



Town of Amherst
Planning Advisory Committee Meeting
Agenda

Date: **April 4, 2022**
Time: **4:00 pm**
Location: **Council Chambers, Town Hall**

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1. Call to Order	
1.1. Approval of Agenda	
1.2. Approval of Minutes	
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2. Welcome New Committee Members	
3. Election of Chair and Vice Chair	5 - 7
4. Review of Demolition Process	8 - 9
5. 1 McCully Street - Demolition	
5.1. Staff Report	10 - 13
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7. Adjournment	

**Town of Amherst
Planning Advisory Committee
Minutes**

Date: February 7, 2022
Time: 4:00 pm
Location: Zoom Virtual Meeting

Members Present Deputy Mayor Sheila Christie
Councillor Hal Davidson
Councillor Leon Landry
Citizen Representative Ronald Wilson
Citizen Representative Larry Pardy

Members Absent Citizen Representative Gordon Goodwin

Staff Present Jason MacDonald, Chief Administrative Officer
Andrew Fisher, Director of Planning & Strategic Initiatives
Marc Buske, Building Official
Emily Wainwright, Dangerous/Unsightly Premises Administrator
Kimberlee Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk

Others Present Ian Watson, Senior Planner, Upland Planning & Design
Paul Dec, Planner, Upland Planning & Design
Jason Genee, Planner, Upland Planning & Design
Ryan MacLean, Engagement Manager, Upland Planning & Design

Due to the COVID-19 pandemic this was a virtual meeting held via Zoom.

1. Call to Order

The Chair called the meeting to order at 4:00 p.m.

1.1 Approval of Agenda

Moved By: Deputy Mayor Christie

Seconded By: Councillor Davidson

That the Agenda be approved as amended to make the Municipal Planning Strategy Renewal Project item 2.1 and Development Agreement item 2.2.

Motion Carried

1.2 Approval of Minutes

Moved By: Councillor Landry

Seconded By: Deputy Mayor Christie

That the minutes of April 6, 2021 be approved as circulated.

Motion Carried

2. Staff Reports / Presentations

2.1 Municipal Planning Strategy Renewal Project

A team from Upland Planning & Design, who have been selected to undertake a renewal of the town's Municipal Planning Strategy, were in attendance to introduce the project and get input from the Committee to help formulate an Engagement Strategy as part of the proposed Work Plan, included as part of the agenda.

Committee members touched on a number of points they would like to be included as part of this process, including:

- positive public engagement
- demographics
- newcomers (do they/will they stay)
- heritage properties
- tiny homes / garden suites
- home occupations and the changing workforces
- active transportation and accessibility
- rural transport systems
- car charging stations
- micro electricity generation
- trails
- Dickey Brook flooding
- noise and air pollution
- marshlands and climate change, and
- commercial signage.

The second part of this two-part process is scheduled for Monday, February 28, 2022.

2.1 Development Agreement Application

Mr. Fisher presented his reported, included as part of the agenda.

Committee members shared the concerns of the those in attendance at the Public Participation Session, namely:

- Too many units and buildings are out of scale with adjacent detached dwellings.
- Traffic increase in frequency and speed
- School children safety
- Impact on school system, health care system, emergency responders, power grid, security
- Propane tank locations
- Fencing and loss of privacy
- Construction noise and disruption
- Removal of green space and natural habitat
- Property values
- Loss of small town, established neighbourhood character
- Placement of parking lot and lack of parking.

The Committee determined that more information is required of the developer at this time. Mr. Fisher will contact the developer with the concerns expressed by the public and the PAC, following which the next meeting will be scheduled to discuss again.

3. Adjournment

There being nothing further Councillor Landry motioned to adjourn the meeting.

Andrew Fisher
Director of Planning & Strategic Initiatives

Ron Wilson
Chair

**Town of Amherst
Planning Advisory Committee**

Minutes

Date: February 28, 2022
Time: 4:00 pm
Location: Zoom Virtual Meeting

Members Present Deputy Mayor Sheila Christie
Councillor Hal Davidson
Councillor Leon Landry
Citizen Representative Ronald Wilson
Citizen Representative Larry Pardy

Members Absent Citizen Representative Gordon Goodwin

Staff Present Jason MacDonald, Chief Administrative Officer
Andrew Fisher, Director of Planning & Strategic Initiatives
Marc Buske, Building Official
Kimberlee Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk
Emily Wainwright, Dangerous/Unightly Premises Administrator
Cindy Brown, Administrative Assistant

Others Present Ryan MacLean, Ian Watson - Upland Planning & Design

1. Call to Order

Chairman Wilson called the meeting to order at 4:00 PM.

