave Lane  
Co-Chairperson**

# COUNCIL DIRECTIVE

## REGULAR MEETING

**Date: 2015/08/24 12:00:00 AM**

**CD# R2015-08-24/10**

**To:** Jason Sinyard  
**Position:** Director of Planning and Development  
**RE:** Heritage Advisory Committee - August 13, 2015

Item #2 - 191 Water Street (signage)

**DECISION:** Council rejected the recommendation of the Committee which requested the owner comply with the original decision of Council rejecting the proposed waterfall style awning. The Deputy City Manager of Planning, Development & Engineering advised that the existing waterfall style sign does meet the requirements of the Heritage Sign By-Law.

**Action:** As required.  
**Date:** 2015/08/24  
**Signed by:** Elaine Henley  
City Clerk  
**Directive Status:** Active

### Status Comments:

kc

**cc:**  
Planning/Dev./Eng. (Minus Jason Sinyard)

Peter Mercer/CSJ; Neachel Keeping/CSJ

**Response Required:** YES  
**Response deadline:** 2015/09/28  
**Response Received:**

### Attachments:



Heritage\_Advisory\_Committee\_Report\_August 13 Revised, 2015.pdf

A meeting of the Heritage Advisory Committee was held on Friday, April 10, 2015 at 12:00 noon in the fourth floor conference room A, City Hall.

In Attendance:

- Councillor Sandy Hickman, Co-Chairperson
- Councillor Dave Lane, Co-Chairperson
- Councillor Tom Hann
- Peter Jackson, NL Historic Trust
- George Chalker, Heritage Foundation of NL
- Shannie Duff, Citizen Representative
- Taryn Sheppard, Nexter Representative
- Garnet Kindervater, Canadian Homebuilders NL
- Lydia Lewycky, Planner's Institute
- Maria Lear, Citizen Representative
- Jeremy Bryant, NL Association of Architects
- Kevin Breen, Acting City Manager
- Ken O'Brien, Chief Municipal Planner
- Sylvester Crocker, Manager of Technical Services
- Peter Mercer, Heritage Officer
- Margaret Donovan, Tourism Industry Coordinator
- Karen Chafe, Supervisor of Legislative Services

### **Adoption of Agenda**

The agenda was adopted on motion of Shannie Duff; seconded by Garnet Kindervater.

### **Adoption of the Minutes**

The minutes of the meeting held March 13, 2015 were approved by unanimous consent with the following addition:

- Revised Statement of Significance for 124 Military Road
- Photos of 318 Water St.
- Timeline for 25 Winter Avenue
- Request to Invite Emily ??? Historic Trust moderator from Boston, to the Committee's next meeting
- Clarification between the purpose of an inventory and a designation

### **32-36 Temperance St.**

The Committee had arranged for a meeting with Dick Cook of RJC Services to discuss the above noted property and plans for development of the site. A public meeting had been held on April 8, 2015 in this regard. The Committee also considered a letter from Paul Blackwood of the Architects Licensing Board which was included in the Committee's agenda.

Given that the planning review process is still ongoing, referral of the design component to the Committee would be somewhat premature at this stage. The matter was deferred pending further planning review.

### **Richmond Cottage Update**

Councillor Hickman advised that both he and Councillor Lane have tried to contact Mr. Kevin King; however, he is out of the country at present. They endeavor to meet with Mr. King upon his return to discuss the status of Richmond Cottage. It was also agreed that the City would follow up on the maintenance request that was requested some time ago.

### **Heritage Inventory Update**

Councillor Lane advised that he had spoken with the Director of Planning & Development regarding the status of the heritage inventory. The Chief Municipal Planner advised that the basis of the inventory will stem from the 1970's report referenced previously by the Committee as well as the later 2003 report. All the inventory from these documents will be reviewed. As well, there will be a review of the heritage incentives provided by similar municipalities and once this information has been gathered, the Committee will review it. Reference was made to the exclusion of various institutional/governmental buildings which were considered protected at the time of the publication of the 1970's document. It was requested that these be included in the newly revamped inventory.

The Committee expressed concern about the work being done internally given the workload of staff and the expected timeline for completion. Such work should also include the purpose for the inventory and the meaning of heritage designation. The inventory should be inclusive and comprehensive. The question of designation is different and has a different purpose. It is enabling legislation and does not mean province cannot demolish but enables municipalities to grant incentives whether they be tax or grants, etc. Designation is an enabling procedure and it has been a practice to seek voluntary but in cases where important properties are under threat. Mrs. Duff tabled a submission outlining her questions/viewpoints in this regard.

The Chief Municipal Planner advised that a plan for proceeding forward can be referred to the Committee as per the Council Directive. Ms. Lewycky suggested that Saint John, New Brunswick is a great example of a place where there are strict heritage guidelines that work well and have buy-in with the community. The Heritage Officer advised that he has sent a request to approximately 30 municipalities across the country looking for similar information.

### **Potential Removal from Heritage Area 3 in relation to Proposed Manga Hotel**

At its meeting on March 13, 2015, the Committee reviewed the revised design for a 12-storey hotel proposed for the northwest corner of New Gower Street and Springdale Street. The subject property is in the Heritage Area of the St. John's Municipal Plan and in Heritage Area 3 of the St. John's Development Regulations. The Committee was generally supportive of the building design in the context of its neighbourhood; however, requested the City to investigate and report back on the implications and advisability of removing this site from the heritage area. In this regard, a memorandum dated March 23, 2015 from the Chief Municipal Planner was considered and the Committee recommended approval of the recommendation contained therein as follows:

**That the eastern portion of the subject property at 150 New Gower Street (corner of Springdale Street) be removed from the Heritage Area of the St. John's Municipal Plan and be removed from Heritage Area 3 of the St. John's Development**

**Regulations. The western portion of the property, which may be subject to an application in the future, is recommended to remain in the heritage area.**

**Update re: 12-18 Springdale St.**

The Manager of Technical Services advised that a presentation was to be referred to Council regarding the above noted; however, it has been deferred for the time being. He will keep the Committee apprised. Currently, there is an application from the developer to demolish these properties to develop a parking lot. The presentation to council will deal with the overall plan for the site.

Mrs. Duff referenced the incentive that exists to tear down buildings, as the vacant land upon which they stood is taxed at a lesser cost than if the buildings stood there. She questioned whether or not there was a way to dis-incentivize this process.

**Home Charging Station for Electric Vehicles**

The Committee considered a letter from the property owner of 53 William Street requesting permission to install a charging station for an electric vehicle on the front of his property. The matter was forwarded to the Committee for review. The size of the unit is 19.7 inches in depth and 5.3 inches in height.

**The Committee recommended approval of the installation noting that the unit does not permanently disfigure the property and is similar in nature to electrical meters, satellite dishes, etc.**

**25 Winter Avenue**

The Committee referenced the recent demolition of 25 Winter Avenue. It was questioned how the process could change in the future so that the Committee is given more advance notice of demolitions. The Manager of Technical Services did advise that the Committee was notified on October 22 following an application for demolition that was submitted on Oct. 17<sup>th</sup> from the prospective new owner, though the application was out of order as he was not yet the owner of the property. Council subsequently rejected the Committee's recommendation to impose heritage designation on the subject property.

Reference was made to the need for the heritage inventory which would trigger notification to the Committee irrespective of whether or not the property was designated as a heritage structure. Councillor Lane felt that a more effective process would be to intervene with the property owner and delay demolitions until such time that there is an opportunity for council to meet with the owner to talk about alternatives and incentives. The process for heritage designations as outlined in the City Act under Section 355 also needs to be adhered to and within which contains a clause for a 90 day grace period so that non-confrontational discourse can take place.

