



Planning Services Report

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Report To: Planning and Development Committee

Date of Meeting: June 4, 2018

Report Number: PSD-051-18 **Resolution:** PD-122-18

File Number: PLN 34.5.2.76 **By-law Number:**

Report Subject: **Amendment of Heritage Designating By-law - The Belmont House**

Recommendations:

1. That Report PSD-051-18 be received;
2. That the recommendation of the Clarington Heritage Committee to amend the designating by-law of The Belmont House at 302 Given Road, Newcastle, under Part IV of the Ontario Heritage continue to be processed;
3. That the Clerk prepare the required notice to amend the designation pursuant to Section 30.1 (2) of the Ontario Heritage Act;
4. That depending on the response to the notice to amend the designation, the Clerk either prepare the necessary by-law or report back to Council regarding objection(s) received; and
5. That all interested parties listed in Report PSD-051-18 and any delegations be advised of Council's decision.

Report Overview

The property at 302 Given Road, Newcastle (the Belmont House) is currently designated under Part IV of the Ontario Heritage Act by By-law 88-173 for its architectural and historical value. An amendment to the designating by-law is necessary to update the legal description for the Belmont House property resulting from a land division that severed the property from its larger original parcel. Additionally, the amendment will also revise the language and format of the designating by-law to meet the requirements introduced in the Ontario Heritage Act in 2005 and clarify the description of the property's heritage attributes.

1. Background

- 1.1 On November 7, 1988, Council approved designation By-law 88-173 (Attachment 1) for the property identified as 302 Given Road, Newcastle, under Part IV of the Ontario Heritage Act. The house is known as the Belmont House and is a distinctive example of Georgian architecture with Edwardian details. It was originally built in 1814 and, after a fire destroyed the home, was rebuilt in 1898 in an almost identical style to the original house on the same foundation. It was the home of Major Samuel Street Wilmot, and his son, Samuel Wilmot who established the Newcastle Fish Hatchery along Wilmot Creek to the west of the home after conducting fish breeding experiments in the home's basement. This is believed to be the first fish hatchery in Canada. Additional information on the history of the property is outlined in Attachment 4.
- 1.2 In 2005, the Ontario Heritage Act was amended to include, among other provisions, the requirement that designation by-laws be written to include a statement explaining the cultural heritage value or interest of the property and a description of the specific heritage attributes of the property. Designation by-laws passed prior to 2005, as is the case with Designation By-law 88-173, often described heritage attributes more generally and a statement of cultural heritage value or interest was not specifically required.
- 1.3 In 2016, the owner of the Belmont House applied to the Land Division Committee to sever a 0.66 hectare parcel containing the Belmont House from the existing 5 hectare lot. This application was made in anticipation that the retained lands would be used for the future Foster North West residential subdivision. The severance was cleared in early 2017 and the severed lot was registered with a new legal description. Reference plan 40R-28940 showing the severed lot (Part 1) is included as Attachment 3.
- 1.4 Designation By-law 88-173 should be amended to include the new legal description of the severed lot containing the Belmont House. This also provides the opportunity to further revise the by-law to ensure it is consistent with the 2005 update to the Ontario Heritage Act and to clarify the description of the property's heritage attributes. At its January 16, 2018 meeting, the Clarington Heritage Committee recommended amending Designation By-law 88-173 in this manner while having regard to the description of the heritage attributes identified in the Heritage Impact Assessment that was submitted as part of the Land Division application.

2. Ontario Heritage Act

- 2.1 The Ontario Heritage Act outlines the process for the designation of individual properties under Part IV, Section 29. Amendments to a designating by-law are outlined in Section 30.1 which stipulates that the same process under Section 29 applies for amending a designating by-law. The Act provides some flexibility in Section 30.1(2) by allowing municipal Council to follow a circumscribed notice process when the purpose of an amendment is to clarify or correct the description of the property's heritage attributes, to correct the legal description of the property or to revise the language of the by-law to make it consistent with the requirements of the Act or the regulations.
- 2.2 Under the circumscribed process, a notice of the proposed amendment is only served on the property owner and the owner is the only party able to file an objection to the proposed amendment. Council is still required to consult with the Heritage Committee and the owner retains the ability to object to the proposed amendment within 30 days of receiving notice of the proposed amendment.
- 2.3 Staff have consulted with the Municipal Solicitor who has concurred that the proposed amendment appears to meet the requirements for amending a designation by-law using the circumscribed amendment process of Section 30.1(2) of the Act. Attachment 2 is the proposed designation by-law which would replace the existing by-law.
- 2.4 Section 31.1(10) of the Ontario Heritage Act, 2005 specifies that when old designation by-laws are updated, they must conform to the updated Act.

