



City of Hamilton
HERITAGE PERMIT REVIEW SUB-COMMITTEE
AGENDA

Meeting #: 21-010
Date: August 31, 2021
Time: 5:00 p.m.
Location: Due to the COVID-19 and the Closure of City Hall
All electronic meetings can be viewed at:
City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton>

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2. APPROVAL OF AGENDA	
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Proposed relocation of existing stone heritage building (Marr House – 398 Wilson Street East) to rear portion of amalgamated site (392-412 Wilson Street East)

11. MOTIONS

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15. ADJOURNMENT

**Heritage Permit Review Subcommittee
(Hamilton Municipal Heritage Committee)**

Tuesday, August 31, 2021
Virtual Meeting

Members of the public are advised that individuals and the media may be audibly and/or visually recording this meeting. Please note that, while this meeting is open to the public for observation, any member of the public wishing to provide comment on any of the agenda items are encouraged to contact Cultural Heritage Planning staff or may choose to give a delegation to the Hamilton Municipal Heritage Committee.

Cultural Heritage Planning:

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SUBCOMMITTEE AGENDA REVIEW

Agenda Review (4:30 pm)

The Subcommittee meeting commences at 5:00pm.

AGENDA

1. Approval of Minutes from Previous Meetings:

- August 17, 2021

2. Heritage Permit Applications

a) HP2021-032 – 398 Wilson Street East, Ancaster

- Proposed relocation of existing stone heritage building (Marr House – 398 Wilson Street East) to rear portion of amalgamated site (392-412 Wilson Street East)

Next meeting: September 21, 2021

MINUTES OF THE HAMILTON HERITAGE PERMIT REVIEW SUB-COMMITTEE

Tuesday, August 17, 2021

Present: Karen Burke, Graham Carroll, Charles Dimitry (Chair), Andy MacLaren, Carol Priamo, Tim Ritchie (Vice Chair), Stefan Spolnik, Steve Wiegand

Attending Staff: Ohi Izirein, Amber Knowles, Hannah Kosziwka, Stacey Kursikowski, Chloe Richer

Absent with Regrets: Melissa Alexander, Diane Dent

Meeting was called to order by the Chairman, Charles Dimitry, at 5:00pm

1) Approval of Agenda:

(Burke/Ritchie)

That the Agenda for August 17, be approved as presented.

2) Approval of Minutes from Previous Meetings:

(Carroll/MacLaren)

That the Minutes of July 20, 2021 and July 27, 2021, be approved as presented.

3) Heritage Permit Applications

a. **HP2021-038: 24 Griffin Street, Waterdown**

- Scope of work:
 - Proposed replacement of front door
 - Replacement of seven windows (work already completed)

- Reason for work:
 - Replacement of front door due to poor condition
 - Windows previously replaced due to poor condition

Jim and Fay Mansfield, the property owners, spoke to the Sub-committee at the permit review.

The Sub-committee considered the application and together with input from the applicant and advice from staff, passed the following motion:

(Dent/MacLaren)

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-038 be consented to, subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,

- b) Installation of the alterations, in accordance with this approval, shall be completed no later than August 31, 2023. If the alteration(s) are not completed by August 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

b. HP2021-039: 220 St. Clair Boulevard, Hamilton

- Scope of work:
 - Replacement of the eavestroughs, soffits, fascia, and dormer cladding

- Reason for work:
 - Replacement of damaged elements and colour change to match previously approved replacement windows (HP2021-026)

Patrick Hale and Alissa Pellizzari-Hale, the property owners, spoke to the Sub-committee at the permit review.

The Sub-committee considered the application and together with input from the applicant and advice from staff, passed the following motion:

(Carroll/Ritchie)

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-039 be consented to, subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) Installation of the alterations, in accordance with this approval, shall be completed no later than August 31, 2023. If the alteration(s) are not completed by August 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

c. HP2021-040: 35-43 Duke Street (Sandyford Place), Hamilton

- Scope of work:
 - Investigative parging test openings
 - Removal of loose bricks from chimneys

- Reason for work:
 - Investigation into extent of deterioration of original masonry.

Stefan Nespoli, from Edison Engineers, represented the condo owners and spoke to the sub committee at the permit review.

The Sub-committee considered the application and together with input from the applicant and advice from staff, passed the following motion:

(MacLaren/Spolnik)

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-040 be consented to, subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) Installation of the alterations, in accordance with this approval, shall be completed no later than August 31, 2023. If the alteration(s) are not completed by August 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

d. HP2021-042: 255-265 James Street North

- Scope of work:
 - Upper Windows:
 - Replace the existing (not original) residential windows on 2nd and 3rd floor of building with aluminum clad, one-over-one windows, black in colour.
 - Storefronts:
 - Replace five existing storefronts (single pane glass) with new black aluminum storefront frames at 255, 257, 259, 261 and 263 James Street North. All storefronts noted above will maintain their existing configurations.
 - Reconfigure the corner storefront at 265 James Street North to eliminate the recessed entry and form a straight storefront with an operable sliding door in similar proportions to the existing storefront.
 - Remove the existing knee wall and extend glass to the floor.
 - Increase the height of the entrance doors to 8' therefore eliminating or reducing the size of the transom above each entrance.
 - Paint the existing arched window frame black on the Colbourne Street frontage to match remaining
 - Replace glass in arched window as it is cracked.
 - Signage Band:
 - Install a new black aluminum clad band for consistent signage above storefronts on James Street.
 - Lighting:
 - Install wall sconce between all storefronts to illuminate facade of building – Eurofase Inc. “Dale” or “Crest” model outdoor wall mount light fixtures in Graphite Grey as per submitted specs.

Lorenzo DiDonato, the son of the property owner, represented his father and spoke to the Sub-committee at the review.

The Sub-committee considered the application and together with input from the applicant and advice from staff, passed the following motion:

(Ritchie/Priamo)

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-042 be consented to, subject to the following conditions:

- a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- b) That the applicant submits a sketch illustrating a revised storefront for 265 James Street North indicating proportionate segments to the existing storefront with the incorporation of a sliding door, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- c) Implementation of the alterations, in accordance with this approval, shall be completed no later than August 31, 2023. If the alterations are not completed by August 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

4) **Adjournment:** Meeting was adjourned at 7:45 pm

(Carroll/MacLaren)

That the meeting be adjourned.

5) **Next Meeting:** Tuesday, August 31, 2021 from 5:00 – 8:30pm



CULTURAL HERITAGE IMPACT ASSESSMENT (CHIA)

for
392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue
Ancaster, Ontario

GBCA Project No: 21006

prepared for:

Wilson Street Ancaster Inc.
1 James Street South, 8th Floor
Hamilton, ON. L8P 4R5

prepared by:

Goldsmith Borgal & Company Ltd. Architects
362 Davenport Road, suite 100
Toronto, ON, M5R 1K6



Date of issue: Friday, June 4, 2021

GOLDSMITH BORGAL & COMPANY LTD. ARCHITECTS
Suite 100 | 362 Davenport Road, Toronto M5R 1K6

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EXECUTIVE SUMMARY

Goldsmith Borgal & Company Ltd. Architects (GBCA) was retained by Wilson St. Ancaster Inc. to prepare a Cultural Heritage Impact Assessment (CHIA) to evaluate impacts on a heritage property arising from the relocation of a Designated heritage property to a newly assembled lot.

The subject site is located on the east side of Wilson Street East, which runs through the former township of Ancaster. This main street is characterised by a mix of early 19th century stone buildings, adaptively reused historic structures, some newer commercial infill and vacant lots used for parking. The development site totals 1.9 acres and will comprise (6) six smaller lots (392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue) bound irregularly by Lorne Avenue to the north-west and Academy Street to the south. The site includes 398 Wilson Street East, a two-story neo-classical style residence, built c.1840, and known as the Phillip Marr House (herein the "Marr House"). The property is designated under Part IV of the Ontario Heritage Act, under by-law 78-87.

