

# ST. JOHN'S

## Minutes of Built Heritage Experts Panel

October 16, 2019

12:00 p.m.

Conference Room A, 4th Floor City Hall

Present: Glenn Barnes, Chairperson  
Bruce Blackwood, Contractor  
Garnet Kindervater, Contractor  
Mark Whalen, Architecture  
Ken O'Brien, Chief Municipal Planner  
Ann Marie Cashin, Heritage and Urban Planner  
Rob Schamper, Technical Advisor

Regrets: Dawn Boutilier, Planner  
Rachel Fitkowski, Landscape Architect

Staff: Maureen Harvey, Legislative Assistant

Others: Cheryl Mullett, City Solicitor

## 2. APPROVAL OF THE AGENDA

### 2.1 Adoption of Agenda - October 16, 2019

**Recommendation**

**Moved By** Bruce Blackwood

**Seconded By** Garnet Kindervater

That the agenda be adopted as presented.

**CARRIED UNANIMOUSLY**

## 3. ADOPTION OF THE MINUTES

### 3.1 Adoption of Minutes - September 17, 2019

## **Recommendation**

**Moved By** Garnet Kindervater

**Seconded By** Mark Whalen

That the minutes of the Built Heritage Experts Panel Meeting held on September 17, 2019 subject to the correction of the name "Mr. Churchill" to "Mr. Purchase"

**CARRIED UNANIMOUSLY**

## **4. PRESENTATIONS/DELEGATIONS**

### **4.1 Decision Note dated October 8, 2019 re: 41 Bannerman Street - Development of a Single-Detached Dwelling- DEV1900113**

The Panel welcomed Mr. Greg Kirby to the meeting to discuss his application to build a single-detached dwelling at 41 Bannerman Street. The subject property is currently a vacant lot located in Heritage Area 3, the Residential Downtown District of the St. John's Municipal Plan and is zoned Residential Downtown (RD).

Mr. Kirby objected to Mr. Kindervater having any involvement in this decision as Mr. Kirby, in his capacity as a lawyer, has represented parties involving Mr. Kindervater's business.

Being aware of the staff recommendation to include a condition of approval to "add a door to the front facade facing the street...." his objection to this condition was noted for the following reasons:

- The Decision Note re: Doors and Garage Doors and supporting table (Heritage Areas Standards) as a tentative agenda item does not suggest there is any requirement to have a door at the front of the facade.
- Prior to beginning this process, three meetings were held with staff of the City's Planning, Engineering and Regulatory Services Department where his notes indicate that a side entrance was acceptable.
- His letter of approval dated August 19, 2019 makes no reference to the front door on the side, as proposed, was not acceptable, nor was he made aware that the matter required referral to the Built Heritage Experts Panel.
- It was only upon receipt of an email dated October 8th was there any issue with design.

- As demonstrated in the pictures provided, there are multiple properties throughout the City in Heritage Areas where doors are located at the side of the structure. i.e. there is no consistency in the application this requirement.

Mr. Kirby indicated that, based on the foregoing, he has entered into a purchase and sale agreement for property at the rear, which, if approval is not granted will likely result in litigation initiated by the seller. He expressed frustration that he has acted in good faith, based on the information presented to him, yet the City appears to be changing the rules, delaying the finalization of approval.

The Chair asserted the following:

- The Decision Note re: Doors and Garage Doors has been a tentative agenda item since May, but one that the Panel has not yet had the opportunity to debate. While identified on the agenda as a tentative item, the Panel has agreed that it will not be the topic of today's meeting.
- The mandate of the Panel, as set by Council, is to provide advice and put forth recommendations to Council in an effort to retain a heritage culture in designated heritage areas.

Mr. Kirby was thanked for his presentation and retired from the meeting at 12:56 pm.

The Panel discussed the alleged "conflict of interest" claim against Mr. Kindervater. The Panel reviewed the Terms of Reference and agreed that the allegation appears to be unfounded. However, in the interest of moving the application forward without delay, Mr. Kindervater agreed to abstaining from the vote on the recommendation. To that end, and because the abstention results in there not being a majority vote, the Panel agreed to advance the matter through an E-Poll.

#### **4.2 Decision Note dated October 8, 2019 re: 93-95 Merrymeeting Road - Subdivision of site for three townhouses - SUB1900017**

Recognizing a conflict in this matter, Mark Whalen, representative for the proponent removed himself from the meeting as he was representing the applicant in this matter. to move into the role of applicant. This resulted in the loss of a quorum, however the Panel agreed to review the information and proceed with an e-vote to ensure preliminary discussion was held with the panel and staff providing the background.

The Panel welcomed Mark Whalen back to the meeting as a delegation to provide an opportunity to discuss the application for the design of proposed townhouses located at 93-95 Merrymeeting Road. He was informed that because his abstention resulted in there not being a majority in favour of the application, the matter will be advanced through an E-Poll.

**5. BUSINESS ARISING FROM THE MINUTES**

**5.1 Downtown Decorative Lighting Working Group - Verbal Update**

It was noted that Rachel Fitkowski is the Panel's representative on this Working Group. In her absence, Ann Marie Cashin presented the following update.

Other members of the Working Group include Downtown St. John's, the Arts Advisory Committee, and the George Street Association. An initial meeting was held a few weeks ago where a review took place of four different options for light replacement that were presented to Council back in April. The options discussed included:

The Group was provided with information on lighting styles i.e numerous post-top fixtures that could replace the existing globes. The entire group agreed that they liked the fixtures similar to those in Bannerman and Victoria Parks, which have a more heritage feel to them. For the next meeting members of the group were encouraged to look at alternate lighting styles.

**5.2 Decision Note re: Doors and Garage Doors (Tentative Agenda Item)**

This matter was deferred for a future meeting.

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GLENN BARNES, CHAIR