



Town of Amherst
Planning Advisory Committee Meeting
Agenda

Date: **Monday, February 5, 2024**
Time: **4:30 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Territorial Acknowledgement	
“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”	
2. Approval of Agenda and Minutes	
2.1 Approval of the Agenda	
2.2 Acceptance of the Minutes - January 8, 2024	1 - 2
3. Staff Reports / Presentations	
3.1 Demolition Report - 48 York Street	3 - 10
3.2 Committee Questions to Staff	
3.3 Owner Comments/Questions from Committee	
4. Closed Session	
4.1 Approval of Closed Session Agenda	
4.2 Acceptance of Closed Session Minutes	
4.3 MGA 203(1)(b)	
5. Adjournment	

**Town of Amherst
Planning Advisory Committee
Minutes**

Date: January 8, 2024
Time: 4:30 pm
Location: Council Chambers, Town Hall

Members Present Ronald Wilson, Citizen Representative, Chair
Councillor Hal Davidson, Vice Chair
Councillor Leon Landry
Councillor Charlie Chambers
Creighton McCarthy, Citizen Representative
Jim Lamplugh, Citizen Representative

Staff Present Andrew Fisher, Director of Planning & Strategic Initiatives
Torben Laux, Planner
Marc Buske, Building Official
Emily Wainwright, Dangerous/Unsightly Premises Administrator
Sean Payne, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

1. Call to Order

The Chair called the meeting to order.

1.1 Territorial Acknowledgement

The Chair gave the Territorial Acknowledgement and introduced the new Town Planner, Torben Laux.

2. Approval of Agenda/Acceptance of Minutes

2.1 Approval of the Agenda

Moved By: Jim Lamplugh

Seconded By: Creighton McCarthy

That the Agenda of the Planning Advisory Committee Meeting of January 8, 2024 be approved as circulated.

Motion Carried

2.2 Acceptance of the Minutes - October 10, 2023

The Chair called for any errors or omissions in the minutes. There being none, the minutes of the October 10, 2023 meeting of the Planning Advisory Committee were accepted as included in the agenda package.

3. Staff Reports / Presentations

3.1 15 & 31 Victoria Street East

Andrew Fisher presented the Development application to permit construction of a 6-storey, 62-unit mixed use commercial and residential building at 15 & 31 Victoria Street East (PIDs: 25033747, 25005430, 25506698).

Moved By: Councillor Landry

Seconded By: Jim Lamplugh

That the Planning Advisory Committee recommends that Council enter into the Development Agreement for East Victoria Street as drafted, and repeal the existing Development agreement associated with these properties.

Motion Carried

3.2 Public Participation Opportunity Summary - January 3, 2024

Information item only; no direction given or action required.

4. Closed Session

Moved By: Councillor Davidson

Seconded By: Councillor Landry

To go into Closed Session.

Motion Carried

5. Adjournment

The Chair adjourned the meeting.

Natalie LeBlanc
Municipal Clerk

Ronald Wilson
Chair



TO: Planning Advisory Committee
FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator
DATE: February 5, 2024
RE: 48 York Street (PID: 25003070)

Registered Owner: Walter Wells
19 Spring Street
Amherst, Nova Scotia
B4H 1R6

Issue:

The lack of maintenance over the years has left the building in a state of serious disrepair to which the building has now partially collapsed. As articulated in the inspection reports by the Dangerous and Unsightly Premises Administrator, there are various structural, safety, and health concerns with the building.

History:

January 2, 2024	Dangerous and Unsightly Premises Administrator was made aware of the partial collapse of the building that had occurred sometime in the last week of December. 1 st site visit; pictures taken.
January 19, 2024	Order to Secure by January 24, 2024 posted to the building, sent via registered mail to the owner, and forwarded to the owners representatives.
January 22, 2024	Notice of Consideration of Demolition at the February 5, 2024 PAC meeting posted to the building, sent via registered mail to the owner, and forwarded to the owners representatives.
January 26, 2024	Town hired contractor installed temporary hoarding fence to secure the premises. Notice of Unsafe Premises posted to the property



Inspection Report:

An inspection of 48 York Street was completed by the Dangerous and Unightly Premises Administrator on January 2, 2024. The following was noted and photographed:

- The building appears to be vacant;
- There is a large accumulation of brush and dead tree branches close to the building;
- The closest neighbouring structure is approximately 8’
- Transient activity has occurred as new tire tracks to the building were observed;
- There are visible items which may attract additional transient activity to the property;
- There is no power or heat to the building;
- The building is not secured;
- The building shows signs of significant rot and decay;
- The building shows signs of significant structural fatigue, failure, and partial collapse.

