

## TOWN OF SAINT ANDREWS

### BY-LAW NO. 16-02

#### **HERITAGE CONSERVATION BY-LAW**

The Council of the Town of Saint Andrews, under the authority vested in it by the Heritage Conservation Act, Chapter H-4.05, Statutes of New Brunswick 2010, enacts as follows:

##### **1. DEFINITIONS**

“**Act**” means the Heritage Conservation Act, S.N.B. 2010, Chapter H-4.05, as amended or replaced from time to time.

“**Board**” means the Heritage Board of the Town of Saint Andrews appointed pursuant to the *Act*.

“**Character-defining elements**” means the exterior features, materials, forms and spatial configurations of a structure or property that exemplify its historic architectural style, time period and or heritage value.

“**Council**” means the municipal Council of the Town of Saint Andrews, New Brunswick.

“**Design guidelines**” means design principles and standards which are adopted by the Board from time to time to guide decision-making regarding development within a Heritage Conservation Area.

“**Development**” means development as defined in the Community Planning Act, R.S.N.B. 1973, Chapter C-12, as amended or replaced from time to time.

“**Heritage Conservation Area**” means a municipal heritage conservation area established under Section 55(2) of the *Act* and Section 2 of this by-law.

“**Heritage Officer**” means a heritage officer appointed by the *Council* under Section 54 of the *Act*, or his or her designate.

“**Heritage Permit**” means a municipal heritage permit provided for by the *Act*.

“**Heritage value**” means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance of a place for past, present or future generations, embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

“**Structure**” means anything constructed or erected on or below the ground or attached to something on the ground, and includes all buildings.

“**Town Plat**” means the 1786 Saint Andrews Town Plat as identified in the land grant documents on file with the Town of Saint Andrews, and shown on Schedule C as the combined area of the Town Plat and Historic Business District Heritage Conservation Areas.

##### **2. HERITAGE CONSERVATION AREAS AND BY-LAW APPLICATION**

- 1) The *Council* establishes the Historic Business District, as shown in Schedule C, as the Historic Business District Heritage Conservation Area.
- 2) The *Council* establishes the remainder of the Town Plat, as shown in Schedule C, as the Town Plat Heritage Conservation Area.
- 3) The *Council* establishes as Individual Heritage Conservation Areas the properties listed in Schedule B, and shown in Schedule C, which are within the municipality but are outside of the Town Plat.
- 4) This by-law shall apply to the Heritage Conservation Areas established above.

### **3. ADMINISTRATION**

To ensure consistent policies for conserving the architectural, historical and visual heritage of the Town of Saint Andrews, the *Board* shall:

- 1) Administer this by-law in accordance with the *Act*.
- 2) Undertake additional heritage responsibilities that are assigned by the *Council*.
- 3) Adopt *design guidelines* that give direction to the public on the design principles and standards for the Heritage Conservation Areas, and to the *Board* and *Heritage Officer* in assessing applications for a *Heritage Permit*.
- 4) Establish and maintain an inventory of the *structures* on properties designated for heritage conservation under this by-law. This inventory shall include photographs, descriptions, *character-defining elements* and other information relevant to the architectural and other features to be conserved.
- 5) Make reasonable effort to ensure the owners of these properties aware of the *character-defining elements* and other heritage features of their properties and *structures*, and make advice available on their conservation.