3. Discussion

- 3.1 A Heritage Impact Assessment (HIA) submitted as part of the Land Division application. The HIA was completed in 2014 by Golder & Associates and contains the most recent assessment of the existing condition of the Belmont House and a description of the property's heritage attributes.
- 3.2 The HIA describes many heritage attributes of the Belmont House in more detail than the existing Designation By-law 88-173. The HIA identifies the three bay symmetry on the south façade, the original foundation, wooden dentils and brackets on the cornice, the bay windows and wood sash windows. The inclusion of these heritage attributes in the proposed amendment to the designation by-law will add clarity to the by-law by providing a more complete and accurate description of the property's existing heritage attributes.
- 3.3 Subsequent to the original designation by-law, changes to the Provincial Policy Statement 2014 and the Ontario Heritage Act, 2005 resulted in provisions to include a heritage property's context and natural setting as contributing features. The original designation by-law does not list the rural context or landscape features of the Belmont House, the HIA identifies the property's proximity to the creek and existing landscape elements such as the mature trees and the curved driveway in the front yard as contributing heritage attributes. These landscape features exist as a surviving link to the Belmont's heritage as a rural farmhouse.

- 3.4 Designation By-law 88-173 included the slate roof and pillared verandahs with railed balconies as having architectural value. The slate roof has since been replaced with a synthetic roof and the railed balconies on top of the verandahs have been removed. The amended by-law description of the heritage attributes will exclude these altered features.
- 3.5 The owner of the Belmont House property has been consulted on the proposed amendment to the designating by-law.

4. Concurrence

The Municipal Solicitor concurs with the recommendations in this report.

5. Conclusion

- 5.1 The Clarington Heritage Committee and staff are in support of the proposed amendment to the designation by-law of 302 Given Road, the Belmont House.
- 5.2 Should no objections be received by the Municipal Clerk within 30 days of providing the written Notice of Intention to the property owner, the proposed designation by-law will be forwarded to Council for approval. Alternatively if any objections are received, the Clerk will provide a report to Council.

6. Strategic Plan Application

The recommendations contained in this report conform to Section 3 of the Strategic Plan to manage growth and maintain our "small town" feel.



Submitted by:

David Crome, MCIP, RPP,
Director of Planning Services



Reviewed by:

Andrew C. Allison, B. Comm, LL.B
CAO

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Attachments:

Attachment 1 - Designation By-law 88-173

Attachment 2 - Proposed amended designation by-law (includes Schedules A & B)

Attachment 3 – Reference Plan 40R-28940

Attachment 4 – 302 Given Road – Property History

The following is a list of interested parties to be notified of Council's decision:

Hannu Halminen
Clarington Heritage Committee c/o Dave Addington
Ontario Heritage Trust

FL/DA/tg

BY-LAW 88-173

making a by-law to designate the property known municipally as "The Belmont" located in Part of Lot 32, Concession 2, former Township of Clarke, now in the Town of Newcastle, Regional Municipality of Durham as a property of architectural and historical value and interest designated as Part 3, Plan 10R-2308

WHEREAS the Ontario Heritage Act, 1974 authorizes the Council of a municipality to enact by-laws to designate real property including all the buildings and structures thereon to be of architectural and historical interest; and

WHEREAS the Council of the Corporation of the Town of Newcastle has caused to be served upon the owner of the lands and premises known as "The Belmont" located in Part of Lot 32, Concession 2, former Township of Clarke, now in the Town of Newcastle and upon the Ontario Heritage Foundation, Notice of Intention to be published in the Canadian Statesman, a newspaper having a general circulation in the area of the designation, once each week for three consecutive weeks namely September 28, October 5 and October 12, 1988; and

