

**Town of Amherst
Planning Advisory Committee
Minutes**

Date: October 16, 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
Lori O'Connell, Marketing & 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.

2. Approval of Agenda and Acceptance of Minutes

2.1 Approval of the Agenda

Moved By: Councillor Ripley

Seconded By: Councillor Chambers

That the agenda be approved as circulated.

Motion Carried

2.2 Acceptance of the Minutes - October 6, 2025

The Chair called for any errors or omissions in the minutes. There being none, the minutes of the October 6, 2025, meeting of the Planning Advisory Committee were accepted as included in the agenda package.

3. 39 Rupert Street

3.1 Staff Report

Andrew Fisher presented his report, included in the agenda package, regarding an appeal of the Administrator's decision to deem the accessory building at 39 Rupert Street (PID 25030388) to not be dangerous or unsightly. Andrew Fisher outlined the definitions of Dangerous or Unsightly set out in the MGA section 39(r), and stated that the essential question to the Planning Advisory Committee is whether or not the condition of the subject property meets at least one of the definitions outlined, and that the Committee has two options, either uphold the Administrator's decision that the property does not meet the definition of dangerous or unsightly, or vary or overturn the Administrator's decision specifying parts of the MGA definition. He added that should the Committee decide on the second option, it must also specify what must be done to bring the property into compliance and provide a reasonable timeline. Staff suggested that if completed exterior siding is what must be done to comply, that May 31, 2026, would be a reasonable deadline given the scope and material cost of the work.

3.2 PAC Comments / Questions

The Chair said that the definitions outlined in the MGA section 3(r) are quite subjective, stating that section 3(r)(v) 'the condition of which seriously depreciates the value of land or buildings in the vicinity' would require a report from a realtor to determine if there is any value loss for 28 Clarence Street. He further stated that that under the MGA section 3(r)(ix) 'that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained' that there is sufficient reasons to consider the property to be unsightly. He said a finished building should have an acceptable exterior finish. The Chair feels the committee should use the option to overturn the Administrators decision and use the date suggested by staff of May 31, 2026, as a reasonable deadline for the property owner to complete the work.

Jim Lamplugh said that although the realtor for the property owner at the 28 Clarence Street has not come forward, he has been a realtor for over forty-four years and he has spoken to their realtor, who relayed to him that there is a definite impact on the value of the property due to the condition of the accessory building at 39 Rupert Street. Jim suggested that when the motion is made it should include both 3(r)(v) and 3(r)(ix).

Councillor McManaman agreed with the Chair that May 31, 2026, is sufficient time to get to get the property into compliance. Councillor McManaman said going forward he wants to see the Town's by-laws be enforced in more timely manner, adding that he would not have waited 12 years before bringing this to Council's attention.

Paul Diamond said he also agrees with the Chair in that regard and asked for clarity if it is up to the Planning Advisory Committee to determine if the affected property value is being diminished, or should the Committee request a report from the realtor to help make that decision.

The Chair said that with the information that the Committee currently has the Committee can not make that determination that the value of 28 Clarence Street has been affected.

Councillor Ripley said that there is more than sufficient evidence to overturn the decision of the Administrator under section 3(r)(ix), adding that he believes section 3(r)(v) is subjective. Councillor Ripley said the Committee needs to be clear on what sort of finishing is to be done on the exterior of the building. He further expressed his concern of setting a precedence with this sort of complaint going forward.

Andrew Fisher agrees with Councillor Ripley that section 3(r)(v) is subjective and said the Committee will need to be specific on what type of exterior finishing they would require, either cladding or siding.

Paul Diamond said if the Committee does decide that that the property is unsightly under section 3(r)(ix) the Committee is also deciding that that the property is not being maintained.

The Chair said that it is his expectation that a completed building would include an exterior cladding/siding. He said if that structure does not have cladding/siding than it is not being properly maintained. The Chair agrees that the motion has to be specific in what the Committee expects to see. He added that as the Committee can not define what type of cladding is used, it would be up to the building inspector to ensure that a suitable product is used, and that it is up to this Committee, to determine an appropriate date of completion.

Jim Lamplugh agreed that the materials to be used for the cladding cannot be determined by the Committee as long as it meets code.

Paul Diamond asked for clarity that if the Committee does make this decision that work must be completed by a certain deadline, that it would be completed to the building code and at the discretion of the building inspector and only the building inspector. The Chair replied that the building inspector can issue building permits and that the permit would be in accordance with the by-laws of the Town of Amherst. Marc Buske added that the exterior cladding must be a weather tight exterior finish.

Councillor McManaman what the next steps would be if the Committee ordered the work to be completed by May 31, 2026, and it was not completed. Andrew Fisher answered that the Town of Amherst has a couple of options, the work could be completed by the town, with the cost of the work being charged back to the property owner's tax account and/or the property owner could face a fine for every day the property is not in compliance.

Paul Diamond asked what the procedure is to ensure the property complies after the May 31, 2026, deadline. Andrew Fisher answered that either the property owner informs staff that the work has been completed, or staff will do an inspection after the deadline to check on their progress. Emily Wainwright added that the property owner has until midnight of the ordered completion day to have the required work completed.

Councillor McManaman asked when the owner is informed of the decision will it be explained to them the consequences of non-compliance. Andrew Fisher said there is a standard form that will state the protentional consequences of not adhering to the order.

Moved By: Jim Lamplugh

Seconded By: Councillor Ripley

That the Planning Advisory Committee overturn the Administrator's decision for the property located at 39 Rupert Street (PID 25030388) as per the MGA section 3(r)(ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained, and that cladding must be properly installed and completed by May 31, 2026.

Motion Carried

4. Adjournment

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

Natalie LeBlanc
Municipal Clerk

Ron Wilson
Chair