### **4. HERITAGE PERMIT**

- 1) No development specified in this by-law shall be carried out, whether or not any other municipal permit is issued, until a *Heritage Permit* has been issued and
  - a) Every right of appeal under the *Act* has been exercised, or
  - b) The time prescribed for the exercise of such rights has expired.
- 2) Applications for a *Heritage Permit* shall be submitted on the form prescribed by the *Board*. The *Board* and *Heritage Officer* will only consider applications that provide all required information, or subsequently requested information, needed to support their decision-making.
- 3) The *Board* shall issue a *Heritage Permit* if it is satisfied that an application is complete and that the proposed development complies with the by-law and the *design guidelines* adopted under Section 3(3) of this by-law, or could comply if certain terms and conditions were met, and in the latter case such terms and conditions shall form part of the permit.
- 4) When the *Board* is not satisfied that an application complies with the *design guidelines* it will give the applicant an opportunity to make representation to the Board on questions of whether the proposed development complies or could do so if the Board establishes terms and conditions on the permit.
- 5) A *Heritage Officer* may issue a *Heritage Permit* where he or she is satisfied that the application is complete and complies with the *design guidelines* for proposals related to:
  - a) Replacement of windows, doors, exterior siding and roofing,
  - b) Replacement of steps and porches, and
  - c) Sheds and garages
- 6) When a *Heritage Officer* is not satisfied that an application is complete and complies with the *design guidelines*, or may warrant potential terms or conditions, he or she shall refer the application to the *Board*.
- 7) The *Board* and *Heritage Officer* shall record all decisions to approve or deny an application and their reasons for doing so.

### **5. HISTORIC BUSINESS DISTRICT HERITAGE CONSERVATION AREA**

The Town of Saint Andrews recognizes the high significance of conserving the historical and architectural streetscape of its Historic Business District. The following shall apply to all properties within this Heritage Conservation Area, whether or not they are listed in Schedule A of this by-law:

- 1) A development to the exterior of an existing structure that will be visible from a public street or principal driveway shall be consistent with its historic design and architecture and shall use building materials and façade treatments that are visually consistent with those historically used on that structure.
- 2) Development of a new structure that will be visible from a public street or principal driveway shall be designed and constructed to be consistent with the historic design, spatial configuration, architecture and building materials of existing heritage structures within the Historic Business District.

## **6. TOWN PLAT HERITAGE CONSERVATION AREA**

The Town of Saint Andrews recognizes the significance of conserving the historic architectural and visual heritage of the Town Plat as a designated National Historic District. The following shall apply to all properties within the Town Plat, except those in the Historic Business District Conservation Area.

### **1) General Provisions**

- a) Development on properties that are not listed in Schedule A may be traditional or contemporary but shall be of a design and siting that does not detract from any adjacent heritage properties, streetscapes and patterns of open space.

### **2) Schedule A properties**

Properties within the Town Plat that are listed in Schedule A are recognized to have significant *heritage values* that are to be conserved while supporting their contemporary use.

- a) A development to the exterior of an existing structure that will be visible from a street or principal driveway shall conserve its *character-defining elements* and complement its primary historic architectural style.
- b) Other development, including an accessory structure, that will be visible from a street or principal driveway shall be of a design and siting that is compatible with the property's *character-defining elements* and historic architectural style.

## **7. INDIVIDUAL HERITAGE CONSERVATION AREAS**

Properties listed in Schedule B as individual Heritage Conservation Areas lie within the municipality but outside the Town Plat, and are recognized to have significant *heritage values* that are to be conserved while supporting their contemporary use.

- 1) A development to the exterior of an existing structure that will be visible from a street or principal driveway shall conserve its *character-defining elements* and complement its primary historic architectural style.
- 2) Other development, including an accessory structure, that will be visible from a street or principal driveway shall be of a design and siting that is compatible with the property's *character-defining elements* and historic architectural style.

## **8. MAINTENANCE AND REPAIR: SCHEDULE A AND B PROPERTIES AND HISTORIC BUSINESS DISTRICT**

- 1) For structures located on properties within the Historic Business District Conservation Area or listed in Schedule A or Schedule B of this by-law, no *Heritage Permit* is required for ordinary maintenance, minor repairs or the replacement of damaged or deteriorated materials where these use visually-compatible materials and maintain the same appearance as those they are replacing. This does not include an alteration, replacement or other action that involves a change in design or outward appearance. Compliance with this section is to be determined by the *Heritage Officer* or the *Board* in consultation with the Building Inspector.