With the exception of the Marr House, all former buildings have been cleared from the site. The southern-most corner of the site has a surface level parking lot over a property that was previously used as a Petrofina gas station. To the east of this is a residential street (Academy Street) that contains a number of early-20th century homes, and a prominent corner heritage property at 380 Wilson Street, the Old Ancaster Hotel (1847).

In April 2021, an environmental investigation identified subsurface soil and groundwater contamination on the site. As a result, the report recommended relocation of the Marr House to permit the undertaking of remediation in compliance with the Ministry of the Environment, Conservation and Parks regulation for filing of a Record of Site Condition. This will require excavation of site soils, and as a consequence, the necessary relocation of the Marr House to a new location on the development site. As such, the subject property, with a current lot frontage of approx. 2.4 metres from Wilson Street East, is proposed to be permanently relocated to a residential lot 100 meters north, and 50 to the east of Wilson Street East (to current day 15-Lorne Avenue). Here, the Marr

House is proposed to be incorporated within a landscaped garden as an amenity space for a future development on the lands to the south.

The proposed relocation will have impacts on the heritage attributes of the Marr House. Although relocation is not typically favoured, in this case, relocation can be seen as a mitigation strategy for the building's long-term preservation. These elements along with mitigation strategies are discussed in more detail throughout the report.

This HIA has been prepared in accordance with CHIA Guidelines (April 2018) as required by the City of Hamilton and evaluates the impact of the proposed development on existing heritage resources.

1. INTRODUCTION

1.1 Description of the property

The property at 392 - 406 Wilson Street East is located on the east side of Wilson Street East, and comprises (6) six smaller lots bound irregularly by Lorne Avenue to the north-west and Academy Street to the south. The new 1.9 acre site is located north-east of the core of the Village of Ancaster within an area that is characterised by low-rise single-detached residences adapted for commercial use with small, street facing lots. Many buildings along this Main Street are fine-grained commercial, retail, adaptively reused historic buildings, with some newer commercial buildings. Several listed heritage buildings are in the immediate vicinity.

The site includes a two-story neo-classical style residence, built c.1840, and known as the Phillip Marr House. The property is designated under Part IV of the Ontario Heritage Act, under by-law 78-87. More detail on this designation is provided under Section 3 of this CHIA, and in Appendix II.

1.2 Present Owner and Contact Information

Owner: Wilson Street Ancaster Inc.
1 James Street South, 8th Floor
Hamilton, ON. L8P 4R5

Contact: Giovanni Fiscaletti
giovanni@spallaccigroup.com

1.3 Location Plan



Heritage Register Map of Wilson Street in the Township of Ancaster, with the development site highlighted in red.

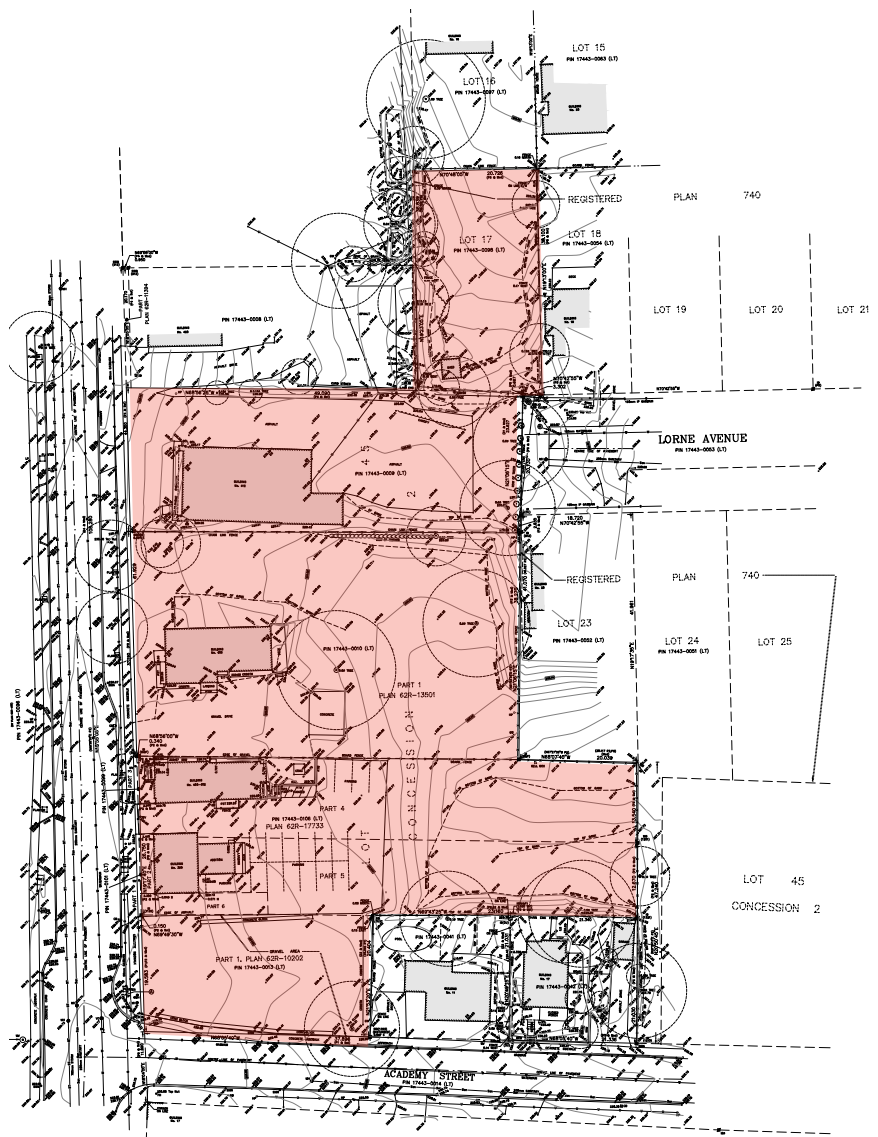
Heritage properties on the development site include:

- 1. 389 Wilson Street East**- Phillip Marr House (1840). (the "Marr House"). Designated under Part IV of the Ontario Heritage Act, under by-law 78-87.

Adjacent Heritage resources:

- 2. 11 Academy Street** (1907) - Residence. Listed on City's Heritage Register in 2021
- 3. 380 Wilson Street** (1847) - Old Ancaster Hotel. Listed on City's Heritage Register in 2020
- 4. 420 Wilson Street East** (1823) - The Needle Emporium. Listed on City's Heritage Register in 2020.
- 5. 426 Wilson Street East** (1921) - Residence. Listed on City's Heritage Register in 2020
- 6. 413 Wilson Street East** (1867) - Commercial building. Listed on City's Heritage Register in 2020

1.4 Property Survey



Topographic Survey- Part of Lot 45 Concession 2, Township of Ancaster and Lot 17 Registered Plan 740 in the City of Hamilton. (A.T McLaren)

1.5 Site Photographs



A view from the west side of Wilson Street East looking towards the property at 392 - 406 Wilson Street East looking south. The Marr House is visible here, and is adjacent to a surface level parking lot to the south. This is the location of the former gas station.



A view from the west side of Wilson Street East looking towards Academy Street and 380 Wilson Street (1847) - Old Ancaster Hotel, list on the Municipal Heritage Register.



Looking south from the corner of the subject site towards 385 Wilson St. East, a professional/commercial building with pre-cast moulded concrete blocks that appears to be a scaled version of a Italianate style house. To the south of this is 375 Wilson Street East - the Rousseau house (1848).



