



Town of Newmarket

Agenda

Special Council Meeting - Electronic

Date: Monday, December 5, 2022
Time: Immediately following the Committee of the Whole - Electronic Meeting
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

1. Notice

Members of the public may watch the live stream at newmarket.ca/meetings, or attend this meeting in person at the Council Chambers at 395 Mulock Drive.

Public Input

Individuals who wish to submit input to Council in relation to an item on this agenda have the following options available.

1. Email your correspondence to clerks@newmarket.ca by end of day on December 4, 2022. Written correspondence received by this date will form part of the public record; or,
2. You are strongly encouraged to pre-register if you would like to make a deputation at the meeting. For more information regarding the options available, email your request and contact information to clerks@newmarket.ca.

2. Additions & Corrections to the Agenda

3. Conflict of Interest Declarations

4. Items

4.1 Denison Daycare at 605 Fernbank Road - Green Shed

1. That the report entitled "Denison Daycare 605 Fernbank Road – Green Shed", dated December 5, 2022 be received; and,
2. That staff be authorized to approve the demolition of the green shed located at the southwest corner of the property leased to Denison Child Care; and,

3. That staff explore opportunities to salvage components of the green shed;
and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5. Closed Session (if required)

6. Confirmatory By-law

2022-60 A By-law to Confirm the Proceedings of the December 5, 2022 Council - Electronic meeting.

1. That By-law 2022-60 be enacted.

7. Adjournment



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Denison Daycare at 605 Fernbank Road – Green Shed Staff Report to Council

Report Number: 2022-58

Department(s): Planning & Building Services

Author(s): Casey Blakely

Meeting Date: December 5, 2022

Recommendations

1. That the report entitled “Denison Daycare 605 Fernbank Road – Green Shed”, dated December 5, 2022 be received; and,
2. That staff be authorized to approve the demolition of the green shed located at the southwest corner of the property leased to Denison Child Care; and,
3. That staff explore opportunities to salvage components of the green shed; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to discuss the green shed located on the southwest corner of the Town property leased to Denison Daycare and to seek Council’s direction on the removal of the structure.

Background

The property known as the Stickwood Walker Farm, 605 Fernbank Road was purchased by the Town in 2003. The terms of the purchase included for the site to be used, for a period of 20 years, for community uses and for the farmhouse to be retained. In 2019, the Town undertook a Request for Proposal (RFP) process to find a partner to use the

farmhouse and the property under a lease agreement. Denison Child Care (hereinafter “Denison”) was the successful proponent.

An Official Plan Amendment and Zoning By-law Amendment were approved in 2019 to permit the use of a daycare facility on the subject lands.

Denison intends to re-use the farmhouse for office/administrative purposes and construct a new building for the daycare. The daycare building is currently under construction.

Denison has submitted a Site Plan Application to the Town and planning staff are in the process of finalizing the site plan agreement with Denison.

Discussion

The green shed is at the southwest corner of the leased property, is adjacent to the access road/fire route and is in the vicinity of the construction associated with the new building. See the property survey (attached as Appendix 1) denoting the green shed as the ‘metal shed on blocks’ at the southwest corner of the property. This building is not to be confused with the green garage, labelled as ‘metal garage’, located east of the green shed.

Denison has raised concerns regarding the structural integrity of the green shed, and has requested permission for its demolition.

The agreement of purchase and sale with the prior owners required the Town to keep the Stickwood Walker house and several of the outbuildings, but did not require the green shed to be preserved.

Denison was originally proposing to keep the green shed and remove the garage (east of green shed), however given the condition of the green shed, they are now requesting to remove it and instead preserve the garage. Preserving the garage will assist in meeting Denison’s needs for the site in re-purposing the garage for an arts and crafts studio for the daycare.

Green Shed



Building Condition

Denison contracted an engineering firm to undertake a visual assessment of the green shed to advise on its condition. The report was undertaken by Atkins + Van Groll Consulting Engineers, dated October 10, 2022 and is attached as Appendix 2.