Concern was expressed about the length of time that it will take to develop and update the inventory and what can be done in the interim to offset the threat to some more immediate properties, particularly those with large tracts of land prime for sub-division. In such instances, developers should at least provide Council with a legitimate development plan for subdivision prior to any approvals being given for demolition. In the case of 25 Winter Avenue, it was

speculated that the new owner will have to have a design completed and water and sewer connections in place which will take at least up to a year. There was no rush for the demolition of the property in that case.

There is a need to identify a comprehensive incentives package which would allow for the adaptive reuse of heritage properties. The owners and prospective buyers would at least know what these options are before they consider the demolition option. Acting City Manager Kevin Breen did advise that he will have staff investigate the development of an incentives package for the redevelopment of future heritage properties.

With respect to imposing terms and conditions on demolition permits, such as the salvage of property items, it was noted that legally the City cannot impose such conditions on a private property. A notification to surrounding neighbours would also require a change in the regulations. The Manager of Technical Services advised that all applications for demolition will be forwarded to him for review. Subsequent to this meeting, he sent the following information via e-mail for clarification purposes:

- a) *For clarity, any permits noted on the Council agenda will be complete demolitions. Some interior demolitions for renovations were included in the past this has been now changed.*
- b) *Any application for demolition in the heritage areas will be brought forward to the committee for information purposes before the permits are issued. As well we will review other demolition applications with the master list that was provided in the Pratt 2004 report and flag as noted to the committee.*
- c) *I have scanned all of the demolition files within the past year. Please note the following properties which permits have not been issued on which we have active applications:*
  - i. *22 Kings Bridge Road application to demolish*
  - ii. *11 Queen Street application for demolition*
  - iii. *6 Fort Waldegrave application for demolition*
  - iv. *528-530 Water Street application for demolition*
  - v. *30 Queens Road---application to demolish a garage ( already looked at by the committee)*
- d) *154 Waterford Bridge Road---as Council Lane summarized permit was issued and it will make the council agenda this week.*
- e) *As noted by the City Manager/Director of PDE is working on a proposal regarding incentives and moving forward with comprising a detailed list of potential properties for designations*

### **Heritage Designation of 124 Military Road**

The Committee considered a revised Statement of Significance as circulated by the Heritage Officer. The Committee had previously recommended heritage designation of this property which was subsequently approved by Council.

**The Committee recommends approval of the attached revised Statement of Significance for 124 Military Road.**

**Photos of 318 Water St.**

The Heritage Officer tabled photos of the deck work being done so far at 318 Water St. The railing in place is temporary and the location of the glass fencing will be in line with the masonry as recommended by the Committee. The City has a deposit from the applicant in this regard, so there is a financial incentive to fix the work as per the Committee's direction.

**Development Regulations and Municipal Plan**

Mrs. Duff questioned the status of the above noted and whether or not this would come back to this Committee for review or to have a special briefing. This is staff's understanding and direction.

**Advisory Committee Review**

A report from the Department of Strategy and Engagement will be forthcoming to Council on the Advisory Committee Review and once that has been done, the Committees will be notified of the outcome.

**Adjournment**

There being no further business, the meeting adjourned at 1:24 p.m.

**Councillor Dave Lane**  
**Co-Chairperson**

## Minutes

### Heritage Advisory Committee

Thursday, August 13, 2015 @ 12:00 p.m. – Conference Room A

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**Present:** Councillor Lane, Co-Chair  
Councillor Hickman, Co-Chair (left at 12:40)  
Peter Jackson, NL Historic Trust  
Maria Lear, Citizen Representative  
Wayne Purchase, Downtown St. John's  
Taryn Sheppard, Nexter Representative  
Jeremy Bryant, NL Association of Architects  
Maria Lear, Citizen Representative  
George Chalker, Heritage Foundation of NL  
Garnet Kindervater, Canadian Homebuilders  
Jason Sinyard, Director of Planning & Development  
Sylvester Crocker, Manager of Technical Services  
Lindsay Lyghtle Brushett, Planner  
Peter Mercer, Heritage Officer  
Margaret Donovan, Supervisor of Tourism & Culture  
Kathy Driscoll, Senior Legislative Assistant

Delegation: Ayola Greene, Lydon and Lynch Architects  
Collin Sullivan, Lydon and Lynch Architects

#### Adoption of Agenda and Minutes

The agenda was adopted by unanimous consent.

The minutes of July 10, 2015 were adopted as presented.

#### Delegation

##### **345-353 Duckworth Street**

Ayola Greene from Lydon and Lynch Architects presented an overview of a proposed development for 345-353 Duckworth Street and referenced rendered drawings. She expressed the intent was to transform the existing buildings on Duckworth Street into one combined building reflecting residential units with French balconies and retail in the lower portions. Ms. Greene spoke to the façade and colour scheme for the buildings and recognized the need to maintain the original character as well. The entrances to the building would have lit canopies and the street scape would provide an actual pedestrian area.

The Co-Chair thanked Ms. Greene for her presentation, advised the Committee would discuss her design and would report back to her.

**The Committee recommended approval of the design with the stipulation that an alternate façade material to the proposed AD300 metal plank be used. The Committee has concerns about the durability of this material's appearance given the building's prominent location. Based on other locations in the city, this material does not seem to maintain its initial appearance over the longer term. The Heritage Officer should consult with the architect about appropriate alternatives.**

### **36 Temperance Street**

The 12:30 p.m. delegation did not attend the meeting.

## **Business Arising**

### **Update on Heritage Incentives**

No staff report is available on this matter yet. The Committee asked Staff to provide a report for the September meeting.

### **Richmond Cottage Update**

The Committee spoke to the above noted. It was suggested that the property has remained in a stale mate since 2013 and the applicants have not brought forward a proposed design or attempted any restoration.

Furthermore, Council accepted the recommendation that where developers are granted bonuses or increased densities as a measure to ensure the protection and revitalization of a heritage property, the approval be conditional on dealing with the heritage protection aspect of the approval first.

The Committee agreed to adhere to their recommendation that some form of repair work by the applicant begin on the property. The Heritage Officer advised he could issue a maintenance order that would require the repair work to be completed within thirty days.

### **12-20 Springdale St. (Salvation Army)**

The Committee advised that a partial demolition permit has been issued and the City is waiting on a traffic plan to issue the full demolition permit.

### **191 Water Street**

The Committee considered the above noted property. The owner was granted temporary permission to install the property sign. The temporary sign still exists; however, the Committee stands by the original decision of Council.

**The Committee recommended that the owner be requested to comply with the original decision of Council which rejected the proposed waterfall style awning and requested the applicant work with a Heritage Officer to develop a more appropriate design that fits with the existing heritage sign by-law.**

### **50 Forest Road**

The Committee considered the above noted application to repair flashing and cedar shakes on dormers as well as replace eave and cornice on one side only and cedar shakes on lower mansard roof.

**The Committee recommended approval of the application to complete the necessary repairs to flashing, cedar shakes, and eaves and cornices.**

### **8 Military Road**

The Heritage Officer spoke to the above noted and advised that the permit is just to replace asphalt shingles with asphalt shingles.

### **95 Water Street**

The Heritage Officer updated the Committee on the above noted and advised the permit was issued for minor façade repairs.

### **199 Water Street**

The Heritage Officer addressed the above noted and updated the Committee about a permit issued for interior cosmetic work and repair to the brick on the store front.