Relevant Municipal Government Act Interpretations

Section 3(r) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing

- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
- (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
- (iia) an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
- (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies
- (iv) (iv) that is in a ruinous or dilapidated condition,
- (v) (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,
- (vi) (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
- (vii) (vii) that is an allurement to children who may play there to their danger,
- (viii) (viii) constituting a hazard to the health or safety of the public,
- (ix) (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,
- (x) (x) that is a fire hazard to itself or to surrounding lands or buildings,

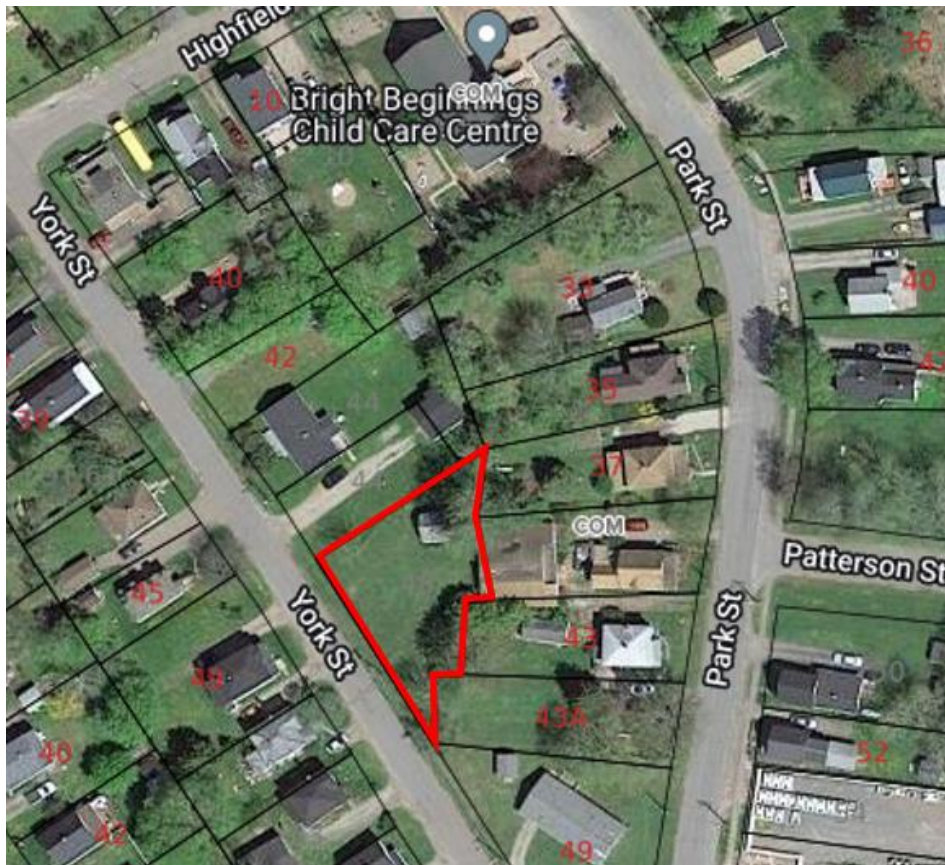


Discussion:

As indicated in the property history above, an inspection was completed on January 2, 2024. The administrator noticed significant structural fatigue, failure, and partial collapse. The contents of the building may also be an allurements to transient activity, putting the public at risk. It was also noted that the proximity of the dead brush, rotten building, and the neighboring property is cause for concern if any catch on fire.

Given the state of the subject building detailed above, and neglect by the property owner, it is appropriate to consider removing this risk by ordering demolition.

The property owner and/or their representative have been invited to the PAC meeting to discuss the state of the property. Staff have provided three options for the PAC to consider, however, the PAC will be asked to make a decision at a subsequent meeting.



January 2, 2024 – 11:00am:









January 26, 2024



Options:

At a later date, given the information available at this time, staff will be recommending **Option 1.** Typical practice is to remove the contents of the building prior to demolition in order to maintain proper sorting guidelines. As the building is partially collapsed, and for safety reasons, it will be recommended that the building be demolished first, then to separate the contents to the best of ones abilities once the building is down.

- 1) That the Planning Advisory Committee order that the building at 48 York Street (PID: 25003070) be demolished, the contents removed and sorted in a safe manner, and back fill the hole within 30 days of this meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.