The report was authored by a structural engineer and concludes:

“...Given the conditions of the building observed from the lower level and outside, it is likely that the foundation is in poor condition and is unstable. This building is currently unsafe and should be demolished. A demolition procedure should be submitted for review, and a demolition permit should be obtained.”

Given the type of structure and its existing condition, building staff have estimated making the shed stable would likely cost \$30,000 to \$50,000, but making it useable would cost significantly more.

Heritage Designation

The property is individually designated under Part IV of the *Ontario Heritage Act* through By-law 1998-59, attached as Appendix 3. As per the by-law, the reasons for the designation are related to certain elements of the William Stickwood home. The green shed is not specifically listed as a heritage attribute.

A Heritage Permit is required for the removal of the green shed and staff has consulted with Heritage Newmarket on its potential removal, in accordance with the requirements of the Ontario Heritage Act. The consensus of Heritage Newmarket is that given the poor physical condition of the green shed they agree with its removal; however, they encouraged the reuse of any salvageable material from the shed.

Potential Re-use of Green Shed Material

If Council supports the removal of the green shed, it is recommended that any retainable elements of the shed (i.e., beams, joists and/or barn boards) be retained by the Town for possible reuse. The Heritage Permit would include language that encourages the salvaging and retention of such materials by the Town.

Conclusion

Given the unsafe condition of the green shed, the engineering report from the structural engineer confirming it should be demolished, and given that it is not identified in the heritage designation by-law as having any historical or heritage significance, staff recommend that the shed be demolished and that demolition materials be assessed for salvage and possible re-use by the Town.

Business Plan and Strategic Plan Linkages

- Long Term Financial Sustainability
- Extraordinary Places and Spaces
- Economic Leadership and Job Creation

Consultation

Legal Services, Cultural Heritage and Economic Development were consulted in the writing of this report.

Human Resource Considerations

None.

Budget Impact

The Town will seek Denison to undertake the contractual arrangements and cost associated with the demolition of the shed. The Town would be responsible for costs related to preservation and storage of retainable and salvageable materials from the shed for potential re-use by the Town. Further, should Denison be able to secure a Denison Daycare at 605 Fernbank Road – Green Shed

reasonable and fair cost for the demolition of the shed, and since the shed is municipally owned, the Town may consider reimbursing Denison's costs at its sole discretion.