### **318 Water Street**

The Heritage Officer spoke to the unfinished deck at O'Reilly's. The Committee recognized that the owner had not complied with the Committee's recommendation of March 6, 2015 which was:

***The Committee recommends approval of the suggested glass wall to replace the plywood wall extension. The glass wall should also be flush with the stone wall extended back as far as the staircase situated on the side of the building at William's Lane. The Committee expressed no objection to the applicant's retaining the plywood extension in the interim of it being replaced by the glass material, noting that once ordered, this will take 8-12 weeks for delivery.***

As the recommendation had not been adhered to, the Committee suggested Staff speak to the owner about the permitted allowance for the roof top deck and determine if he will comply or further, ask that he make a new submission. The Committee also recommended inviting the owner to speak at the next Committee meeting with his intentions.

### **Adjournment**

There being no further business, the meeting adjourned at 1:20 p.m.

**Councillor Dave Lane  
Co-Chairperson**

**Minutes**  
**Heritage Advisory Committee**  
**Friday, July 10, 2015 @ 12:00 p.m. – Conference Room A**

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**Present:** Councillor Lane, Co-Chair  
Councillor Hickman, Co-Chair (left at 12:20)  
Gerard Hayes, Citizen Representative  
Peter Jackson, NL Historic Trust  
Maria Lear, Citizen Representative  
Wayne Purchase, Downtown St. John's  
Garnet Kindervater, Canadian Homebuilders  
Shannie Duff, Citizen Representative  
Kevin Breen, Acting City Manager  
Elizabeth Lawrence, Director of Strategy & Engagement (1<sup>st</sup> issue)  
Sylvester Crocker, Manager of Technical Services  
Lindsay Lyghtle Brushett, Planner  
Peter Mercer, Heritage Officer  
Margaret Donovan, Supervisor of Tourism & Culture  
Karen Chafe, Supervisor of Legislative Services

**Adoption of Agenda and Minutes**

The agenda was adopted by unanimous consent.

The minutes of June 12, 2015 were adopted as presented.

**Delegation**

The Committee met with Elizabeth Lawrence, Director of Strategy & Engagement to discuss the advisory committee review process. Mr. Kevin Breen, City Manager (Acting) was also present for this portion of the meeting.

Concerns were expressed by some members that the Committee's eventual replacement by the Arts, Culture & Heritage Advisory Committee will result in a diminishment of the work that has been done to date as well as a loss of focus on heritage issues. It was noted by staff, however, that the Built Heritage Experts panel will focus on that component while the new advisory committee will focus on policy development. It was also felt that the merging of the arts, culture and heritage components will create invaluable synergies, though some members of the Committee disagreed with this assertion. Reference was also made by committee members to the lack of staff resources available to address high level heritage policy development. In this regard, a new heritage planner is in the process of being hired.

Members felt that the focus they have put on the need for development of heritage incentive policies and mechanisms to protect heritage designated buildings will get lost during the transition into a new committee structure. They requested input into the development of the new committee's terms of reference. Specific questions were asked about the process with it being noted by staff that the review of the terms of reference is currently ongoing and the details have yet to be hashed out.

Following discussion, Mr. Breen and Ms. Lawrence retired from the meeting.

## **Business Arising**

### **Richmond Cottage Update**

Mr. Kindervater briefly updated the Committee on the above noted. The property owners are concerned about the marketability of the proposed adaptive reuse of the building as presented by Mr. Kindervater, particularly given the existing condominium market. Other options may be considered such as adding an extension to the existing property. None of the options presented are palatable to the owner. The decision now rests with Council.

### **Heritage Inventory Update**

No staff report is available on this matter yet. The item will be kept on the running list of the agenda.

### **33 Temperance Street – Exterior Restoration**

The Heritage Officer advised that a permit has been issued in this regard.

### **12-20 Springdale St. (Salvation Army)**

The Heritage Officer advised that a demolition permit has been issued for the above noted property.

### **42 Rennies Mill Road – Replacement of Siding**

The Committee considered the above noted application to replace the existing horizontal wooden siding (clapboard) with new horizontal wooden siding (Cape Cod siding). This is a heritage designated property.

**The Committee recommended approval of the application to replace the existing siding with Cape Cod siding.**

### **49 Rennies Mill Road - Designated Property.**

The Committee considered an application to demolish the existing garage and kitchen extension and replace with new structure as well as to refurbish the existing conservatory and drill new geothermal well under garage.

**The Committee recommended approval of the application with the stipulation that the applicant delineate the detailed trim work which is not**

**apparent on the elevations submitted so that they are in keeping with heritage area 1 requirements.**

**8 Kenna's Hill - Demolition and Replacement of Existing Sunroom**

The Committee considered the above noted as well as the attached elevations. They also met with Gil Robichaud and Sean O'Reilly representing the proponent. The Committee had previously considered this matter and recommended that the proponent revise the plan to incorporate a shingled roof instead of glazing and metal framing. The latest plan reflects this.

**The Committee with the abstention of Wayne Purchase and Garnet Kindervater recommended approval of the plan as submitted.**

**55 Rennie's Mill Road – Application for Municipal Heritage Designation**

The Committee considered the above noted and background information related to the historic significance of the property. It was presented for information purposes at this time with an eventual Statement of Significance to be prepared for approval at the next meeting.

**Taj Mahal – Redesign of Existing Sign Band**

The Heritage Officer informed the Committee that the building occupied by the former Taj Mahal Restaurant will now be taken over by Mustang Sally's Restaurant and they have applied to recover the existing sign band with black paint and raised lettering "Mustang Sally's" similar to the existing raised letter.

**The Committee recommended approval.**

**Adjournment**

There being no further business, the meeting adjourned at 1:54 p.m.

**Councillor Dave Lane  
Co-Chairperson**

A meeting of the Heritage Advisory Committee was held on Friday, June 12, 2015 at 12:00 noon in the fourth floor conference room A, City Hall.

In Attendance: Councillor Dave Lane, Co-Chairperson  
Councillor Sandy Hickman  
George Chalker, Heritage Foundation of NL  
Garnet Kindervater, Canadian Homebuilders NL  
Maria Lear, Citizen Representative  
Peter Jackson, NL Historic Trust  
Shannie Duff, Citizen Representative  
Lydia Lewycky, Planners' Institute  
Wayne Purchase, Downtown St. John's  
Sylvester Crocker, Manager of Regulatory Services  
Lindsay Lyghtle Brushett, Planner  
Peter Mercer, Heritage Officer  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Supervisor of Legislative Services

### **Adoption of Agenda**

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The agenda was adopted by unanimous consent on motion of Shannie Duff; seconded by Garnet Kindervater with the following addition:

- Next steps with advisory committee review

### **Adoption of the Minutes**

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The minutes of the meeting held May 7, 2015 were approved by unanimous consent.

### **51 Monkstown Road – Proposed Rear Extension**

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Mr. Cerith Wong was present to discuss the above noted application. He elaborated on the extensive planning process he undertook in consultation with the Heritage Officer over the past year, noting that all regulations and building codes have been met. The property is a municipal designated heritage structure. Mr. Wong assured that due diligence was followed in the planning process. He also advised that the neighbours have no issue with the proposed rear extension.

**The Committee recommended approval of the proposed rear extension as per the plans submitted by Mr. Wong.**

### **32-36 Temperance Street**

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The Committee met with Richard Cook to discuss the above noted application. Specifically, the purpose of today's meeting was to discuss the upper portion of the overall development which is delineated on the attached survey and for which is proposed a five storey condominium development. The lower portion of the site is proposed for town housing (14 three level townhouses); however, that is not part of this particular application.

A six storey condominium is proposed in addition to two underground levels of parking. Architectural renderings were submitted; however, members of the Committee expressed

concern about the various iterations of the design, noting that there does not seem to be a clear indication of what is proposed. In addition, there is no floor plan or site plan showing the building in relation to its neighboring properties as well as more accurate drawings of the different elevations. It was suggested that the plan needs further consultation with the Committee and Mr. Cook did advise that the owner is willing to work with the Committee toward an amenable design.