## **9. DEMOLITION, REMOVAL OR RELOCATION: SCHEDULE A AND B PROPERTIES**

- 1) Any structure on a property listed in Schedule A or Schedule B of this by-law shall not be relocated on the same property, removed to another property within the Town Plat, or demolished without a *Heritage Permit*.
- 2) A permit for relocation on the same property or removal to another property within the Town Plat shall conform to the requirements for a new development under this by-law.
- 3) No permit for the demolition of a structure shall be issued unless:
  - a) The *Board* has determined that the structure no longer contributes to the heritage value of the property, or
  - b) The structure has been offered for sale and removal, at or below a fair market value, for a minimum of six consecutive months and no sale contract has been made. The terms and conditions for the offer and advertising of such a sale shall be approved by the *Board*; and
  - c) Failing such sale, a plan is filed and approved by the *Board* that provides for the salvage of architectural details from the structure prior to its demolition; and
  - d) A plan for site redevelopment is filed and approved by the *Board* that commits to future uses and structures that may continue to support the property's heritage value.
- 4) Nothing in this section shall be construed to affect the demolition of any structure that the *Council* has found to be dangerous under a bylaw relating to dangerous or unsightly premises.

## **10. CONTRAVENTIONS AND PENALTIES**

Contraventions of this by-law shall be dealt with and incur such penalties as provided by the *Act*.

READ FIRST TIME: April 4, 2016

READ SECOND TIME: March 13, 2017

READ THIRD TIME AND ENACTED:

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Mayor

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Town Clerk

**SCHEDULE A  
HERITAGE CONSERVATION BYLAW  
TOWN OF SAINT ANDREWS**

**Individual heritage properties within the Town Plat and Historic Business District  
Conservation Areas**

The following heritage properties are recognized based upon:

1. Recognition and listing as an Historic Place in the Canadian Register of Historic Places, or
2. Construction in or before 1920 and having at least two remaining *character defining elements*, or
3. If built after 1920, of historical or architectural importance based upon its association with people, events, or themes of significance to the Town, the region or Canada.

#	Street	Approx. date built	PID
49	Adolphus	1869	1318211
79	Adolphus	1930	1318567
85	Adolphus	1915	1318591
173	Adolphus	1913	1324250
184	Adolphus	1915	1324268
11	Augustus	pre 1810	1321819
21	Augustus	1861-1880	1321785
24	Augustus	c. 1846	1321751
88	Augustus	1907	1322239
5	Carleton	1917	1324284
10-24	Carleton	1929	1324268
35	Carleton	early 1800s	1324235
45	Carleton	1830	1318922
59	Carleton	1912	1318914
101	Carleton	c. 1900	1318963
104	Carleton	1888, 1896	1318989
124	Carleton	c. 1840?	1318997
134	Carleton	1823, 1902	1321348
144	Carleton	1829, 1921	1321355
302	Carleton	1870	1322676
13	Douglas	pre 1844	1319656
21	Douglas	c. 1850	1319615
48	Edward	1880	1318393
62	Edward	1845	1318468
81	Edward	1860	1320175
126	Edward	1821	1318898
132	Edward	1873	15177967
137	Edward	c. 1915	1320928
154	Edward	c. 1840	1318971
190	Edward	1825, 1912	1319029
49	Elizabeth	1855	1318336