WHEREAS "The Belmont" in Part of Lot 32, Concession 2, former Township of Clarke has a very significant architectural value of interest to the Town of Newcastle and its people in that the cellar with its several large rooms separated by brick arches was built by Major S.S. Wilmot circa 1814 and contains the spring where his son, Samuel Wilmot, the Father of Canadian Fish Culture began his experiments in the 1860s. It was under his guidance that the first fish hatchery in Canada was built on the property, the spot now marked by an historical plaque erected in 1967. Following a fire in 1898, the house was reconstructed on the foundation. It is essentially the same as the original and is representative of the larger brick homes built at the time. In particular, the cellar spring which still supplies the house with water, the slate roof, two pillared verandahs with railed balconies above, the main staircase of cherry, the fireplaces and mantels, and most of the original woodtrim are being specifically designated as being of Architectural value; and

WHEREAS the Local Architectural Conservation Advisory Committee of the Town of Newcastle has recommended that the property "The Belmont", Part of Lot 32, Concession 2, former Township of Clarke be designated under the terms of the Ontario Heritage Act; and

WHEREAS no notice of objection to the proposed designation has been served upon the Clerk of the Municipality; and

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWCASTLE HEREBY ENACTS AS FOLLOWS:

1. There is designated as being of Architectural and Historical value of interest, the real property known municipally as "The Belmont", Part of Lot 32, Concession 2, former Township of Clarke, now in the Town of Newcastle in the Regional Municipality of Durham.
2. The Municipal Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in the preceding paragraph, in the proper land registry office.

- 3. The Town Clerk is hereby authorized to cause a copy of this by-law to be served upon the owners of the aforesaid property and on the Ontario Heritage Foundation, and to cause notice of the passing of this by-law to be published in the Canadian Statesman, a newspaper having general circulation in the area of the designation, once each week for three consecutive weeks.

By-law read a first and second time this 7th day of November, 1988

By-law read a third time and finally passed this 7th day of November 1988

[Signature]

 MAYOR

[Signature]

 CLERK

NEWS

CERTIFIED UNDER THE HAND OF THE
 CLERK AND SEAL OF THE
 CORPORATION OF THE TOWN OF DEVENISH
 TO BE A TRUE COPY OF BY-LAW 88-173
 OF THE CORPORATION OF THE TOWN OF DEVENISH
 DATED THE 7th DAY OF NOVEMBER 1988

[Signature]

TOWN OF DEVENISH
 CORPORATION ON
 100 BROADVIEW AVENUE, WENTZLE

The Corporation of the Municipality of Clarington
By-Law No. 2018-xxx

being a by-law to amend designating by-law 88-173 for the property known for municipal purposes as 302 Given Road, Municipality of Clarington as a property of historic or architectural value or interest under the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18

Whereas the Ontario Heritage Act, R.S.O., 1990, c.0.18 authorizes the Council of the Municipality to enact by-laws to designate properties to be of historic or architectural value or interest for the purposes of the Act;

And Whereas the Municipality of Clarington designated the property, 302 Given Road, under the Ontario Heritage Act in 1988 by Designating By-law 88-173;

And Whereas the Council of the Municipality of Clarington deems it desirable to amend by-law 88-173;

And Whereas the Council of the Corporation of the Municipality of Clarington has caused to be served upon the owner of the property known for municipal purposes as 302 Given Road, Municipality of Clarington, Notice of Proposed Amendment;

And Whereas the reasons for the proposed amendment to Designation By-law 88-173 are to correct the legal description of the property, to revise the language of the by-law to make it consistent with the requirements of the *Ontario Heritage Act* and to clarify the description of the property's heritage attributes;

And Whereas the Clarington Heritage Committee has recommended that the proposed amendment be approved in accordance with the *Ontario Heritage Act*;

And Whereas no notice of objection to the proposed designation was served upon the Municipal Clerk within the period prescribed by the *Ontario Heritage Act*;