View looking north along Wilson Street East directly in front of the subject site to the east. The opposing properties have residences constructed in various styles with contemporary additions, and on smaller lots. In the distance 420 Wilson Street East (1823) - The Needle Emporium, listed on City's Heritage Register in 2020, is visible at the north edge of the subject site.



View from the southern corner of the subject site, looking west across Wilson Street East.



View from the subject site directly north across Wilson Street East.

2. BACKGROUND RESEARCH

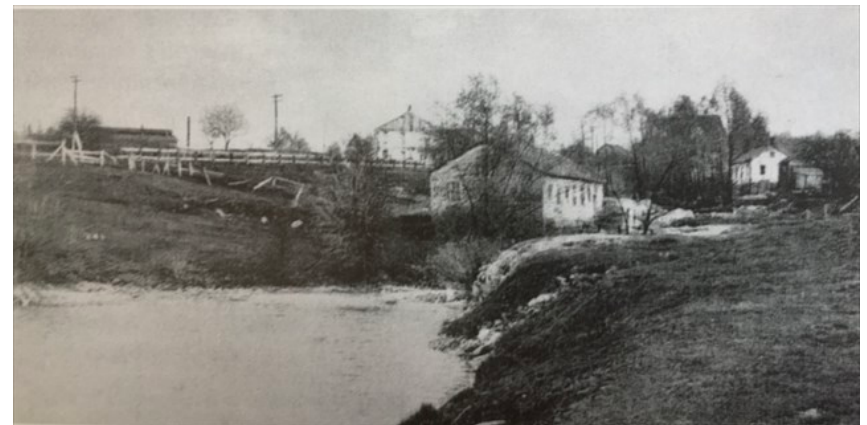
The subject property is located on what is historically known as Part of Lot 45, Concession 2 within the former Township of Ancaster, Wentworth County, Ontario. It is now part of the City of Hamilton and is located on the east side of Wilson Street East, on the northeast corner of Wilson Street East and Academy Street. Currently the site contains one structure – the two-storey stone house dating circa 1840 - 1850.

The land constituting the Township of Ancaster (part of the Niagara Peninsula) was acquired by the British Crown from the Mississauga Nation in 1784. There is evidence of Euro-Canadian settlement in the Ancaster area as early as 1789 when land clearance was undertaken by several families squatting on the land. The first township survey was undertaken in 1793 by Augustus Jones and the first legal settlers came to occupy their land holdings within two years of the survey being completed. The township is said to have been named by Lieutenant Governor John Graves Simcoe after a town in Lincolnshire, England – the name Ancaster was used from about 1800 onward.

Ancaster was initially settled by disbanded soldiers, mainly Butler's Rangers, and other United Empire Loyalists following the end of the American Revolutionary War. James Wilson is probably the most important historically because he built the first mills in the township, and gave Ancaster Village its first name, "Wilson's Mills." In 1800, James Wilson was granted the Crown Patent for Lot 45, Concession 2, which included most of today's Village of Ancaster. Wilson's name appears in the 1808 Ancaster voter's list, and on the 1816 Ancaster Assessment Roll. Wilson built his grist mill in 1791 and his saw mill in 1792 on the small creek just east of Rousseau Street. This location was a strategic one because it was only a few yards from the junction of three "roads" or trails of the Indigenous peoples. Eventually the town grew at the convergence of several roadways - near where Sulphur Springs Road, the Old Dundas Road, the Mohawk Road and Wilson/Main Street came together.



The Ancaster Evaporator, (circa 1899) stood where Wilson's original gristmill was located at the north-east corner of Wilson and Rousseau St. (190-, Hamilton Public Library)



A view from just out on the street (Old Dundas Rd). The water is the old mill pond. The building in the foreground is a the old tollhouse at the corner of Wilson St and Old Dundas Rd. A white fence runs along the side of Wilson St. East. The long dark building at the left edge of the picture is the Ancaster Evaporator pictured above. (190-, Hamilton Public Library)

Wilson's Mills were the first mills west of Grimsby, and the only ones for many years. These mills were later sold to Jean Baptiste Rousseau in 1794, a Montreal-born fur trader, interpreter, businessman, militia officer and office holder. Jean Baptiste Rousseau had a home and general store on Wilson Street. His Ancaster general store was involved in frequent trading with Joseph Brant's Mohawks and other Iroquois people from the Six Nations confederacy located at the Grand River. For a time after this, the area was briefly known as "Rousseau's Mills." (The mills were eventually sold to the Union Mill Company.)

In 1797, Rousseau built a hotel on Wilson Street, beginning a trend towards building on the meandering route that became Wilson Street. When the village's first school was built on Wilson Street in 1799, the trend was firmly established.

Rousseau would become a leading citizen of the village, owning a general store and hotel, building a brewery and distillery, and holding bureaucratic positions such as magistrate, tax collector and school teacher.

Wilson built not only the mills but also an inn, and a blacksmith shop and at the turn of the century, the modest collection of buildings in "Wilson's Mills" included a general store, blacksmith shop, distillery and tavern. The first citizens of the village were Wilson's employees – his miller, sawyer, innkeeper and blacksmith, plus three or four assistants, all of whom would live in houses which Wilson built for them.

In 1805, D'Arcy Boulton noted that this township contained land that was, in part, excellent and by the 1840s, the township was well-known for its fine farms. The area had natural advantages including fertile soil, abundant fast flowing streams ideal for mills and a strategic position at a break in the Niagara Escarpment where a well-known and used aboriginal trail (eventually known as the "Mohawk Road") existed. By 1823, due largely to its easily accessible hydro power located at the juncture of already existing historical trading routes, Ancaster had become Upper Canada's largest industrial and commercial centre. Additionally, Ancaster had at that time attracted the 2nd largest populace (1,681) in Upper Canada trailing only Kingston (population 2,500), but surpassing the populations of nearby Toronto (1,376) and Hamilton (1,000).



Rousseau House, 1995 (Ancaster - A Pictorial History)

By the 1830s, Ancaster was the commercial centre for the area, but soon suffered several setbacks. In 1832, the opening of the Desjardin Canal in the neighbouring town of Dundas had a negative economic impact on Ancaster. Similarly, the town was bypassed by the railway, which went to Hamilton. While its role as a commercial hub was over, local agriculture ensured Ancaster remained a vibrant community.

The 200-acre Lot 45, Concession 2 was subdivided and sold off in quarter-to-half-acre lots early in the nineteenth century. It is not known when Wilson Street was first subdivided into building lots, but it was probably about 1815 if one were to judge from the land sales registered in the Registry Office.



Registered plans of the subdivision for this village exist from 1867. By 1875, the village contained the Town Hall, four churches, two cemeteries, three hotels, one school, one blacksmith shop, a knitting factory, iron foundry, carding and woollen mills, an agricultural implement factory, several stores, and a telegraph office. At that time the population was around 600 to 800 people. The 1875 Illustrated Historical Atlas of the County of Wentworth reveals that both sides of Wilson Street were filled with structures, between present day Jerseyville Road East and Rousseaux Street.

Many of the early structures in Ancaster were built of stone from the nearby Niagara Escarpment. Overall there were more stone buildings in the greater Hamilton area than in most other parts of Ontario (with an exception of Cambridge/Waterloo region). In 1851 there were 16 domestic stone houses in Ancaster Township and by 1891 there were 61.

One of the houses in the village at that time was the subject building at 398 Wilson Street East. Most historical accounts report that the house was built for cabinet-maker Adam Marr (1809-1894). Marr conducted a furniture making and undertaking business in Ancaster from 1840 (or maybe as early as 1834) with his brother David, and later with his son, Thomas Ward Marr. Later the building served as the home of John Phillip (1838-1912), a stone-mason (later stage proprietor) and village constable until the turn of the century. John Phillip's brother or son, Charles Phillip was one of the proprietors of the neighbouring Ancaster/Union Hotel. The stone hotel building at the corner of Wilson and Academy streets was originally built by the Rousseau family and was leased to Phillip in 1865.