#	Street	Approx. date built	PID
50	Elizabeth	1848	1318310
62	Elizabeth	c. 1900s	1318302
38	Ernest	1868	1322007
45	Ernest	1870	1322049
107	Ernest	c. 1870	1322304
110	Ernest	1800s, 1940s	15161532
116	Ernest	1865	1322841
58	Frederick	1821 - 1840	1321314
75	Frederick	c. 1832	1320548
84	Frederick	1826	1320514
93	Frederick	1860	1320589
94	Frederick	1826	1320522
108	Frederick	1870	1320811
132	Frederick	pre 1874	1321066
140	Frederick	1870	1321074
144	Frederick	1890	1321082
145	Frederick	1842	1321207
148	Frederick	1820-1860	1321116
43	Harriett	1786, 1930	15092570
24	King	late 1700s	1319789
45	King	1837	1321256
48	King	c. 1904?	1320381
64	King	1850, 2002	1320373
70	King	1910-1920	1320423
75	King	c. 1870	1320498
78	King	1830	1320449
89	King	1865-1867	1320506
94	King	1825	1324375
107	King	1820	1320795
117	King	1865	1320837
123	King	1860	1320845

## Schedule A, continued

#	Street	Approx. date built	PID
126	King	1912	1320738
133	King	1886	1321041
149	King	pre 1844	1321090
155	King	1820	1321108
None	King	1794	1321389
219	King	1897	1323328
220	King	1912	15190176
49	Mary	1925	15081979
14-16	Montague	1910	1319094
36	Montague	1840	15148471
62	Montague	1920	15105505
75	Montague	c. 1850?	1318617
83	Montague	mid-1800s	1318625
102	Montague	1840s	15187628
133	Montague	1850	1320167
134	Montague	1824	1320613
None	Montague	c. 1825	1324748
145	Montague	1840-1860	1320183
146	Montague	1893	1320613
166	Montague	1850	1320688
188	Montague	1824	1320704
204	Montague	1825	1320761
220	Montague	1859	1320779
228	Montague	1874	1320787
241	Montague	1860	15091556
249	Montague	c. 1865	1320597
258	Montague	1859	1320894
259	Montague	late 1800s	1320605
267	Montague	1830	1322155
276	Montague	1912	15054844
281	Montague	1862	15060569
295	Montague	1810	15102171
300	Montague	1850	1322759
312	Montague	1868	1322775
320	Montague	c. 1870	1322783
326	Montague	1870	1322791
335	Montague	1825	1322213
358	Montague	1859	1322346
364	Montague	1909	15039928
None	Parr	1825	1319102
4	Parr	1917	1319037

#	Street	Approx. date built	PID
44	Parr	pre 1844	1318906
78	Parr	1854	1319367
94	Parr	1880	1319375
97	Parr	1920	1318872
106	Parr	1900	1318930
107	Parr	mid 1800s	1318880
149	Parr	1830	1324516
162	Parr	c. 1865	1320993
171	Parr	1880	1320753
190	Parr	1870	1321017
238	Parr	late 1700s	1321132
262	Parr	1845-1860	1321173
278	Parr	1870	15049281
99	Prince of Wales	1822	1319011
25	Princess Royal	1889	1321470
48	Princess Royal	1861-1880	1320043
50	Princess Royal	1870	1320084
54	Princess Royal	1870	1320092
61	Princess Royal	1821-1840	1321926
62	Princess Royal	1868	1320100
76	Princess Royal	1860	1320563
126	Princess Royal	1873	1320902
6	Queen	late 1800s	1319144
9	Queen	1850	1319284
10	Queen	1839	1319151
21	Queen	Pre 1844	1319292
43	Queen	1900	1318179
48	Queen	1844-1900	1318492
53	Queen	c. 1830	15176431
60	Queen	1911	15106230
68	Queen	1790	1318559
75	Queen	c. 1830s	1318278
81	Queen	1910	1318286
94	Queen	1848	15078314
97	Queen	1861-1880	1318401
100	Queen	mid 1800s	1318641
103	Queen	1845	1318419
107	Queen	1785	1318427
103	Queen	1821-1840	1318419
107	Queen	1785	1318427
110	Queen	1900	1318658