Now therefore the Council of the Corporation of the Municipality of Clarington hereby enacts as follows:

1. Section 1 of By-law 88-173 is repealed and replaced with the following:

“The property known for municipal purposes as 302 Given Road which is more particularly described in Schedule "A", is hereby designated as a property which has historic or architectural value or interest under Section 29 of the Ontario Heritage Act, R.S.O. 1990, c.,0.18, for the reasons provided in Schedule “B”.”
2. By-law 88-173 is further amended by appending to it Schedules “A” and “B” attached to this By-law.
3. By-law 88-173 is repealed from Part Lot 32, Con 2 (Clarke), Part 2 on 40R-28940, Municipality of Clarington, Regional Municipality of Durham as it does not apply to these lands.

By-law passed in open session this ___th day of _____, 2018

C. Anne Greentree, Municipal Clerk

Adrian Foster, Mayor

SCHEDULE "A" – LEGAL DESCRIPTION

Pt Lot 32, Con 2 (Clarke), Being Part 1 on 40R-28940, Municipality of Clarington, Regional Municipality of Durham

**SCHEDULE “B” - CULTURAL HERITAGE VALUE OR INTEREST OF THE PROPERTY
AND A DESCRIPTION OF THE HERITAGE ATTRIBUTES**

Description of Property

302 Given Road, “The Belmont”, is a two storey brick farm house, located on the north side of Given Road in Newcastle, built in the Georgian style, with Edwardian Classicism elements and details.

Statement of Cultural Heritage Value or Interest

The property’s physical cultural heritage value lies in it being an excellent example of a vernacular farmhouse in former Clarke Township in the late nineteenth century. The building is constructed in the Georgian style with Edwardian Classicism elements and details. The current house was reconstructed in the late 1890’s on the original foundation after the original house, circa 1814, was destroyed by fire in 1898. The current house has many of the elements of the original Georgian style house but includes Edwardian elements not believed to be featured on the original house. The original house was clapboard the second house is brick.

The property’s cultural heritage value lies in its association with Samuel Street Wilmot, his son Samuel Wilmot and the Newcastle Fish Hatchery, the first fish hatchery in Canada. Samuel Wilmot was a Deputy Surveyor in Upper Canada and served as a Major during the Battle of York in 1813 and built the first Belmont residence following the War of 1812. Samuel Wilmot, regarded as the Father of Canadian Fish Aqua- Culture, resided at The Belmont and conducted experiments with breeding techniques in the cellar of The Belmont in the early 1860’s which led to the eventual establishment of the Newcastle Fish Hatchery.

The property’s contextual cultural heritage value lies in its location and proximity to Wilmot Creek, where Samuel Wilmot established the Newcastle Fish Hatchery. The creek is located to the south and west of the Belmont property and was the source of the water that feeds the cellar spring of the Belmont residence. The visual and spatial association between the former Newcastle Fish Hatchery and Wilmot Creek and The Belmont is significant to maintaining the local history of Samuel Wilmot and the Newcastle Fish Hatchery.

Description of Heritage Attributes

Key attributes of the property that reflect its values as an example of a vernacular farmhouse in former Clarke Township in the late nineteenth century include:

Exterior:

- The three bay symmetry on the south façade;

Municipality of Clarington

- The original foundation;
- Pillared verandas on the south and east facades;
- Wooden dentils and brackets on cornice;
- Bay windows in front parlour rooms;
- Wood-sash windows; and
- The mature trees in the front yard
- Curved carriageway that arrives at the main entrance.

Interior:

- The cellar spring;
- Fireplaces and mantels;
- The centre hall plan
- The main staircase made of cherry wood;
- The original wood trim; and
- Bricked arches in the cellar.

302 Given Road (The Belmont House)



The Belmont House was originally built in 1814 by Major Samuel Street Wilmot. The house was located on a large farm parcel just to the east of Wilmot Creek and west of Newcastle Village. Historic depictions indicate that the house was two and a half storeys tall and built of frame construction with wood siding in the Georgian style.