Throughout the decades, the building at 398 Wilson Street East has served a number of commercial purposes. For example, in 1965 the building housed Albert Boers and his barber shop.

In 1974, Ancaster was incorporated as a town in the Regional Municipality of Hamilton-Wentworth. In 2001, it was merged into the new city of Hamilton.



Marr House, c.1900 (Ancaster Archives)



Marr House, 1995 (Ancaster - A Pictorial History)



Marr House, 2021 (GBCA). North Elevation. Top left window opening closed in.



Marr House, 2021 (GBCA). South Elevation. Blank wall with tail extending to the east. Foundation issues notable from a distance.



Marr House, 2021 (GBCA). East Elevation. Rear tail covers to ground level openings.

GBCA Architects



Marr House, 2021 (GBCA). West Elevation 2.4 meters from Wilson Street East. Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state these are no longer present.

3. HERITAGE STATUS

The subject property is currently designated under Part IV, Section 29 of the Ontario Heritage Act, through By-law 78-87.

The By-law is provided under Appendix II and includes the full Statement of Significance.

In summary, the following have been noted as heritage attributes:

The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from c. 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. Without restricting the generality of foregoing the reason for this Council designation the described premises include the intangible that the following features of the described premises should be preserved, that is:

- *The four facades of the building, including the exposed stonework construction*
- *The roof and chimneys* and return eaves, and;*
- *The 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization*

* Although the designation by-law notes that chimneys are a contributing heritage attribute, in its current state, these are no longer present.

3.1 Adjacencies

'Adjacency' in this context refers to lands that are directly across from and near to a property on the Heritage register.

The subject site assembly is currently occupied by vacant lots, and a surface level parking lot to the south, and is also considered adjacent to/ across the street from numerous low-rise buildings, including five listed heritage properties. These include:

Adjacent:

- 11 Academy Street (1907) - Residence. Listed on City's Heritage Register in 2021.
- 380 Wilson Street (1847) - Old Ancaster Hotel. Listed on City's Heritage Register in 2020.
- 420 Wilson Street East (1823) - The Needle Emporium. Listed on City's Heritage Register in 2020.
- 426 Wilson Street East (1921) - Residence. Listed on City's Heritage Register in 2020.
- 413 Wilson Street East (1867) - Commercial building. Listed on City's Heritage Register in 2020.

Notable stone buildings in surrounding area, not included above:

- 375 Wilson Street East (1848) - village house built by George Brock Rousseau.
- 343 Wilson Street East (1860) - Richardson-Ashworth Italianate style House
- 419 Wilson E. (1820) - Seymour Lodge

4. CONDITION REVIEW

GBCA visited the site in April 2021 to conduct a high level visual review of the building's exterior. This visual review is based on the condition of the building on that date. Any alterations, damage or improvements occurring after the date of assessment have not been updated as part of this report.

GBCA obtained only limited access to all exterior parts of the building facades (north, east, south and west elevations). Assessment was limited from the ground level only as no boom lift was utilised for higher areas such as the gable, 2nd floor windows, soffit and roof.

4.1 Exterior Walls

The rubble stone is considered a key heritage attribute of this property and is entirely exposed to the public realm.

The elevations are built of random coursed rubble stone from the nearby Niagara Escarpment. Even the quoins, which have squared tails at the side elevations, are irregular at the rear. The pointing is coarse and cementitious with wide joints in a similar in colour to the masonry. The front elevations feature voussoirs built in coursed squared rubble.

The masonry is in fair repair, with several areas of open joints and evidence of movement. Given the uneven nature of the face mortar and applied cementitious parging there may be voids in the cavity and deep re-pointing or micro-fine grouting may be required. Test pits should be dug below the low-level course to examine the below-grade mortar conditions.

On all elevations there are signs of water infiltration, evidence of improper mortar repairs and patches, staining of stone – including efflorescence, unsympathetic parging, atmospheric staining, rust from metal fasteners, etc.



West elevation: ground level showing cementitious parging applied at the northern edge of the building.



South elevation: ground level showing open joints, and repair work.

4.2 Foundation Masonry at Grade

Of particular concern is the masonry immediately at grade where the stone units and mortar joints are highly susceptible to deterioration. Eroded mortar joints further promote water entry and accelerate deterioration and mould growth. Numerous instances of stepped, horizontal and vertical cracking were noted in the visible foundation walls. In addition to this, efflorescence was noted sporadically on all elevations.

The lower areas of walls at grade level are mostly in fair condition given their proximity to ground water, snow, ice and de-icing salts; all of these contribute to extensive masonry and mortar deterioration. Localised damage was noted with large openings on the southern elevation.

Stepped cracking was observed at the corners of the windows. Minor cracking near window corners is a common occurrence since the windows act as a weak area in the masonry wall. Recent repair and pointing work, parging and entire sections of stone removed suggest possible impact as a result of vertical settlement.

Settlement cracking and movement lines are present at the midpoints of the north and south facades consistent with the rotation of the rear part of the building. Other cracking and displacement is found on the east end of the north and south walls and the base of the east wall which is consistent with the slow-motion rotation of half of the house.



South elevation: ground level failed and open joints with previous repair work also visible.



North elevation: failed and open joints, oxidization and metal anchors near foundation.



South elevation: failed and open joints at foundation. Movement lines are present at the midsection of this elevation.



West elevation: Recent repair and pointing work, parging and entire sections of stone removed below the 2nd storey window.

4.3 Windows and Doors

4.3.1 Windows

The front elevation contains five, symmetrically placed, rectangular window apertures, with a central door. The rear elevation has the same configuration, although a later tail-extension has been constructed and two openings have been removed. The south elevation is blank, while the north elevation features two pairs of symmetrically spaced windows, the top left having been closed in.

Condition of the current wood frames appears to be good although better access via lift or scaffold would be required for a more thorough assessment, especially at the upper level. The wood frames show some paint checking and minimal, intermittent areas of rot and/or damage. The lower portions of stone sill components are more deteriorated than the upper portions due to water/ice exposure that has settled on the sills requiring repair.

Generally, the window perimeter sealants and glazing seals were observed to be in fair condition. Failed seals will allow water ingress and cause more damage to the surrounding area. Loose window seals exist in most of the windows. Loose or missing seals allow air movement through the windows, reducing efficiency and allow for deterioration inside the walls due to condensation.



West elevation: window frames on 2nd storey appear to be in good repair upon visual review..



North elevation: eastern-most window opening on 2nd storey has been closed in.

4.3.2 Doors

The central door and five-pane transom window is set within a deep recess lined by wooden panels with modest mouldings. The current door with 12-over-12 sash appears to be in good condition although of much later design than the date of the building. As is typical with most entry doors, they are repetitively used and will have incurred wear and tear from normal use.

Seals and weatherstripping may be worn and/or missing, allowing air infiltration/exfiltration, with normal signs of wear and tear due to usage, particularly at the door frames.

4.4 Summary

The visual review of the building reveals that there have been various progressions of deterioration in certain areas of the building. The overall building remains fairly intact and there has been no major loss of material (ie. collapsed walls, roofs etc.) given that the building is of very robust construction. However, the areas at the south elevation of the building that have settled and deteriorated will continue to do so unless action is taken to resolve the issues. Side wall cracks corresponding to the “bending “ or rotation of the structure due to soil conditions, compounded by settlement cracking due to the deformation of the structure, will continue to progress without intervention.



West elevation: Central door with with 12-over-12 sash and five-pane toplight is in good repair.



East elevation: Openings at rear elevation have been obscured by the later addition of a one-storey tail.