## Schedule A, continued

#	Street	Approx. date built	PID
113	Queen	c. 1830	1318435
116	Queen	1830 - 1865	1318666
120	Queen	1820	1318674
128	Queen	1840	1318682
132	Queen	1880	1320118
139	Queen	1843	1319979
142	Queen	1847	1320126
145	Queen	1908	1319987
151	Queen	1910	1320399
154	Queen	1871	1320134
155	Queen	1875	1320001
167	Queen	1830 - 1850	1320340
171	Queen	1840	1320324
177	Queen	1850	1320332
219	Queen	pre 1844	1321330
220	Queen	1841 - 1860	1320464
235	Queen	1785	1320050
245	Queen	1841 - 1860	15038540
253	Queen	1903	1320076
275	Queen	mid 1800s	1321934
284	Queen	c.1860	1322122
292	Queen	1860 - 1870	1322130
364	Queen	1876	1322981
20	Sophia	1845	1321603
62	Sophia	mid 1800s	1321959
108	Sophia	1910, 1973	15161383
132	Sophia	c. 1890	1322437
9	Water	c. 1842	1318112
18	Water	1860	15195688
25	Water	pre 1844	1318120
31	Water	1810-1830	1318138
44	Water	1840	1318153
74	Water	1910	1318229
82	Water	1911	1318237
96	Water	1800 - 1820	1318252
110	Water	1870	1318351
113	Water	1821 - 1840	1317981
114	Water	c. 1840	1318369
119	Water	1912	1317999
122	Water	1861 - 1880	1318377
127	Water	1820	1318013

#	Street	Approx. date built	PID
129	Water	1820 - 1830	1319391
132	Water	1797	1319870
139	Water	1887	1319417
140	Water	1820	151772208
143	Water	1867	1319425
144	Water	1880	1319912
147	Water	1821-1840	1319433
152	Water	c. 1840	1319920
153	Water	1850	1310441
159	Water	1780-1800	15159114
161	Water	1939	1319706
162	Water	1859	1320209
165	Water	1821-1870	1319722
166	Water	1825	1320217
168	Water	c. 1860	1320209
169	Water	1800s	15192149
169	Water	1821 - 1840	15192149
170	Water	1840	1320217
172	Water	c. 1860	1320233
173	Water	1784?	1319748
177	Water	1876	1319763
178	Water	1860	1320274
182	Water	1870	1320282
183	Water	1863	1319755
185	Water	c. 1865	1319771
189	Water	late 1700s	1319797
192	Water	1847	1320308
203	Water	1936	1319409
204	Water	1913	1321231
211	Water	1801-1820	1319839
213	Water	1860	15082241
217-219	Water	1870	15100688
218	Water	1881	15163918
222-224	Water	1880s	1321280
225	Water	mid 1800s	15104250
233	Water	1865	15182983
238	Water	1841-1860	1320407
246	Water	c. 1930	15049810
246	Water	c. 1930	15049810
252	Water	c. 1850	15054893
255	Water	1870s	1319565

Schedule A, continued

#	Street	Approx. date built	PID
267	Water	1810	15176647
270	Water	1889	1321850
275	Water	1880	132441
278	Water	1800 - 1850	1321884
284	Water	c.1877	1321892
285	Water	1801 - 1820	1321579
288	Water	1861	1321900
294	Water	1840	1321918
298	Water	1820, 2009	1321967
299	Water	c. 1860	1324433
307	Water	c. 1789	1321645
308-312	Water	1826	1321983
315-317	Water	c. 1820	1321652
319	Water	c. 1815	15195043
327	Water	1822	1321686
329	Water	1870	1321702
335	Water	1808	1321728

#	Street	Approx. date built	PID
339	Water	1821 - 1880	1321736
340	Water	1842, 1902	1322064
358	Water	1830	15161904
370	Water	1850	1323088
376	Water	1850	1323096
379	Water	1860s	1324425
384	Water	1870's	1323104
390	Water	1860	1323138
47	William	c. 1820	1320670
56	William	1898	1319995
57	William	late 1700s	1320316
68	William	c. 1800	1320142
77	William	1867	1320431
115	William	1854	1320712
124	William	1903	1320670
156	William	1850	1320985

*Note:* The properties for four provincially-owned heritage sites are omitted from this Schedule due to provincial heritage conservation jurisdiction that supersedes this bylaw.