Attachments

Appendix 1 – Property Survey

Appendix 2 – Atkins + Van Groll Engineering Report

Appendix 3 – By-law 1998-59

Submitted by

Casey Blakely, Senior Planner, Development

Approved for Submission

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

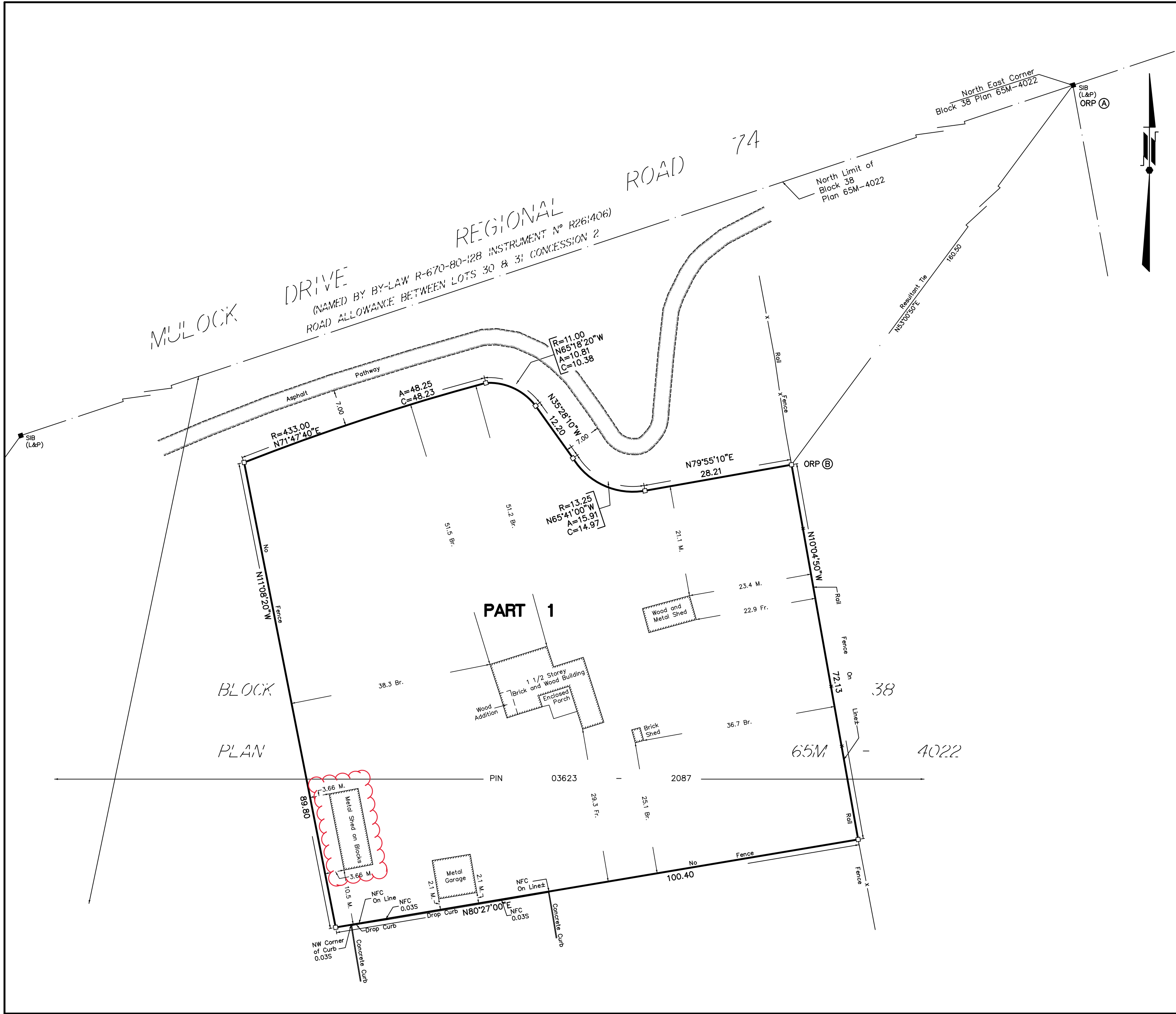
Peter Noehammer, Commissioner, Development & Infrastructure Services

Jeff Payne, Commissioner, Community Services, Parks and Facility Services

Contact

Casey Blakely

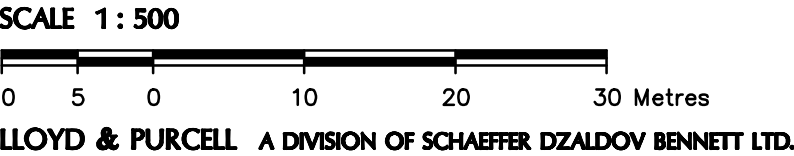
cblakely@newmarket.ca



SURVEYOR'S CERTIFICATE I CERTIFY THAT : 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM. 2. THE SURVEY WAS COMPLETED ON THE DAY OF 22, 2019. MONTH 2019 DATE ROBB McKIBBON ONTARIO LAND SURVEYOR	I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT. DATE MONTH 2, 2019 ROBB McKIBBON, O.L.S.	PLAN 65R- RECEIVED AND DEPOSITED DATE REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (No. 65)
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SCHEDULE				
PART	BLOCK	PLAN	PIN	AREA m²
1	PART OF BLOCK 38	65M-4022	PART OF 03623-2087	8612

PLAN OF SURVEY OF
PART OF BLOCK 38
PLAN 65M-4022
TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK



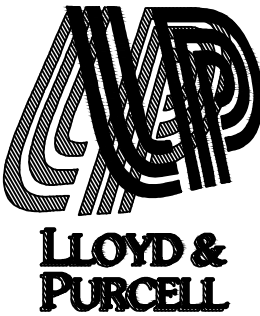
LLOYD & PURCELL A DIVISION OF SCHAEFFER DZALDOV BENNETT LTD.