5. ASSESSMENT OF PROPOSED RELOCATION

5.1 Description of Proposed Strategy

The proposed relocation strategy is primarily in response to subsurface soil conditions adjacent to, and below, the Marr House. An environmental investigation undertaken by Landtek Limited (Appendix III) identified subsurface soil and groundwater contamination from historical gas station operations on the adjacent site.

Due to the heritage building's proximity to the pre-existing contamination plume, relocation is necessary in order to permit excavation works. The proposed relocation strategy consists of moving the Marr house approximately 100 meters north, and 50 meters to the east of Wilson Street East (to current day 15-Lorne Avenue). This permanent relocation is driven by a need to excavate the site for soil remediation, and limit any unnecessary impacts on the building's fabric arising the excavation work, and from multiple moves.

While there is no direct correlation with the soil contamination, the building's long-term stability is also in question. Portions of the south elevation have begun to show evidence of failure, which may be a result of settlement. Excavating nearby can generate vibrations that may highly compromise the structural and heritage integrity of the small structure. Although it is acknowledged that relocation is not typically favoured, in this particular case, relocation can be seen as a mitigation strategy for the building's long-term preservation. Relocation to a properly designed foundation will ensure the conservation of the building.

The relocation is proposed to occur in a single stage. The site receiving the Marr House will have to be partially excavated and new foundations provided. Once this new site is prepared with its new foundations, the House will be partly excavated so to install necessary moving supports and wheeled bogies. The building will require substantial stabilisation before such a move. Restoration work on the heritage building would be carried out after it is moved to its final location.



The (6) six lots comprising 392, 398, 406, 412 Wilson Street East and 15 Lorne Avenue will be assembled for a future development. With the exception of 398 Wilson Street East, the site is vacant.

5.1.2 General Procedures for Relocation:

While every building is different and each project must be assessed on a case-by-case basis, there are general procedures that are followed in the moving process. The engineer working for the moving company will factor into the calculations the building dimensions, weights and materials (and their characteristics).

The area around the structure would be excavated and a crib, consisting of lengthwise and cross beams, would be designed and installed in the basement of the house. Then, the area at grade will be cut through to separate the house from its foundation. Extensions to the carrying frame will be inserted below the walls and secured to the exterior. Windows will be framed with solid panels to prevent “racking”. Additional cross bracing may be installed in the interiors to reduce potential for structural deformation. The engineer would factor in the building’s dimensions, weight, and materials. The frame carrying the Marr House would then be raised by hydraulic lifts or jacks and lowered onto hydraulically self-levelling wheels or “bogies”.

While the above work is under way, the new foundation will be created for the house then filled to allow the house to roll over it into position. The steel support/crib would be used as the base of the building during the move until the perimeter of the house is supported on the foundation, then removed with the bogies. The house is then lowered into position onto the foundation and restoration work will then commence.

The best route to the new location – in this case roughly 150 meters north-east of its present site – would be determined by the building mover who would be responsible for analysing telephone cables, wires, utility poles and topography. The proper authorities would be consulted in relation to permits for the removals or reinforcement of any elements.

5.1.3 Technical Issues of Marr House Relocation

Moving heritage buildings, if not well considered, could result in physical endangerment of the resource. In any project that proposes relocation of heritage buildings, a detailed feasibility study should be undertaken and approved by a structural engineer and the best method for moving be determined. The engineer would be employed by a qualified moving contractor.

GBCA is able to provide examples of successful relocations of heritage buildings. In 2008, GBCA worked with Tridel Developments for the relocation of the Cooper Mansion, a 950 ton, three-storey Second Empire brick building. Laurie McCulloch undertook this move. In 2009, GBCA worked with Pinnacle Developments for the relocation of a two-storey Georgian brick building, undertaken by Danco. Both of these relocations took place in urban environments, in downtown Toronto.



Richard West House relocation in downtown Toronto (2009)



James Cooper Mansion relocation in Toronto (2008)



Plan showing the proposed relocation area for the Marr House, at present day 15 Lorne Avenue. A patio, lawn and garden area have been designed around the heritage building, which will be repurposed as an amenity space for a future development on the lands to the south. The new site is located directly to the east 420 Wilson Street East (1823) - The Needle Emporium, and a residence at 426 Wilson Street East (1921) both of which were added to the City's Heritage Register in 2020. For reference, the lotting pattern of the adjacent residences on Lorne Avenue are shown with a red line. The proposed relocation has nearly double to lot frontage as the adjacent properties. The proposed relocation site for the Marr House is oriented in the same direction as its original location, but 50-meters east of Wilson Street East.

5.2 Impacts on Heritage Resources

The proposed building relocation will result in the following impacts on the property:

- New lot pattern;
- Relocation of building to north-east part of site;
- Removal of rear tail of building;

An assessment of possible effects of the proposed development on the property is presented opposite. The table lists possible effects based on the Ontario Heritage Tool Kit - Heritage Resources in the Land Use Process.

While there is no means of reducing the impact from moving the house in order to remediate the grounds beneath it, the preservation of the Marr House and the conservation of the majority of the heritage attributes is important to acknowledge this existing heritage resource on this site. The sequencing of events will be discussed in more detail through a Conservation Plan.

The building will require substantial stabilization before relocation, which is also an opportunity to provide necessary intervention and provide long-term conservation of the heritage resource. Restoration work on the heritage building would be carried out after it is moved to its final site.

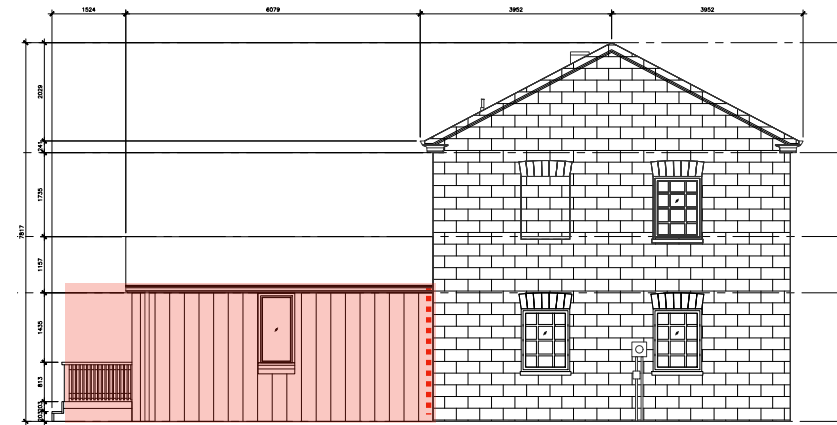
Possible Effect - (from Ontario Heritage Tool Kit-Heritage Resources in the Land Use Process) Assessment (Considered Alternative Development and Mitigation Measures)
<p>Destruction of any, or part of any, significant heritage attributes or features</p> <p><i>Character-defining elements (heritage attributes) identified for the property include the ‘the four facades of the building, including the exposed stonework construction; the roof and chimneys (now missing) and return eaves; the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference. The Standards and Guidelines asks to not “substantially alter its intact or repairable character-defining elements”.</i></p>
<p>Alteration not sympathetic, or incompatible, with the historic fabric and appearance</p> <p><i>The land assembly proposes the creation of additional parcel on the property, build a permanent foundation, relocated the extant Marr House, excavate the former site and prepare lands for a new development. The house will lose its original quality and contextual fit with Wilson Street East as a result of being moved to a new location.</i></p>
<p>Shadows created that alter the appearance of a heritage attribute or change the viability of an associated natural feature or plantings, such as a garden</p> <p><i>Shadow studies are not relevant to the proposed building relocation strategy.</i></p>
<p>Isolation of a heritage attribute from its surrounding environment, context or a significant relationship</p> <p><i>The building relocation will isolate the Marr House from its former context. It has been proposed to be moved to a lot with similarly scaled housing. However, the visual setting of Wilson Street East is considered a character attribute, and relates to the cultural significance of the Marr House. Mitigation strategies are listed in Section 5.2 of this report.</i></p>
<p>Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features.</p> <p><i>The building relocation will not impact any identified views or vistas.</i></p>
<p>A change in land use (such as rezoning a church to a multi-unit residence) where the change in use negates the property’s cultural heritage value</p> <p><i>The land assembly will change through merging six properties into one lot. Additionally, the property will be rezoned to multi-unit residence. Although originally a residence, the Marr House has since been adaptively reused for commercial use.</i></p>
<p>Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource, including archaeological resources</p> <p><i>Land disturbances as a result of this development will have impacts on local cultural heritage resources. However, the proposed redevelopment will address subsurface soil contamination so is considered beneficial in this case.</i></p>

5.2.1 Removal of the rear tail of the building:

This removal will not impact the original scale of the house and will not alter the original appearance of the rear elevation.