In the case of a discrepancy between a civic address and the property identification number (PID), the latter shall take precedence.



**SCHEDULE B  
HERITAGE CONSERVATION BYLAW  
TOWN OF SAINT ANDREWS**

**Individual Heritage Conservation Area properties outside the Town Plat**

The following heritage properties are recognized based upon:

1. Recognition and listing as an Historic Place in the Canadian Register of Historic Places, or
2. Construction in or before 1920 and having at least two remaining *character defining elements*, or
3. If built after 1920, of historical or architectural importance based upon its association with people, events, or themes of significance to the Town, the region or Canada.

#	Street	Approx. date built	PID
None	(Algonquin Golf Course)	1896, 1987	1325828, 1253400, 1253418
None	(Algonquin Golf Club House)	1896	1325828
38	Acadia	1915	1323229
44	Acadia	1927	15190432
434	Bar	1899-1908	15177215
486	Bayview	late 1800s	1325125
41	Cedar	1898	1325018
62	Champlain	1930	1323682
65	Champlain	1893, 1909	1323237
68	Champlain	1910	1323690
36	Harriet	1850	1323708
194	Harriet	1909	15029671
1	Joes Point	1926	1323823
165	Joes Point	1924	1323526
330	Joes Point	1850, 1920	15188634
219	King	1897	1323328