**The Committee recommended that the proponent be required to engage a local architect experienced in heritage architecture and that this person consult with the Committee about appropriate design options. In addition:**

- **the provision of architectural elevations delineating the four sides of the structure must be submitted;**
- **references to how the building fits within the surrounding area;**
- **submission of a site plan;**
- **delineation of façade materials, fenestration, and massing. The fenestration should ensure that the maximum windows proposed coincide with regulatory requirements.**

### **372 Duckworth St. (corner of Henry St.) – Proposed New Building**

Chris Woodford was present to discuss this application along with Taryn Sheppard, Committee member, who presented the general architectural proposal for the site. A copy of the rendering is attached. The footprint is 800 square feet. The material proposed is curtain wall or masonry. The building is a unique flatiron shape and the owner expects one company to rent all three levels. There will be a blank party wall, (for which windows cannot be installed) and upon which the proponent would like to install some vintage advertising, similar to the old Golden Pheasant mural. Mr. Chalker felt that the building was out of character with the vernacular of the area, noting that the Committee has rejected similar designs in the past. It was suggested that higher punched windows be installed at the top and picking up on the strong fenestration lines on the street.

Ms. Sheppard stepped out of the meeting and abstained from the vote on this matter due to conflict of interest.

**The Committee recommended that the design be modified to be more reflective of the street vernacular including punched windows.**

### **13 George St. (Removal and Replacement of Existing Awning with Balcony)**

The Committee reviewed the architectural rendering for the proposed removal of the awning to be replaced by a balcony.

**The Committee recommended approval of the application as presented.**

### **33 Temperance St. (Exterior Restoration)**

The Heritage Coordinator advised the Committee that the owner of 33 Temperance St. has applied to restore this property in line with the other three of the Four Sisters on Temperance St.

**The Committee recommended approval subject to the restoration meeting all necessary conditions imposed by the City.**

### **7 Garrison Hill – Replacement of Steps**

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The owner of 7 Garrison Hill has applied for the replacement of the front steps. This is a heritage designated property. The Heritage Foundation has been consulted in this regard and has authorized approval of the replacement.

**The Committee recommended approval of the replacement of the steps subject to its meeting the requirements of the Heritage Foundation of NL.**

### **23 Rennies Mill Road (Installation of Sign)**

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The Committee considered the above noted application, given that it is a heritage designated property.

**The Committee recommended approval of the sign at 23 Rennies Mill Road which has already been installed.**

### **319 Water Street – Blue on Water Restaurant**

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The Committee considered an application for the installation of a sign/mural on the side of the building situated at 319 Water Street – Blue on Water.

**The Committee recommended approval of the sign as presented.**

### **391 Duckworth St. – Proposed installation of Garage Door and Corrugated Metal Siding**

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The Committee considered the above noted application.

**The Committee recommended approval of the design as presented.**

### **191 Water St. – Sign Application**

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The Committee considered the above noted.

**The Committee recommended rejection of the proposed waterfall style awning and that the applicant work with the Heritage Officer to develop a more appropriate design that fits with the existing heritage sign by-law.**

### **Richmond Cottage Update**

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Councillor Hickman advised that both he and Councillor Lane will be meet with Mr. Kevin King in the near future. The Committee will be kept apprised.

### **Heritage Inventory Update**

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Ms. Lyghtle Brushett advised that the matter is still under review by the Director of Planning & Information. In all likelihood the inventory will fall under the auspices of the future new heritage planner.

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**12-20 Springdale St. (Salvation Army)**

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Councillor Hickman advised that Mr. Jim Case presented Council with a concept plan for the site of 12 – 20 Springdale St. Both buildings will have to be demolished if the new plan is to proceed. In the interim, the Salvation Army wishes to use the site as a parking lot. Council has recommended demolition of the site which will go forth to a future regular meeting for public ratification.

**Advisory Committee Review**

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Mrs. Duff expressed concern about the impacts to the functionality of the Heritage Advisory Committee as a result of the advisory committee review. She requested that representatives from Strategy & Engagement be invited to attend a future meeting of the Committee.

**148 Portugal Cove Road**

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Mr. Chalker referenced the above noted property known as Bryn Mar (Steinhauser) and questioned if a demolition application has been received by the City. Staff will investigate and report back.

**Adjournment**

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There being no further business, the meeting adjourned at 1:50 p.m.

**Councillor Dave Lane**  
**Councillor Sandy Hickman**  
**Co-Chairs**

A meeting of the Heritage Advisory Committee was held on Friday, March 6, 2015 at 12:00 noon in the fourth floor conference room A, City Hall.

In Attendance:

- Councillor Sandy Hickman, Co-Chairperson
- Councillor Dave Lane, Co-Chairperson
- Councillor Tom Hann
- George Chalker, Heritage Foundation of NL
- Peter Jackson, NL Historic Trust
- Wayne Purchase, Downtown St. John's
- Shannie Duff, Citizen Representative
- Taryn Sheppard, Nexter Representative
- Maria Lear, Citizen Representative
- Garnet Kindervater, Canadian Homebuilders NL
- Gerard Hayes, Citizen Representative
- Lydia Lewycky, Planners' Institute
- Jason Sinyard, Director of Planning & Development
- Ken O'Brien, Chief Municipal Planner
- Lindsay Lyghtle Brushett, Planner
- Peter Mercer, Heritage Officer
- Margaret Donovan, Tourism Industry Coordinator
- Helen Miller, City Archivist
- Karen Chafe, Supervisor of Legislative Services

### **Adoption of Agenda**

The agenda was adopted with the following additions:

- 1976 Inventory of Heritage Buildings
- Status of Municipal Plan

### **Adoption of Minutes**

The minutes of the meeting held January 9, 2015 were approved by unanimous consent.

### **Richmond Cottage Update**

The Committee considered as information the minutes from the meeting of February 5, 2015 which was held specifically to discuss the Richmond Cottage matter and Garnet Kindervater's assessment of the property and its potential for redevelopment. Having met with Justin Ladha and Kevin King since that meeting, Mr. Kindervater felt that they were open to the idea though they did question the viability of the fifth unit proposed for the basement. Other options for that area are to convert it to a common room with a gym, similar to the amenities available in other condos as well as storage rooms.

Mr. Kindervater prepared a cost estimate based on various assumptions and passed this on to the developers for their consideration. Redevelopment of the site would cost approximately \$650,000 - \$800,000 including a contingency plan to rehabilitate the structure. In discussions with Mr. Wayne Purchase, it was also felt that there is a niche market for these condos and they would be quite marketable. The other alternative to tear down the building and rebuild a new structure would have a significantly higher cost.

With regard to the planning considerations, the conversion of Richmond Cottage to a 4-5 unit condominium would be permitted under the heritage regulations given that this is a heritage designated structure. If the structure was demolished this flexibility would be lost. The Committee will be kept apprised as the matter unfolds.

### **295 Water Street (Designated Heritage Building) Installation of Illuminated Sign**

The Committee considered the above noted application for the manufacture and installation of a set of halo letters by E.C. Boone Ltd. on behalf of the Golden Tulip.

**The Committee recommended approval of the application subject to its dimensions fitting within the sign band of the front façade so as not to cover any architectural detailing on this heritage designated building.**

### **2 Holdsworth Court –Application for Wall Sign**

The Committee considered the above noted application for the manufacture and installation of LED backlit channel letters on a sculpted aluminum carrier cabinet. The proposed dimensions submitted exceed those outlined in the Heritage Sign By-law.