Mitigation strategies/Recommendations:

- The removal of the tail from the main residence will require repair, infill of new stone, reinstatement of original openings, refinishing and repainting upon removal of the extension. Restoration and conservation of the former Marr House will involve rehabilitating the rear facade based on archival material, in keeping with the original design intent which would be further explored in a forthcoming Conservation Plan.



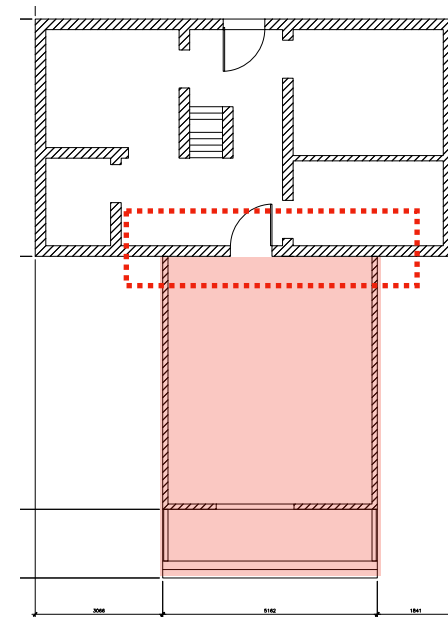
5.2.2 Physical relocation from Wilson Street East location:

The current location of the Marr House was based largely on the early settlement patterns of the village Main Street provided by Wilson Street East. It visually connects with the character of several local stone buildings of the same vintage. The contribution of the building's front elevation and character-defining attributes will no longer be maintained by relocating the building away from Wilson Street East.

It is acknowledged that relocation is not typically favoured. However in this case, permanent relocation can be seen as a mitigation strategy for the building's long-term preservation, and for the remediation of the site. While every building is different and each project must be assessed on a case-by-case basis, there are general procedures to be followed in the moving process. Details of the relocation will be provided under a separate Conservation Plan.

Mitigation strategies/Alternate Strategies:

- Leaving the stone building for a long period of time during construction poses risks to the stability of a fragile structure such as the Marr House. A permanent move is seen as the best course of action. This is driven by a need to excavate the site for soil remediation, and limit any unnecessary impacts on the building's fabric arising from the excavation work or from multiple moves to sites without a solid foundation.



The above plan and elevation illustrate the proposed tail to be removed from the Marr House. Areas with a dashed line will require infilling of new stone and reinstatement of original openings upon removal of the extension.

5.2.1 New lot pattern and location

Currently, the Marr House is located at 398 Wilson Street East. The proposed assembly of properties will see a change in the lot pattern and the proposed relocation of the existing building footprint to the north of its present location. The proposed lot does not front a street, and the relocated house is set-back approximately double the lot frontage compared to adjacent properties fronting Lorne Avenue. While the Marr House today fits in with the scale of the historic properties on Wilson Street East, moving it behind any new development and on a lot that is not fronted by a street will diminish its presence.

The *Standards and Guidelines for the Conservation of Historic Places in Canada*, heritage conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes that would affect the setting or relationships are not encouraged.

The proposed relocation site is characterised by the modest scale of its environs, with post-war bungalows that have window and door openings facing the public realm. In the proposed relocation scenario, the south elevation of the Marr House (a blank wall) will be oriented to the public realm. This will have an impact on the ability to view the character defining attributes of this Designated heritage property from the public realm although the benefits of its relocation and conservation are clear.

In addition, the recipient site at current day 15 Lorne Avenue is directly adjacent to 420 Wilson Street East (1823) - The Needle Emporium, and a residence at 426 Wilson Street East (1921) both of which were listed on City's Heritage Register in 2020. The front entrance of the Marr House will face the rear yards of these properties and not be visible from Wilson Street East.

Mitigation strategies/Alternate Strategies:

- The visual setting of Wilson Street East is considered a character attribute, and relates to the cultural significance of the Marr House. Moving the house to another property along Wilson Street East and within the Village Core of Ancaster could be considered.
- Given the site circumstances, if Lorne Avenue remains the most viable site for permanent relocation, how the Marr House relates to its new setting and interacts with any proposed development to the south will be important. Allowing its character attributes (primary facade) to be viewed from the street, and borrowing compatible lotting patterns from adjacent properties (ie, locating the house using the same lot orientation, and same setback as adjacent houses) are two considerations to bear in mind.

7. CONSERVATION STRATEGIES

A variety of options are typically available for the redevelopment of sites with buildings of heritage value due to proposed developments, and options must be weighed with other decisive factors, the most common are time and costs. In the case of 389 Wilson Street East (The Marr House) a number of options have been considered and are discussed.

In this instance, the Marr House, which is of heritage value, is at risk if left in its current location on the property and will prevent the development of vacant sites the north and south. The house will be preserved, rehabilitated, and restored. Details regarding repair, stabilisation, preservation and long term conservation will be explored in a detailed Conservation Plan at a later date.

Preservation involves the protection, maintenance and stabilisation of the existing form, material and integrity of a historic place or of an individual component, while its heritage value is protected.

Rehabilitation is the sensitive adaptation of an historic place or of an individual component for a continuing or compatible contemporary use, while protecting its heritage value. In this instance, the heritage building will be rehabilitated and with a new use related to the proposed development.

Restoration is the revealing, recovering or representing the state of a historic place or of an individual component as it appeared at a particular period in its history, as accurately as possible, while its heritage value is protected. In this instance, the Marr House will have reinstated its original exterior finishes by removing any non-original cladding, restoring masonry, and reinstating original window designs and details.

7.1 International Standards for Heritage Conservation

Beginning in 1931, various heritage charters have been drafted and subsequently recognized internationally as part of a consistent and objective approach to issues being faced by all countries in addressing heritage conservation.

The concept of setting was addressed in the 1960s in the Venice Charter, the seminal text that underpinned the foundation of ICOMOS (the International Council of Monuments and Sites). Many national charters, including Canada's Appleton Charter (1983), further developed the importance of setting.

The **Venice Charter** is the first of the modern charters (1964) to tackle heritage conservation, codifying acceptable universal principles and practices for the conservation of historic monuments. Of particular relevance for this assessment are the following Articles:

ARTICLE 1: The concept of a historic resource embraces not only the single architectural work, but also the urban or rural setting in which is found the evidence of a particular history.

ARTICLE 6: The conservation of a monument implies preserving a setting which is not out of scale. Wherever the traditional setting exists, it must be kept. No new construction, demolition or modification which would alter the relations of mass and colour must be allowed.

ARTICLE 13: Additions cannot be allowed except in so far as they do not detract from the interesting parts of the building, its traditional setting, the balance of its composition and its relation with its surroundings.

The **Appleton Charter** was established in Ottawa in 1983 and adapted the principles of the Venice Charter to a Canadian context. This charter recognizes that the sound management of the built environment is an important cultural activity.