NOTES
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999751.
BEARINGS SHOWN ON THIS PLAN ARE UTM GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD 83 (CSRS:2010).

OBSERVED REFERENCE POINTS (ORP's) DERIVED FROM GPS OBSERVATIONS USING REAL TIME NETWORK COORDINATES UTM ZONE 17, NAD 83 (CSRS:2010) COORDINATES TO URBAN ACCURACY PER SEC.14 (2) OF O.REG. 216/10.		
POINT ID	NORTHING	EASTING
ORP A	4878206.04	625609.94
ORP B	4878109.50	625481.77
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

- LEGEND**
- IB IRON BAR
 - SIB STANDARD IRON BAR
 - FOUND
 - SET
 - ORP OBSERVED REFERENCE POINT
 - N NORTH
 - E EAST
 - S SOUTH
 - W WEST
 - NFC NORTH FACE OF CURB
 - Br. BRICK
 - Fr. FRAME
 - M. METAL

LLOYD & PURCELL A DIVISION OF SCHAEFFER DZALDOV BENNETT LTD. ONTARIO LAND SURVEYORS 1228 CORHAM STREET, UNIT 28, NEWMARKET, ONTARIO, L3Y 8Z1 (905) 895-6416 Fax (905) 853-5837 E-MAIL: L.p@ontariolandsurveyors.ca TOLL FREE 1 (855) 779-6500 WWW.ONTARIOLANDSURVEYORS.CA		
CAD: DL	PC: CB	JOB: 19-189
CALC: RMcK	CHK'D: RMcK	FILE: N1-M4022-BLK38-2



October 10, 2022

Mr. Telly Papageorge/Ms. Nancy Mosey

C.C. Rick Gay at Gay Company Limited rgay@gaycompanylimited.com

Dear Ms. Mosey,

**Re: Our Project File No. 2020-4262C
900 Mulock Dr., Newmarket, ON
Cursory Visual Review of the Barn**

As per your request the writer visited the site mentioned above on Friday, October 14, 2022. The purpose of the site visit was to provide a cursory visual examination of the existing Barn.

SITE OBSERVATIONS

Building No. 1

1. The existing building consists of a 2-storey building (approximately 47' long and 18'wide) timber framing on a raised concrete piers.
2. The building is accessible at the ground level.
3. The ground floor is in poor condition and unlevelled. (Photo # 1)
4. Some collar ties were missing from the roof framing. (Photo #2)
5. The wood posts are temporary braced at the top. (Photo #3)
6. The foundations are shifted and sinking. (Photos 4&5)

Photo #1





Photo #2



Photo #3



Photo #4



Photo #5

CONCLUSIONS AND RECOMMENDATIONS

1. Given the conditions of the building observed from the lower level and outside, it is likely that the foundation is in poor condition and is unstable. This building is currently unsafe and should be demolished. A demolition procedure should be submitted for review, and a demolition permit should be obtained.

This report represents the opinion of the writer at the time of inspection while evaluating the physical condition of the premises and the reported aspects thereof. The conditions of such premises may change after the time of the inspection. The report affects only portions of such premises that are easily accessible and can be evaluated on the day inspected.

This report was prepared by Atkins + van Groll Inc. for the account of *the client*. The material in it reflects the best judgment of Atkins + van Groll in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibilities of such third parties. Atkins + van Groll Inc. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made of actions based on this report.

We trust that this is adequate for your purposes. Please contact the undersigned if you have any questions.

Respectfully submitted,
Atkins + Van Groll Inc.


