

**Town of Amherst
Planning Advisory Committee
Minutes**

Date: October 6, 2025
Time: 4:30 pm
Location: Council Chambers, Town Hall

Members Present Ronald Wilson, Citizen Representative, Chair
Jim Lamplugh, Citizen Representative, Vice Chair
Councillor Charlie Chambers
Councillor Terry McManaman
Councillor Dwayne Ripley
Paul Diamond, Citizen Representative

Staff Present Andrew Fisher Director, Planning & Economic Development
Marc Buske, Building Official
Emily Wainwright, Dangerous/Unsightly Premises Administrator
Sean Payne, Marketing & Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

Others Present Frank and Nicole Wilson, Property Owners, 28 Clarence Street
Daniel and Kathy Cole, Property Owners, 39 Rupert Street

1. Call to Order

The Chair called the meeting to order.

1.1 Territorial Acknowledgement

The Chair gave the Territorial Acknowledgement.

Paul Diamond arrived at 4:31 PM.

2. Approval of Agenda and Acceptance of Minutes

2.1 Approval of the Agenda

Moved By: Councillor Chambers

Seconded By: Jim Lamplugh

That the Agenda of the Planning Advisory Committee be approved as circulated.

Motion Carried

2.2 Acceptance of Minutes - September 2, 2025

The Chair called for any errors or omissions in the minutes. There being none, the minutes of the September 2, 2025, meeting of the Planning Advisory Committee were accepted as included in the agenda package.

3. 39 Rupert Street

The Chair stated that this meeting is to hear an appeal of the Administrator's decision regarding 39 Rupert Street (PID 25030388). The PAC will hear the staff report and hear from the complainant and the property owner. The committee will be asked to make a determination of the appeal at a later date.

3.1 Staff Report

Emily Wainwright reviewed her report, included in the agenda package, regarding 39 Rupert Street (PID 25030388) for an appeal of Administrator's decision finding the structure on the property to not be deemed dangerous or unsightly. She indicated a complaint was received on August 7, 2025, regarding the exterior condition of the attached accessory building at 39 Rupert Street. An inspection of the attached accessory building was completed, and the most relevant sections of the Municipal Government Act were assessed. Under Section 3(r)(v) it was determined that, although there are elements of wear to the structure, they were not significant enough to satisfy this section. Under Section 3(r)(ix) it was determined that the house wrap is secured to the building, and there is no concern from a public safety standpoint, and as such it was determined that the property also did not adequately satisfy the overall definition of dangerous or unsightly under the MGA.

3.2 Complainant Comments / Questions

The complainant, Frank Wilson, 28 Clarence Street was in attendance, and reviewed his presentation included in the agenda package. Mr. Wilson went into detail of the timeline of the construction, its lack of completion and other issues, including pigeons and raccoons entering the structure. Mr. Wilson pointed out that the unfinished portion of the structure is visible from Clarence Street, and now that he has his house for sale at 28 Clarence Street, he feels buyers are being deterred by the view of the unfinished structure from the back yard of his property. He stated a real estate agent advised him that a potential buyer lost interest due to the state of the subject property.

3.3 Owner Comments / Questions

The owners of 39 Rupert Street, Daniel and Kathy Cole were in attendance. Mr. Cole told the committee that due to time and other personal commitments he has not been able to complete the necessary work, adding that he did however replace the roof on the structure this year. He added that he feels he could complete the required work within the next year.

3.4 PAC Comments / Questions.

Frank Wilson asked when a building permit is issued, what is the timeline from it being issued to the construction being completed. Marc Buske replied there is no time when a building or construction has to be completed; however, a building permit is good for up to twelve months and it can be renewed at the end of those 12 months for another 12 months.

Jim Lamplugh asked for clarification on the building permitting process when the construction is not completed within the year and the property owner does not renew the permit. Marc Buske replied if a building permit is issued and the work has not been completed after eleven months, he will send a reminder letter that the permit will expire soon and advising the permit holder that they will either have to renew the permit, or a stop work order will be issued and you can not occupy the space. If the permit holder is occupying the space a cease occupancy will be issued.

Jim Lamplugh asked if the current space is being occupied. Andrew Fisher said that the matter before the Committee is to determine if the attached accessory building is considered dangerous and/or unsightly, and that any building code issues are a separate matter.

Jim Lamplugh asked what the timeline is for the committee to make a decision. Andrew Fisher answered that the Committee is being given the information from staff, the complainant, and the property owner. At a later date, likely at the November meeting, the committee will be asked to make a decision to uphold the Administrators decision, alter it, or make a different decision.

Jim Lamplugh asked if there is anything preventing the committee from meeting sooner rather than waiting for the next meeting in November. Andrew Fisher was unsure if there was a specific policy, but the general rule regarding these types of hearings is to allow time to review and consider the information and make a decision at a later date.

The Chair suggested that perhaps the committee meet again before the next monthly Committee in November.

Councillor Ripley asked the Administrator to explain her decision of why the subject building did not meeting the relevant definitions as set out in the MGA. Emily Wainwright answered that those sections are subjective, and that in attempt to be consistent with other complaints similar in nature, she did not feel at this time it met those definitions, adding that orders have not been issued on other buildings in similar condition as they are not a public safety concern.

Nicole Wilson asked the Committee how soon a complaint would be acknowledged if the structure at the front of 39 Rupert Street looked similar to the rear structure, adding that the people on Clarence Street have to look at this unfinished building every day.

Paul Diamond agreed that the backside of the unfinished structure is in full view from Clarence Street.

Councillor Ripley asked if there have been any other official complaints since 2012. Emily Wainwright said that she could not find any other complaints, however added that the Nova Scotia Records Management Manual legislates that all files are to be destroyed after the file has been closed for six years.

Frank Wilson asked if there was a record of when the residents at 30 Clarence Street filed a complaint against 39 Rupert Street. Marc Buske replied he believed that complaint was received past the six-year records management period, however he does remember a complaint about the pigeons within the structure and at the time the pigeons were removed, and the structure was secured.

Moved By: Jim Lamplugh

Seconded By: Councillor Ripley

That the Planning Advisory Committee meet within the next two weeks to make a decision.

Motion Carried

4. Adjournment

There being no further business, the Chair adjourned the meeting.

Natalie LeBlanc
Municipal Clerk

Ron Wilson
Chair