C. Principles (Protection): Any element of the built environment is inseparable from the history to which it bears witness, and from the setting in which it occurs. Consequently, all interventions must deal with the whole as well as with the parts.

7.2 Exterior conservation and stabilisation

The building would require substantial reconstruction and stabilisation before it is relocated. Anticipated actions once the to the Marr House reaches its final location are as follows:

- Repair, replacement and painting of windows, and sills where required;
- Repair and replacement of awnings;
- Reinststate blocked in window openings;
- Repairs to exterior stone masonry;
- Repairs to exterior woodwork – fascia, soffits, etc.;
- Removal of unsympathetic cladding;
- Repairs or replacement to - metal railing, eaves and troughs;
- Replacement of visible roof area with new high quality shingles.

As excavation work is proposed on the site, which will be adjacent to existing heritage buildings, a structural engineer with proven knowledge and experience in heritage conservation, will need to be consulted. Prior to the execution of the work, the engineer will need to verify if adjacent properties will not be impacted by the excavation work.

As the Marr House is proposed to be relocated, specifications and scope of work for moving the building should be prepared by a qualified building mover in conjunction with a structural engineer. Refer to the International Association of Structural Movers and Ontario Structural Movers Association for qualified companies. Since the practice of professional engineering is regulated by provincial laws, qualified engineering advice must be obtained from a licensed professional engineer.

7.3 Interior conservation

The mitigative options for the interior spaces and features will need to be worked out in conjunction with the project architect as the plans are developed in more detail.

At this time, it is possible to assert that the proposed reuse of the Marr House will be associated with a future development to the south which will be sympathetically inserted within the existing heritage building. Attention will need to be paid to the required program needs, with the plans being adjusted according to existing building, if need be. Consideration of new use should begin with respect for existing and traditional patterns of the layout.

The following interior features should be preserved:

- Original hard wood flooring
- The central plan layout with stairs at centre
- The wood window frames
- All original wood doors (along with any original hardware)
- Original wood trim and baseboards

8. CONCLUSION

The proposed land assembly, excavation, relocation and site preparation for a future development will result in a number of changes to the existing property and its heritage attributes.

Due to existing site conditions, the proposed building relocation is considered a necessary intervention for the remediation of the site, and for the long-term conservation of the heritage resource. This permanent relocation will limit any unnecessary impacts from multiple moves.

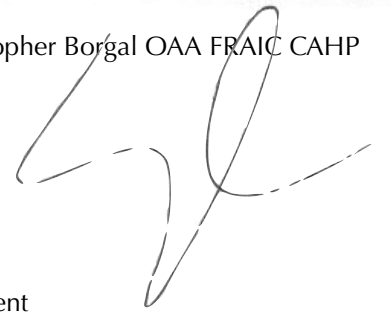
By considering the recommendations contained in this report, the proposed development at 392-412 Wilson Street East can be accomplished in accordance with accepted conservation principles.

In our view, and in light of mitigating strategies to reduce impacts to heritage properties, this proposal balances demands for *intensification* with those of *heritage preservation* in a manner that allows both objectives to be appreciated as a part of a complex and changing urban environment.

9. CLOSURE

The information and data contained herein represents GBCA's best professional judgment in light of the knowledge and information available to GBCA at the time of preparation. GBCA denies any liability whatsoever to other parties who may obtain access to this report for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this report or any of its contents without the express written consent of GBCA and the client.

Christopher Borgal OAA FRAIC CAHP

A handwritten signature in black ink, appearing to read 'CB', is written over a faint, circular stamp or watermark.

President
Goldsmith Borgal & Company Ltd. Architects

APPENDIX I

Standards and Guidelines for the Conservation of Historic Places in Canada

THE STANDARDS

The Standards are not presented in a hierarchical order. All standards for any given type of treatment must be considered, and applied where appropriate, to any conservation project.

General Standards for Preservation, Rehabilitation and Restoration

1. Conserve the *heritage value* of an *historic place*. Do not remove, replace or substantially alter its intact or repairable *character-defining elements*. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an *historic place* that, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an *historic place* that requires minimal or no change to its *character-defining elements*.
6. Protect and, if necessary, stabilize an *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving *prototypes*.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

APPENDIX II
Designation By-Law 78-87

THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 78-87

To Designate the Lands and Building Municipally known as 398 Wilson Street East, in the Town of Ancaster, as Lands and Building of Historic Value, Architectural Value and Interest

WHEREAS this Council is empowered under sub-section (6) of Section 29 of The Ontario Heritage Act to enact By-laws to designate real property, including buildings and structures thereon, as described in Schedule "A" attached hereto to be of historic or architectural value or interest, and

WHEREAS this Council has caused to be served upon the owner of the lands and premises known municipally as 398 Wilson Street East, in the Town of Ancaster, and upon the Ontario Heritage Foundation notice of intention to so designate the described property and has caused such notice of intention to be published in a newspaper having a general circulation in this Municipality once for each of three consecutive weeks, and

WHEREAS no notice of objection to the proposed designation of the described property has been served on the Clerk of this Municipality within the time prescribed by the said Statute, and

WHEREAS this Council's reasons for the proposed designation are as set forth in Schedule "B" attached hereto.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ANCASTER ENACTS AS FOLLOWS:

1. In this By-law the word "property" means real property and includes all buildings and structures thereon.
2. There is hereby designated as being of historic value, architectural value and interest the property known municipally as 398 Wilson Street East, in the Town of Ancaster, and more particularly described in Schedule "A" attached hereto.
3. YATES and YATES are hereby authorized and directed to cause a copy of this By-law to be registered against the property described in Schedule "A" attached hereto in the Land Registry Office for the Registry Division of Wentworth.
4. The Clerk is hereby authorized and directed to cause a copy of this By-law to be served upon the owner of the property and upon the Ontario Heritage Foundation and to cause notice of this By-law to be published in a newspaper having general circulation in the Town of Ancaster.

ENACTED AND PASSED THIS 11th DAY OF DECEMBER 1978.

Alan S. Clark

Mayor

J. B. Keenan

Clerk

THIS AGREEMENT made, in duplicate, the 13th day of April 1981.

B E T W E E N:

THE CORPORATION OF THE TOWN OF ANCASTER
(hereinafter called the "Town")

OF THE FIRST PART,

- and -

MARY ELIZABETH McKEON
(hereinafter called the "Owner")

OF THE SECOND PART

WHEREAS The Corporation of the Town of Ancaster is the Owner of a 6 inch x 6 inch plaque, reading "DESIGNATED PROPERTY, ONTARIO HERITAGE ACT", with the Crest of the Town of Ancaster thereon, and

WHEREAS Mary Elizabeth McKeon is the registered Owner of the lands and premises municipally known as 398 Wilson Street East, in the Town of Ancaster, more particularly described as part of Lot Number 45, Concession 2, in Schedule "A" attached hereto, and

WHEREAS pursuant to By-law No. 78-87 of The Corporation of the Town of Ancaster and pursuant to the provisions of The Ontario Heritage Act, S.O. 1974, Chapter 122, the lands and premises municipally known as 398 Wilson Street East, in the Town of Ancaster, were designated as a building or structure of historical or architectural value or interest, and

WHEREAS by Section 37(1) of The Ontario Heritage Act, the Town is entitled to enter into agreements, covenants and easements with Owners of real property or interest therein, for the conservation, protection and preservation of the heritage of Ontario, and

WHEREAS by Section 37(3) of The Ontario Heritage Act, such covenants and easements entered into by the Town when registered in the proper Land Registry Office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the Town or its assignee against the Owner(s) or any subsequent Owner(s) of the real property, even where the Town owns no other land which would be accommodated or benefited by such covenants and easements, and

WHEREAS the Owner and the Town desire to conserve the present historical, architectural, aesthetic and scenic character and condition of the building on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.