**The Committee recommended approval of the application subject to the sign's dimensions conforming to those permitted under the Heritage Sign By-Law.**

### **O'Reilly's Roof Deck – 318 Water Street**

The Committee met with Mr. Craig Flynn to discuss proposed changes to his original application for a roof-top deck which was recommended for Council's approval by the Committee on June 22, 2011. The original design consisted of maintaining the existing parapet atop the front façade and to build behind it a higher brick parapet which would be wrapped around the side of the building, enclosing a roof-top garden. The proponent has since exposed and restored the stone and brick cladding on the building's front; however, has installed a plywood wall above the original parapet instead of the brick wall originally proposed. In addition, the plywood wall facing the laneway side of the building actually protruded beyond the building's eave which is contrary to the original plan submitted. Mr. Flynn has since had the protrusion removed but would like to maintain the plywood wall in the interim of replacing it with a more aesthetic glass vertical slider wall which can extend to a height of 72 inches when fully extended. He circulated various samples of the glass product in this regard.

**The Committee recommended approval of the suggested glass wall to replace the plywood wall extension. The glass wall should also be flush with the stone wall extended back as far as the staircase situated on the side of the building at William's Lane. The Committee expressed no objection to the applicant's retaining the plywood extension in the interim of it being replaced by the glass material, noting that once ordered, this will take 8-12 weeks for delivery.**

### **4 Park Place – Installation of Vinyl Windows**

The Committee met with Mr. Lawrence Canning representing the property owner to discuss an application to replace the property's windows with vinyl single hung and casement windows that would have the same style as the existing. The property is heritage designated. It was noted that

the owner of the property next door has agreed to replace his windows to conform to those of civic # 4 should they be approved by Council.

**The Committee recommended approval of the replacement of the existing windows with vinyl windows of the same size and dimension as the originals.**

**55 Rennies Mill Road – Proposed Heritage Designation**

The Committee met with Bruce Blackwood and Brian Casey to discuss the possibility of heritage designating the property situated at 55 Rennies Mill Road. Mr. Chalker noted that this property was once the home of Lord Morris. Mr. Blackwood advised that the windows will need to be replaced in the property and he requested the Committee's direction as to what is permitted in order to be eligible for heritage designation, i.e. wood vs. vinyl windows. It was suggested that the proponent first submit an application for window replacement and to consult with the Heritage Officer in this regard.

**124 Military Road – Request for Heritage Designation**

The Committee met with Tammy Hyde Farrell representing Seacare Capital who are interested in purchasing 124 Military Road for office space as well as to determine the possibility of its heritage designation. Ms. Farrell referenced extensive historical research about the property and it was suggested that she leave this information with the Heritage Officer.

Given the lack of time available to consider this matter, it was agreed that it be deferred to a future meeting of the Committee. In this regard, a meeting was proposed for one week's time on Friday, March 13, 2015.

**Manga Hotel Application Proposed for New Gower @ Springdale St.**

It was intended that the proponent would be present to discuss the above noted matter; however, it was later felt that this was unnecessary. The matter was deferred to the March 13<sup>th</sup> meeting given time constraints for discussion at this meeting. In the interim, an e-mail poll will be conducted to ascertain members' feedback about the proposed new design. The Committee had approved the original design.

**Cochrane St. Church – Installation of Elevator Shaft**

The Committee briefly considered the above noted matter and expressed no objection to the installation of an elevator shaft at Cochrane St. Church.

**Adjournment**

There being no further business, the meeting adjourned at 2:00 p.m.

**Councillor Sandy Hickman  
Councillor Dave Lane  
Co-Chairs**

A meeting of the Heritage Advisory Committee was held on Friday, May 7, 2015 at 12:00 noon in the fourth floor conference room A, City Hall.

In Attendance:           Councillor Dave Lane, Co-Chairperson  
                              Councillor Sandy Hickman  
                              George Chalker, Heritage Foundation of NL  
                              Taryn Sheppard, Nexter Representative  
                              Garnet Kindervater, Canadian Homebuilders NL  
                              Maria Lear, Citizen Representative  
                              Jeremy Bryant, NL Association of Architects  
                              Gerard Hayes, Citizen Representative  
                              Lindsay Lyghtle Brushett, Planner  
                              Peter Mercer, Heritage Officer  
                              Margaret Donovan, Tourism Industry Coordinator  
                              Karen Chafe, Supervisor of Legislative Services

### **Adoption of Agenda**

The agenda was adopted by unanimous consent.

### **Adoption of the Minutes**

The minutes of the meeting held April 10, 2015 were approved by unanimous consent

### **Historic Trust Moderator from Boston**

Mr. Kindervater advised that he had spoken briefly to a visitor from Boston who is currently working with the NL Historic Trust and who has much experience in the area of heritage restoration with the City of Boston. The Committee agreed that she be invited to a future meeting and Karen will check with Peter Jackson to convey this and get contact information.

### **Exterior Renovations/Restoration of the Four Sisters Properties on Temperance St.**

The Committee met with Mr. Brian Marler who has been hired by Ms. Judith Bobbitt, owner of three of the Four Sisters properties. The other property is owned by Stephen Duffett. Mr. Duffett who had been planning on doing his own renovations has been contacted by Mr. Marler and has expressed his support of their restoration plans. Mr. Duffett owns civic # 33 Temperance and Ms. Bobbitt owns civic #'s 31, 35 and 37. Ms. Bobbitt is interested in making these properties habitable again and has also expressed some interest in establishing a restaurant in civic # 31.

Mr. Marler provided the Committee with a brief history of his own background credentials. He has been living in the Province for six years and is originally from Alberta but has done much restoration work in the City of Toronto. He is also working on the Thimble Farm restoration. He has proposed a two phased approach with the first phase being the restoration of the interior and exterior and the second phase being the pursuit of a commercial endeavor for the property.

The exterior work, not including landscaping will be comprised of the stone façade's restoration, windows and the slate mansard roof. The interior will also be completely restored by primarily cleaning up the debris and graffiti as well as replacement of plumbing and piping and electrical if required. Structurally the buildings are essentially stone shells with an air pocket that has enabled the interior to remain in relatively good shape. Civic # 37 is in the worst shape having

had a water main break that leaked down through the floor so the joists may need repair. Trees have been growing out of the foundation and these have been removed. Civic # 31 which faces St. John's Harbour has had the most exposure to the elements and will need special work. Ms. Bobbitt is intent on replacing all windows and doors to heritage standards.

Mr. Marler has already met with the Heritage Foundation which is amenable to supporting the endeavor as long as it meets their heritage standards. He has also inspected the property's interior with the Heritage Officer. Civic # 35 has a tunnel which opens up in its sub-basement and can be entered to approximately 3 meters. It consists of fully poured concrete wall that blocks off the tunnel. Mr. Marler is quite interested in accessing the tunnel to find out where it leads and finding out about its history. There is some speculation about its origins, i.e. that it was used to supply water to a mill that was situated on the harbor front from Quidi Vidi. There is also a story that the tunnel reached the penitentiary. Civic #'s 31 and 33 were the first to be built when the builder Garrett stopped work to construct Cabot Tower. Eventually #'s 35 and 37 were completed following the Cabot Tower project.

The owner had been living in one of the properties until the early 1980's when she had to abandon the properties due to her claims of raw sewage running through the tunnel. It has pretty much remained vacant since with the exception of civic # 35 which has been rented off and on but tenancy was sporadic due to problems with vandalism.

Mr. Marler also noted that it is his understanding there will be a hotel constructed at the bottom of Temperance St. (Patrick St. Holding) and that the plan is to extend the existing condos on Water Street to the east corner though they will be built no higher than the existing properties. Given those plans, it is unlikely that civic # 31 Temperance St. will need windows on the south facing wall as the present view will be obstructed by the proposed hotel/condo extension. There are also 6 or 7 mature trees in the backyard which Mr. Marler is hoping to retain with the assistance of pruning to extend the life and health of the trees. There is also a right of way that exists to the south of civic # 31 which may be used to access parking that may be required for the commercial venture earlier proposed; however, he would very much lobby for the retention of the trees or as many of them as can be saved.