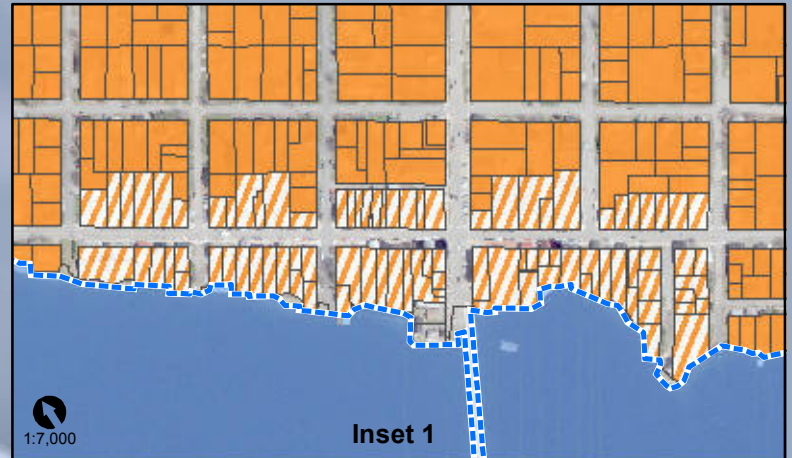
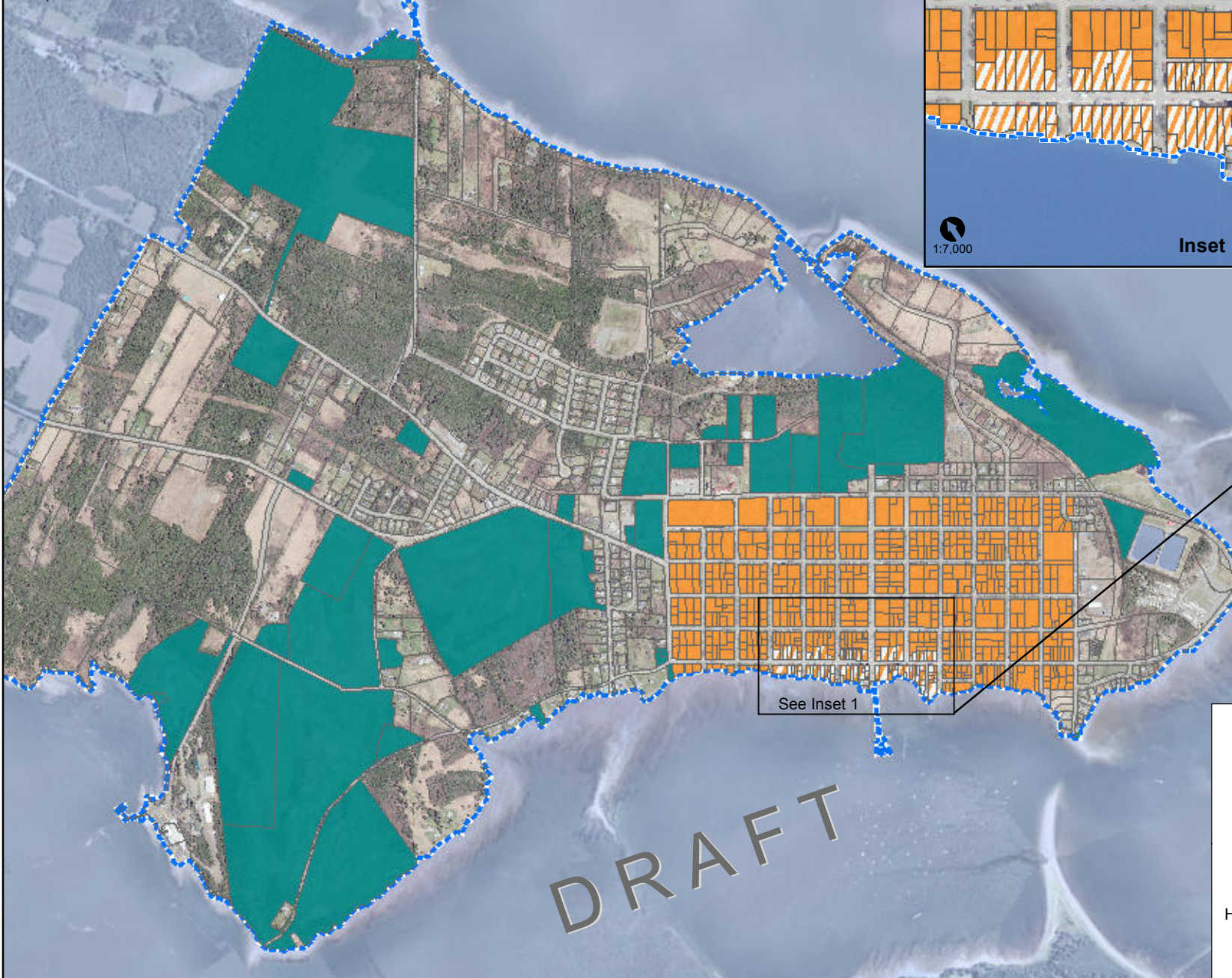
#	Street	Approx. date built	PID
220	King	1912	15092638
1	Lower Campus	1908, 1923	1324938
327	Mowat	c. 1860	1228196
559	Mowat	1885	1325109
580	Mowat	1812	1325323
None	(Pagan Point)	N/A	15169964
None	Patrick	1833	15171168
96	Prince of Wales	1902, 2009	1323245
130	Prince of Wales	1905	1323252
148	Prince of Wales	1907	15092620
445	Prince of Wales	c. 1880s	15187446
24	Reed	1962	1324342
46	Reed	1913	15186422
109	Reed	1912	15186307
126	Reed	1890	1323591
1	Upper Campus	1929	15070683

*Note:* The properties for three federally-owned heritage sites are omitted from this Schedule due to federal heritage conservation jurisdiction that supersedes this bylaw.

In the case of a discrepancy between a civic address and the property identification number (PID), the latter shall take precedence.



1:20,000




1:7,000


**Inset 1**

See Inset 1


DRAFT

**Legend**

Town Boundary 

Property Line 

Town Plat Heritage Conservation Area 

Historic Business District Heritage Conservation Area 

Individual Heritage Conservation Areas 