NOW WITNESSETH this Agreement that in consideration of the sum of TWO (\$2.00) DOLLARS now paid by the Town to the Owner, (the receipt of which is hereby acknowledged) and for other valuable consideration, and in further consideration of the granting of the covenants herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Town agree to abide and be bound by the following covenants, easements and agreements.

1. Duties of Owner

- (a) The Owner shall and doth hereby allow the Town as Owner of the plaque to attach the said plaque to premises described in Schedule "A" hereto and grant to the Town the privilege of maintaining the said plaque on the premises.
- (b) The Owner does hereby permit the Town servants and agents to enter with material and equipment necessary for the installation, maintenance and inspection of the said plaque and its mountings.
- (c) The Owner shall not, without the prior written approval of the Town, remove the plaque from the premises.

2. Duties of Town

- (a) The Town agrees to install and mount and to maintain a plaque at its own expense on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.
- (b) The Town agrees that, upon the removal of the designation of the premises pursuant to The Ontario Heritage Act, it will remove the plaque from the premises and as far as practicable restore the premises to their same condition as prior to the installation of the plaque.

3. The Owner and the Town agree that at all times the plaque is and remains the property of the Town.

- 4. Nothing contained herein in this Agreement requires the Owner of the premises to open the premises to public viewing.
- 5. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors, administrators and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals under the hands of their officers duly appointed in that behalf.

Signed, sealed, and delivered)
 in the presence of:)

Maria Peterson

THE CORPORATION OF THE TOWN OF ANCASTER

Ann Stout

 Mayor

J. H. ...

 Clerk

MARY ELIZABETH McKEON

Mary Elizabeth McKeon

 Registered Owner

SCHEDULE "B"Reasons for Designation of 398 Wilson Street East, in the Town of Ancaster

The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from circa 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape. Without restricting the generality of the foregoing the reasons for this Council designating the described premises include the intention that the following features of the described premises should be preserved, that is,

- (a) the four facades of the building, including the exposed stonework construction, and
- (b) the roof and chimneys and return eaves, and
- (c) the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization, but

this Council has no intention that any alteration, maintenance, repair, replacement or improvement of elements of the premises requires the prior written consent of this Council unless such affect the reasons for the designation of the premises as described in paragraphs (a) to (c) herein.

APPENDIX III
Remediation Memo
as prepared by Landtek Limited



LANDTEK LIMITED

Consulting Engineers

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File: 17476

To Whom it may Concern,

**Re: Remediation Measures and Building Structure Location
(Existing Heritage Structure)
392 - 406 Wilson Street East, Hamilton (Ancaster), Ontario**

Based on the environmental investigations completed to date at the above site which previously included the location of a gas station, subsurface soil and groundwater impacts due to historical operations have been identified/confirmed. Impact plumes have migrated throughout several areas of the site and include areas beneath existing structures. Contamination has been found to depths of up to approximately 6 m to 8 m in some areas.

Remediation Measures

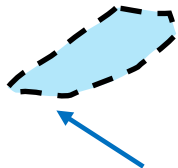
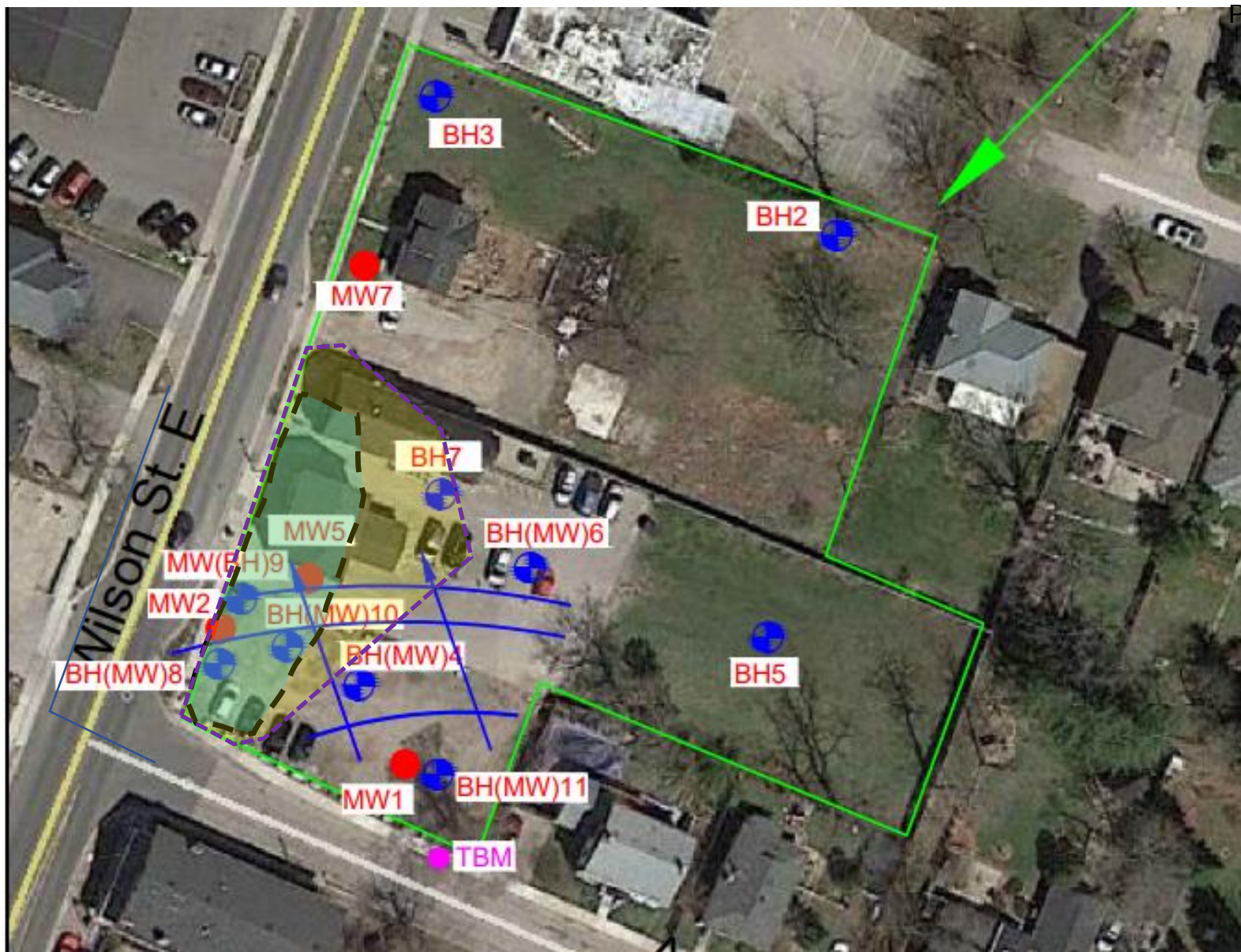
The redevelopment remedial option is expected to be a 'dig and dump' methodology which will focus on the removal/disposal of the impacted materials. For this remediation, it is essential that safe physical access for excavation activities can be maintained. Additionally, given the significant depths and lateral extents of impact in some areas, it is Landtek's opinion that the structural integrity of on-site structures will be jeopardized.

With regards to the above conditions, it is our recommendation that demolition/removal or relocation of the building structures be completed to allow for safe and effective environmental remediation to proceed in accordance with the Ministry of the Environment, Conservation and Parks (MECP) regulation for filing/acceptance of a Record of Site Condition (RSC).

If you have any questions, please do not hesitate to contact our office.

Yours truly,
LANDTEK LIMITED

Paul Blunt., P.Eng., QP_{ESA}
Senior Environmental Engineer



Estimated extent of on-site groundwater contamination

Estimated groundwater flow direction



Estimated extent of on-site soil contamination