Mr. Marler advised that as Ms. Bobbitt's contract manager, she wished for him to relay to the Committee her commitment to restore the Four Sisters and to bring them back to their former glory. It is also understood that the owner of civic # 33, should he choose to do any exterior renovations, it would be done in tandem with the work they are doing on the other three properties, particularly to be eligible for any funding that may accrue from the Heritage Foundation and/or any other incentives from the City.

Mr. Marler questioned the possibility of permit parking in front of the buildings to undertake the work, noting that the project will take a minimum of two years to complete. The Committee expressed its support of the restoration of the Four Sisters and its willingness to investigate incentives to assist with the restoration.

Mr. Marler retired from the meeting at 12:33 p.m.

**Richmond Cottage Update**

Councillor Hickman advised that Mr. King is going out of town and that he and Councillor Lane will endeavor to meet with Mr. King upon his return.

**Heritage Inventory Update**

The matter is currently under review by the Planning Division and the Committee will be kept apprised as this moves along.

**Sign Installation – 191 Water ST.**

The Committee considered the above noted application wherein it is proposed that the existing 14 ft. long sign (formerly Byron's) be replaced with a waterfall style awning approximately half the length and to be centered within the fascia. As this is a designated building, the matter was brought forth to this Committee for comment.

The Committee requested that the Heritage Officer go back to the applicant requesting other options to be presented, noting that waterfall style awnings are frowned upon, particularly for heritage designated properties. It was suggested that the old Byron's sign be reused somehow or that signage similar to the neighboring Franklin Hotel be used.

**ATIPP Requests**

Councillor Lane referenced the recent Access to Information request for correspondence and emails to and from City staff, members of Council and the Heritage Advisory Committee with regard to 25 Winter Avenue. He requested that the best forum for debating issues is via a meeting of the Committee rather than via e-mail. He suggested that members endeavor to be constructive in their comments via e-mail.

**Salvation Army**

Councillor Lane advised that Architect Jim Case presented to Council plans for the redevelopment of the Salvation Army site on Springdale St. Mr. Bryant is working with Mr. Case on this file and has to abstain from any discussion in this regard.

**Call for Nominations: Ecclesiastical Insurance Cornerstone Awards**

The Committee considered information on the above noted and was requested to provide any ideas for prospective nominations. The following were cited as possibilities:

- the building on the corner of Adelaide and Water St (The Second Cup).
- Mallard Cottage is another prospective nomination.

**Adjournment**

There being no further business, the meeting adjourned at 1:21 p.m.

**Councillor Dave Lane**  
**Co-Chairperson**

## Minutes

### Heritage Advisory Committee

Wednesday, November 25, 2015 @ 12:00 p.m. – Conference Room B

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**Present:** Councillor Sandy Hickman, Co-Chair  
Councillor Dave Lane, Co-Chair  
Maria Lear, Citizen Representative  
Peter Jackson, NL Historic Trust  
Lydia Lewycky, Planners' Institute  
Wayne Purchase, Downtown St. John's  
Garnet Kindervater, Canadian Homebuilders  
Taryn Sheppard, Next Up Representative  
Gerard Hayes, Citizen Representative  
Jeremy Bryant, NL Association of Architects  
Sylvester Crocker, Manager of Technical Services  
Lindsay Lyghtle Brushett, Planner  
Arthur MacDonald, Planner III – Urban Design & Heritage  
Peter Mercer, Heritage Officer  
Margaret Donovan, Supervisor of Tourism & Culture  
Karen Chafe, Supervisor of Legislative Services

#### Adoption of Minutes

**Moved - Maria Lear; Seconded – Wayne Purchase**

**That the minutes of October 9, 2015 be adopted as presented.**

#### Delegations

#### **119 – 127 Water St. – Proposed Hotel Development (Alt Hotel)**

The Committee considered a decision note prepared by the Planner III, Urban Design and Heritage regarding the proposed hotel at the site of 119 - 127 Water St. Mr. Pierre Mierski with Lemaymichaud Architecture Design was present for the conference call. An electronic file was also presented, a copy of which is on file. The Committee acknowledged the limitations of preserving the vault, further substantiated by the reference to a condition assessment report in relation to the cellar prepared by WSP Canada Inc. It stated in part the following:

*In general, the interior of the cellar is well preserved whereas the exterior shows the signs of weathering and disrepair. The cellar's location on the proposed site presents too many challenges and risk to make it viable to be able to be incorporated in the new design.*

Mr. Mierski also advised that the outline of the cellar footprint will be incorporated into the exterior landscaping and paving as well as a motif on the lobby floor, accompanied by a description of the historical content. In addition to the outline on the lobby floor and the exterior landscaping, objects and artifacts of the cellar remains will be collected and featured in various ways in the lobby. A local St. John's artist will assemble fragments of the recovered stones and bricks to create a feature wall. The Committee suggested that should there be any left-over bricks, could they be given to the City for use in other heritage projects.

**Moved - Garnet Kindervater; Seconded – Gerard Hayes**

**That staff's recommendation be approved for the development of the ALT Hotel at 119-127 Water Street with the condition that the exterior stairwell and metal façade surrounding the stairwell along the eastern elevation be constructed of galvanized metal or similar material to prevent rusting and to be painted as per submitted plans.**

**MOTION CARRIED**

#### **148 Duckworth Street – YBC Developments Ltd.**

Mr. Jerome Coady met with the Committee to discuss the above noted application. The Committee also considered a decision note dated November 6, 2015 prepared by staff regarding the application for exterior façade renovations at 148 Duckworth St.

**Moved – Gerard Hayes; Seconded – Lydia Lewycky**

**That staff's recommendation for the proposed exterior façade renovations be approved with modifications that the door and windows along Cochrane Street have a minimum 10cm (4 inch) trim.**

**MOTION CARRIED**

#### **Business Arising**

#### **372 Duckworth St. – Proposed Development**

The Committee considered a decision note dated November 9, 2015 prepared by staff regarding the above noted. The Committee had previously reviewed the application wherein it was suggested that the design be modified to be more reflective of the street vernacular including punched windows. Having reviewed the revised design, the Committee was more amenable to the original design submitted.

**Moved – Peter Jackson; Seconded Wayne Purchase**

**That the attached original design be approved in principle.**

**MOTION CARRIED**

### **Update on Richmond Cottage**

Councillors Lane and Hickman updated the Committee on the above noted. They tabled a draft memorandum of understanding (MOU) between the City and KMK Contracting Ltd. wherein it is proposed that Richmond Cottage be marketed for sale for a six month period, after which time, if the property is not sold, it can be demolished.

The Committee expressed major concerns with various wording in the MOU which they felt favored the property owner's intent to demolish the property rather than save it. The following is worthy to note:

- The “unconditional offer” stipulation is quite unreasonable and virtually impossible to achieve especially within the short time frame proposed. This wording should be changed from “unconditional” to “acceptable”;
- Responsibility for retaining wall – it was felt that this should be the seller's responsibility and not the prospective buyer's;
- The restrictive covenant stipulation that the property be developed as a single family dwelling is contrary to Council's original approval to convert the building to a duplex under its discretionary authority which enables the protection of heritage buildings in the RA Zone.
- The Committee also disagreed with stipulation # 8 and suggested its complete removal.

Councillors Lane and Hickman agreed to relay the Committee's concerns to senior staff and KMK Contracting.

### **New Business**

#### **362 – 364 Water Street, Exterior Signage “Upstream”**

The Committee considered a decision note from staff dated November 16, 2015 regarding the above noted.