Emad Khair, P.Eng.
Senior Structural Engineer
Raymond van Groll, M.Sc. (Eng), P.Eng.
Managing Partner

CORPORATION OF THE TOWN OF NEWMARKET

BYLAW NUMBER 1998-59

A BYLAW TO DESIGNATE THE PROPERTY KNOWN AS THE WILLIAM STICKWOOD HOUSE, AS BEING OF ARCHITECTURAL AND HISTORICAL SIGNIFICANCE.

(SOUTH SIDE OF MULOCK DRIVE AT 896 MULOCK DRIVE, TOWN OF NEWMARKET).

BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

WHEREAS Section 29 of the Ontario Heritage Act 1980 authorizes the Council of a municipality to enact bylaws to designate real property, including all buildings and structures thereon, to be of architectural or historic value of interest;

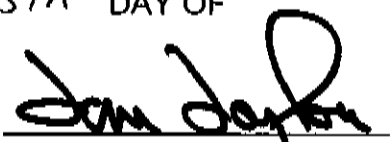
AND WHEREAS the Council of the Corporation of the Town of Newmarket has caused to be served upon The Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality.


BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. There is designated as being of architectural and historical value or interest the land and building located on the real property located on the south side of Mulock Drive at 896 Mulock Drive, Town of Newmarket, more particularly described in Schedule "A" hereto.
2. The reasons for designation of the land and building located on the south side of Mulock Drive at 896 Mulock Drive, Town of Newmarket, are designed in Schedule "B" hereto.
3. The Municipal Solicitor is hereby authorized to cause a copy of this bylaw to be registered against the property described in Schedule "A" hereto in the property land registry office.
4. The Clerk is hereby authorized to cause a copy of this bylaw to be served on the Ontario Heritage Foundation and to cause notice of the passing of this bylaw to be published in a newspaper having general circulation in the municipality.

READ A FIRST AND SECOND TIME THIS 15th DAY OF
June, 1998.

READ A THIRD TIME AND FINALLY PASSED THIS 15th DAY OF
June, 1998.


Tom Taylor, Mayor


Robert M. Prentice, Clerk

SCHEDULE "A" TO BYLAW 1998-59

LEGAL DESCRIPTION

Part of Lot 9, Registered Plan 81 more particularly described as Part 3, Plan 65R-13765, in the Town of Newmarket, in the Regional Municipality of York.

Part of Block F, Plan 262, more particularly described as Part 7, Plan 65R-1600, in the Town of Newmarket, in the Regional Municipality of York.

SCHEDULE "B" TO BYLAW 1998-59

REASONS FOR DESIGNATION

WILLIAM STICKWOOD HOUSE 896 Mulock Drive, located on the South Side of Mulock Drive

LONG STATEMENT FOR REASONS FOR DESIGNATION

The residence on the property called Fernbank Farms, located on the south side of Mulock Drive, at 896 Mulock Drive, is significant both historically and architecturally. The main portion of the residence was constructed in 1885 for William J. Stickwood, brick maker and farmer. The wooden tail wing, extending east of the main portion of the residence, was constructed much earlier, for the previous owners of the farm, the Bogarts. William Stickwood, born in 1847, operated a brick yard on Srigley Street in Newmarket. This brick yard supplied construction material for many buildings in the nineteenth Century.

The one and a half storey residence is constructed of grey/white bricks. The building is a typical Gothic revival farmhouse, with a floor plan in the shape of a "T" in which the tail wing extends to the south. The front of the residence contains a four bay facade composed of windows, the openings for which have brick arches. The windows, which are double hung and composed of 2 panes over 2, are equipped with louvred shutters. The roof of the house is cross-gabled, and above the front windows, there is a centre gable. Two large chimneys adorn the residence. The principal entrance is on the south-west side of the building. A single-storey, enclosed veranda shelters this entrance.



Corporation of the Town of Newmarket

By-law 2022-60

A By-law to confirm the proceedings of a meeting of Special Council -
Electronic – December 5, 2022

Whereas s. 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council; and,

Whereas s. 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. And that the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. And that nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. And that any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

Enacted this 5th day of December, 2022.

John Taylor, Mayor

Lisa Lyons, Town Clerk