The original house was destroyed by fire in the 1890's. The Belmont House was then rebuilt in 1898 using the same foundation and with similar massing and form as the original by Major S.S. Wilmot's youngest son, Samuel Wilmot. The second Belmont House was built in the Georgian style with Edwardian features with a low-pitched, hipped roof. It has a red brick construction with a centered roof pediment, pillared porch, symmetrical bay windows and dentils along the cornice.

Major S.S. Wilmot was the deputy surveyor of Upper Canada and while in this role he surveyed Clarke and Darlington townships as well as the road from Kingston to Toronto. He also served as a member of the House of Assembly and when the War of 1812 erupted, he served in the rank of a Major at the Battle of York in 1813. After the war he purchased 400 acres of property in Clarke Township including the farm property where the Belmont House sits today. Major S.S. Wilmot died in 1856 leaving the Belmont property to Samuel Wilmot.

Samuel Wilmot was an active local magistrate for upwards of 30 years and also occupied several important positions as a municipal councillor, having been elected warden of the United Counties of Northumberland and Durham and Reeve of Clarke (being elected several years in succession by acclamation). However, he is best known as the father of modern fish aquaculture as he established the first fish hatchery in Canada along the banks of Wilmot Creek in the 1860's.

Salmon were common in the Great Lakes and used to spawn in the mouth of the Wilmot Creek prior to European settlement. The Mississauga First Nations were known to have frequented the area for centuries to hunt and fish at Lake Ontario and at Wilmot Creek just south of the area of Wilmot's hatchery. They amassed knowledge of the spawning habits of the salmon which was undoubtedly used to ensure their food supplies over the winter. When European settlers arrived around the late 1700's, the substantial increase in fishing led to conflicts with the First Nations in the area over the increasingly scarce salmon resource. A local farmer in the area collected Indigenous artifacts such as arrowheads, skinning tools and pottery from land immediately to the south of the Belmont property demonstrating the historical presence of the Mississauga First Nations in the area.

After settlement, ongoing overfishing and the construction of dams altered the natural state of the creek to the point where salmon stopped spawning in the creek in the early 19th century. The collapse of salmon spawning in the creek's watershed motivated Samuel Wilmot to build an experimental hatchery using spring water piped in to the cellar of the Belmont House to simulate actual stream conditions. The concept was to restock the stream. The success of the experiments led Wilmot to move the operation outside to the banks of the creek where he built a small reception house structure in which salmon were intercepted in their run up the creek by a small weir and kept there until they were ready for spawning. Several nurseries and retaining ponds were created along Wilmot Creek as part of the fish breeding operation. The government provided funding to expand the operation and the Newcastle Fish Hatchery was established in 1868. The hatchery reached its maximum production in 1876 when 1.5 million eggs were hatched. Wilmot was appointed as the Superintendent of Fish Culture in Canada in the same year. In this position, Wilmot established a network of hatcheries across Canada. The Newcastle hatchery ceased operations and closed in 1914 after it was acknowledged that restocking did not increase fish populations as was hoped.

By 1877 Wilmot had welcomed visitors to the landscaped hatchery grounds and also established a natural history museum on the top floor of the reception house – the very first museum in the area. This museum housed a collection of exotic specimens of fish and other animals including a 280 lbs sturgeon, a 600 pound tuna and a 10 foot long Greenland shark. The reception house and museum were removed at an unknown date.

There was also a grist mill on the property located near to where the reception house was located. The mill produced hydro-electricity for the village of Newcastle in the early 20th

century from 8 a.m. until 5 p.m. after which coal oil lamps and candles were used. The mill was dismantled sometime around the 1940's with the boards and beams being stored in a barn on the property and the granite mill stones adorning the front lawn of the property for over 50 years. The barn has since been removed from the property.

The property was owned by the Wilmot family until the 1930's. The property was purchased in 1938 by Frederick Graham and his family which included his son and daughter-in-law, Alfred and Lena Graham. Alfred Graham was involved in local politics and served as the youngest Reeve in the area. The Graham family maintained the property to a high standard and it was a popular spot for people to visit for picnics before being sold in the 1980's. After this date, the size of the property decreased as a result of various projects including the Highway 115/35 interchange which bisected the property and the Highway 2/115 interchange.