**Moved – Jeremy Bryant; Seconded – Lydia Lewycky**

**That the signage for “Upstream” at 362-364 Water St. be approved.**

**MOTION CARRIED**

#### **187 – 189 Water Street – Window Replacement**

The Committee considered a decision note from staff dated November 9, 2015 regarding the above noted.

**Moved – Gerard Hayes; Seconded – Peter Jackson**

**That the installation of new windows along the Cliff's-Baird Cove elevation (west elevation) of 187-189 Water Street be approved. This approval is with regards to the replacement of the two (2) existing bump-out windows with each bump-out window being replaced with three (3) separate windows complete with wooden dividers/mullions. This approval is subject to modifications to the window design identified as "Item 5" in the applicant's submission, to match the profile of the Water Street side bump-outs windows (similar to the design as shown on "Item 2" of the applicant's submission) with no muntins/sashbars and raised meeting rail/check rail.**

**MOTION CARRIED**

### **108 George Street West – Ultramar Service Station Ground Sign**

The Committee considered a decision note from staff dated November 17, 2015 regarding the above noted.

**Moved – Gerard Hayes; Seconded – Lydia Lewycky**

**That Council approve the proposed ground sign for the Ultramar Station at 108 George Street West, subject to the sign maintaining a minimum clearance of 2.5 m from the bottom of the sign to the top elevation of the sidewalk; subject to the sign not containing any digital components other than the gas price display which will not show any images or animation of any kind; and, provided the sign complies with the City's By-laws concerning illumination and brightness.**

### **309 Water Street – New Fascia Sign, Replacement of Projecting Wall Sign**

The Committee considered a decision note from staff dated November 20, 2015 regarding the above noted.

**Moved – Maria Lear; Seconded – Lydia Lewycky**

**That the signage for "Heritage Shop" at 309 Water Street be approved as submitted.**

## **Other Business**

### **Heritage Day**

Mr. MacDonald updated the Committee on the plans for Heritage Day and the recognition of property owners for outstanding restoration work on Heritage Buildings and buildings in the City's Heritage Areas, as well as the construction of new buildings that blend into the City's Heritage Areas.

The City will accept nominations from both the general public and the City's Heritage Officer, for work that meets one or more of the following criteria:

- preserving or restoring the original character of a designated Heritage Building or any old building in a Heritage Area;
- rehabilitating an old building, including successfully integrating modern elements;
- respecting the character of a modern building in a Heritage Area;
- good signage;
- quality choice of colour;
- new infill housing that blends into a neighbourhood in the heritage area;
- good use of landscaping and site planning;
- stewardship of property and long-term preservation.

Certificates of Recognition will be presented to the property owner(s) at an annual ceremony on National Heritage Day which takes place on Monday, February 15, 2016. The deadline for nominations is Monday, January 18, 2016. Nominations should include photos (before and after, if available).

#### **O'Reilly's Bar – Rooftop Deck**

Ms. Lear questioned the status of outstanding work on the O'Reilly's Bar and the extension of plywood that was to have been removed from the roof's eave, visible from the Lane. Staff advised that the City holds a \$5000 deposit on this property which will not be returned until the outstanding work is done. Staff agreed to contact the owner for a status on this matter.

#### **Heritage Canada – Heritage Plaque from Yellowbelly**

Heritage Canada is in possession of the heritage plaque for Yellowbelly Corner and City staff will meet with them to obtain the plaque for eventual re-installation on the Yellowbelly Corner site.

#### **Last Meeting of the Committee**

Councillors Lane and Hickman acknowledged that this is the last meeting of the Committee which will be converted to a Built Heritage Experts Panel in the New Year. They commended the existing members for their tremendous support and expertise over the years.

#### **Adjournment**

The meeting adjourned at 2:00 p.m.

**Councillor Sandy Hickman**  
**Councillor Dave Lane**  
**Co-Chairpersons**

**Minutes**  
**Heritage Advisory Committee**  
**Friday, October 9, 2015**  
**4<sup>th</sup> Floor City Hall – Conference Room A**  
**12:00 noon**

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**Present:** Councillor Dave Lane, Co-Chair  
Councillor Sandy Hickman, Co-Chair  
Maria Lear, Citizen Representative  
Taryn Sheppard, Nexter Representative  
Peter Jackson, NL Historic Trust  
Garnet Kindervater, Canadian Homebuilders  
Shannie Duff, Citizen Representative  
Lydia Lewycky, Planners' Institute  
Sylvester Crocker, Manager of Technical Services  
Lindsay Lyghtle Brushett, Planner  
Karen Chafe, Supervisor of Legislative Services

**ADOPTION OF AGENDA/MINUTES**

**Moved – Maria Lear; Seconded – Garnet Kindervater**

**That the agenda be adopted as presented.**

**CARRIED UNANIMOUSLY**

**Moved – Shannie Duff; Seconded – Lydia Lewycky**

**That the minutes of September 11, 2015 be approved as presented.**

**CARRIED UNANIMOUSLY**

**BUSINESS ARISING**

**Update on Municipal Plan and Development Regulations Review**

Ms. Lyghtle Brushett updated the Committee on the above noted matter. The Legal Department are in the process of reviewing the draft regulations. Eventually, these will have to be referred to the Province for review and an eventual commissioner's hearing prior to final approval being granted.

The Committee questioned the possibility of reviewing the heritage components of the regulations in advance. Staff advised that once the Legal Department has conducted its review, it should be available in draft format for the Committee's review.

**Advisory Committees Review**

The Committee questioned the timeliness of the above noted given the impending transition of the advisory committees. The Office of Strategy & Engagement has been directed to fast track the drafting of each new advisory committee's terms of reference and these drafts will soon be referred to Council for review and eventual adoption.

The Committee questioned when it will be able to see the drafts and questioned the process to ensue for the transition to take place. More information will be forthcoming to each member of the advisory committees once Council has reviewed the terms of reference.

### **Richmond Cottage Update**

Councillor Lane updated the Committee briefly on an internal meeting held a few weeks ago in relation to the above noted. The property owners remain adamant about demolition of the property as the most marketable option, despite the adaptive reuse proposal put forth by the Committee which would save the structure. Consideration could be given to putting the property back on the market with a view to it being restored by the heritage community though this would depend on the price expected.

Comparisons were made to other regulatory bodies across the country, particularly Saint John, New Brunswick wherein heritage protection policies are very clear about the protection of heritage structures. For example, Saint John has a separate heritage by-law which oversees the heritage committee preservation review board and has final authority to deal with applications as per the heritage by-law. The existence of the by-law gives the heritage area more power even to the extent of regulating paint colors. The City of St. John's, however, is very limited in its authority to regulate built heritage, particularly since it has come under the authority of the development regulations. Previously the City had a heritage by-law in place.

### **Policy Initiatives**

Councillor Lane proposed the following policy initiatives upon which the Committee could focus:

- i. Compile an inventory of all structures of historic / architectural significance
- ii. Identify potential incentives for owners to maintain heritage property
- iii. Develop a Heritage Impact Assessment report requirement for demolition permit applications.
- iv. Establish a "sustainable demolition" policy that would include requirements for safe salvage during teardown

Reference was made to the presentation given to the Committee some time ago by Andrew Bruce with the City of Toronto. The City of St. John's uses a Statement of Significance document as the first step in heritage designation which is voluntary. It was felt that such documents as the SOS or the HIAR should not be attached to ownership but rather to identify heritage value and what features should not be altered.

Shannie Duff tabled a submission outlining her thoughts on a sustainable demolition policy, a copy of which is on file. Her main concern was the idea of linking sustainable demolition with heritage properties and she felt that the Committee's focus should be more on the protection of the built heritage and policies that encourage and provide incentives for adaptive reuse and heritage sensitive rehabilitation. Demolition should only be considered as a "when all else fails" requirement. Though she agreed that a sustainable demolition policy is a good idea, she felt it would be better developed as an environmental or public works initiative for all demolition rather than a HAC initiative for heritage properties.

Reference was made to the hiring of the new heritage planner who could also focus on these initiatives.

## **NEW BUSINESS**

### **The Social House – Sign Application – 171 Water St.**

The Committee considered an application for the above noted.

**The Committee recommended approval as presented.**

## **ADJOURNMENT**

The meeting adjourned at 1:21 p.m.

Councillor Dave Lane  
Councillor Sandy Hickman  
Co-Chair

## **Minutes**

### **Heritage Advisory Committee**

**Friday, September 11, 2015 @ 12:00 p.m. – Conference Room A**

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**Present:** Councillor Hickman, Co-Chair  
Councillor Galgay  
Maria Lear, Citizen Representative  
Shannie Duff, Citizen Representative  
Peter Jackson, NL Historic Trust  
Lydia Lewycky, Planners' Institute  
Wayne Purchase, Downtown St. John's  
George Chalker, Heritage Foundation of NL  
Garnet Kindervater, Canadian Homebuilders  
Jason Sinyard, Director of Planning & Development  
Sylvester Crocker, Manager of Technical Services  
Lindsay Lyghtle Brushett, Planner  
Margaret Donovan, Supervisor of Tourism & Culture  
Karen Chafe, Supervisor of Legislative Services

#### **Adoption of Agenda and Minutes**

The agenda was adopted by unanimous consent.

The minutes of August 13, 2015 were adopted as presented.

#### **Delegations**

##### **123 – 125 Water St. – Proposed Hotel – Conference Call**

A conference call was held with the following representatives on behalf of the applicant developing the proposed hotel at the site of 123-125 Water St.:

- Mr. Hugo Germain with Alt Hotels/Groupe Germain
- Mr. Stephen Boleska with Lemaymichaud Architecture Design
- Mr. Pierre Mierski with Lemaymichaud Architecture Design

The following information was also presented and/or tabled:

- Power point presentation by Alt Hotels (on file)
- A media file outlining animated illustration of proposed hotel (electronic file)
- Letter to Mr. Hugo Germain from Sol Lorenzo of WSP Canada Inc. re: Evaluation of Existing Vault on the subject site wherein it is not recommended to attempt integrating the brick vaulted wall into the structure of the proposed Alt Hotel, but rather that it be demolished and disposed of in an approved manner.

The proponents conducted their presentation via teleconference, elaborating on their inspiration for the design which attempts to incorporate work from local and emerging artists in St. John's who reflect the historic and vernacular flavor of the City. The following points were made:

- Exterior cladding above the main floor will consist of possibly charcoal aluminum though the actual material is yet to be confirmed. More detailed elevations will be sent as the project progresses, though the material will consist of large panels as illustrated in the artist renderings included in the power point.
- The windows will be vertical and reflective of the typical Water St. vernacular.
- The upper storeys of the building will consist of modular units ready for assembly on the site.
- Reference was made to the possible alternate use of the bricks from the vault that is not structural in nature, i.e. for landscaping or patio around the site.

The proponents were thanked for their time and the conference call ended at 12:43 p.m.

**Moved - Garnet Kindervater; Seconded – Shannie Duff**

**That the design be approved in principle subject to other planning review considerations and that some of the vault's brick and stone material be utilized within the new structure's design (i.e. landscaping, patio design, planter structures, etc.) with a view to such being visually prominent for historical representation in high profile areas of the building.**

**MOTION CARRIED**

### **36 Temperance Street – Proposed Condominium Development**

Mr. Dick Cook met with the Committee and presented his latest proposal for the proposed condominium development at 36 Temperance St.

**Moved – Wayne Purchase; Seconded – George Chalker**

**That the design as presented be approved subject to other planning review considerations.**

**MOTION CARRIED**

### **7 Garrison Hill – Howard House (Proposed 10 Unit Extension)**

The Committee met with representatives of the John Howard Society on behalf of the Howard House proposed extension.

**Moved – Peter Jackson; Seconded Shannie Duff**

**That the design be approved in principle subject to the following modifications:**

- **That given this is a heritage designated property, wooden siding be used. It was suggested that Cottles Island spruce wood would last the longest, particularly if used with stainless steel nails.**
- **Emphasize more detail on the Garrison Hill elevation, particularly the front entrance area.**
- **Maintain existing wrought iron fencing.**
- **Use vinyl and not aluminum windows.**

**MOTION CARRIED**

NOTE: The recommendation above was reconsidered by the Committee at Council's request for clarification during its regular meeting of September 21, 2015. The revised version below was approved during council's regular meeting of September 28, 2015:

**The Committee recommends that the design be approved in principle subject to the following modifications:**

- **Given this is an extension to a heritage designated property, wooden siding be used;**
- **The entrance on the Garrison Hill side should be enhanced with a sidelight or transom with architectural detailing that reflects the existing house entrance. (see attached rendering);**
- **Maintain existing wrought iron fencing;**
- **Use vinyl and not aluminum windows (the owner has confirmed that vinyl windows will be used).**

**159 Hamilton Avenue – Renovation**

The Committee met with the following individuals representing the proponent in relation to the renovation of 159 Hamilton Avenue:

- Andy Sullivan
- Greg Hussey
- Garrett Donaher (property owner)

It is proposed that the existing second floor be demolished and replaced with a new second floor that has a proper 8' ceiling height and that a new roof be installed. The Committee expressed concern with the elevations submitted which do not provide adequate detail in relation to how the new construction will marry with the existing first floor. There is no indication as to how or if the existing trim will be preserved. The following comments were noted and it was agreed that prior to any decision being made to Council on this application, that the applicants resubmit the design to include the following details:

- More accurate elevations reflecting the heritage detailing proposed as well as revisions to the roof lines that more appropriately reflect the original roof lines of the house.

- This would include the reinstatement of the full gable on the west elevation, centered window and a hipped roof line along the front on the east side.
- Dormer windows on the front facade to replicate existing 4 windows.
- Applicant should provide axonometric views.

Note: Since this meeting, the applicant submitted revised drawings addressing the Committee's concerns for which an e-poll was conducted and the application recommended for approval by the Committee. Council during the September 28<sup>th</sup> regular meeting approved the Committee's recommendation.

### **26 King's Bridge Road – Proposed Octagon Window**

The Committee considered a request to install an octagonal shaped window at the front of the property above the bay window.

**Moved – Shannie Duff; Seconded – Wayne Purchase**

**That the proposed octagonal window be approved.**

**MOTION CARRIED**

### **Exterior Renovations to City Hall Annex**

The Committee met with Chris Sampson, Principal and Senior Project Manager, Lat49 Architecture, who presented artist renderings for proposed exterior renovations to the City Hall Annex (John Murphy Building). He presented two options.

**Moved – Shannie Duff; Seconded – Wayne Purchase**

**That though either of the two options proposed are appropriate, they prefer the two tone option as reflected in proposal 04.**

**MOTION CARRIED**

### **Heritage Plaques**

Mrs. Duff requested a status update on the following:

- Historic plaque which is missing from the Yellowbelly building on Water St. Staff agreed to follow up on this and report back.
- Plaque(s) for Ecclesiastical District which never did get installed. Mr. Chalker advised that he would investigate and report back to the Committee.

It was agreed that both items be kept on the Committee's running agenda.

### **Adjournment**

There being no further business, the meeting adjourned at 2:20 p.m.

**Councillor Sandy Hlckman  
Co-Chairperson**