2. Staff Reports / Presentations

2.1 Upland Planning & Design

Staff from Upland presented the Draft Engagement Strategy, included as part of the Agenda Package.

3. Adjournment

There being nothing further the meeting adjourned.

Andrew Fisher, Director
Planning & Strategic Initiatives

Ron Wilson
Chair

MEMORANDUM

To: Members of the Planning Advisory Committee

From: Kimberlee Jones, Municipal Clerk

Date: April 4, 2022

Subject: Election of Chairperson and Vice Chairperson

The Planning Advisory Committee Policy (66000-01) states that at the beginning of the first meeting of each fiscal year, the committee will elect a Chairperson, as well as a Vice Chairperson. Terms for such shall be one year in length.

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

TITLE: **PLANNING ADVISORY COMMITTEE POLICY**

Minutes reference date: 27 March 2006; 29 November 2010; 24 October 2011; March 24, 2014; 22 January 2015

PURPOSE:

The purpose of this policy is to establish a Planning Advisory Committee in accordance with Section 200 of the *Municipal Government Act*.

ROLE OF COMMITTEE

1. The role of a Planning Advisory Committee is to advise Council respecting the preparation or amendment of the Town’s Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw as well as general land use planning matters.
2. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.
3. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act* and pursuant to the Heritage Properties Bylaw, the Committee will also act as the Heritage Advisory Committee.
4. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act*, the Planning Advisory Committee will also undertake the duties assigned to it pursuant to the Dangerous or Unsightly Premises Policy of the Town of Amherst.

MEMBERSHIP

5. The Council shall appoint members of the Planning Advisory Committee by resolution.
6. Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.
7. The term for members shall be three years, and members may be re-appointed to the Committee. Public members’ terms shall be by fiscal year, with one member appointed each year.
8. In January of each year, an advertisement for the public member(s) whose term is set to expire that fiscal year shall be placed in the local newspaper. It is the intention to have members with a varied background; however, members with a planning, architecture, engineering or other similar background will have some preference.

9. At the beginning of the first meeting of each fiscal year the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice chairperson may be re-elected.

STAFF RESOURCES

10. The Deputy Chief Administrative Officer – Operations is responsible for all functions of the Committee including:
 - a. Calling meeting;
 - b. Taking minutes
 - c. Distribution of reports and other information as required;
 - d. Public notification as required;
 - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.
11. Where additional information or work is required of staff by the Committee the Deputy Chief Administrative Officer – Operations (Deputy CAO) will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
12. Meetings are to be attended by the Deputy CAO or designate as well as an Executive Assistant. At the discretion of the Deputy CAO, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer and all Directors.

MEETINGS

13. Meetings will be automatically scheduled for the first Monday of every month. Meetings will commence at 4:30 PM unless otherwise informed.
14. Meeting times may be changed when appropriate by the Chairperson in consultation with the Deputy CAO.
15. Meetings may be cancelled by the Chairperson in consultation with the Deputy CAO when there are no agenda items.
16. All meetings are open to the public as per Section 203 of the *Municipal Government Act*, unless the Committee, by a majority vote, moves a meeting in private to discuss matters permitted by the *Act*.
17. The date, time and location of Committee meetings shall be posted in the lobby of Town Hall three days prior to the meeting, and on the Town's website.
18. An agenda package will be provided to all Committee members and staff no later than 4:00 PM, two business days prior to the meeting.



TO: Planning Advisory Committee

FROM: Andrew Fisher, Director of Planning & Strategic Initiatives

DATE: April 4, 2022

RE: 52 Hickman Street (PID: 25021973) & 1 McCully Street (PID: 25024563)

Background:

A recommendation has been brought forward by the Dangerous and Unsightly Premises Administrator to order the demolition of buildings located at 52 Hickman Street and 1 McCully Street. The lack of maintenance over the years has left the buildings in a state of serious disrepair.

Process:

- 1) The meeting of April 4, 2022 is an opportunity for staff to present their report to the Committee and for the owners of the subject properties to discuss their intentions with the buildings and for the Committee to ask questions. Complainants will also have the opportunity to discuss their concerns regarding the subject properties with the Committee.
- 2) At a later date, the PAC will consider a demotion order for each property.
- 3) If the PAC decides to order demolition, an order for demolition will be posted on the property. The demolition order may be appealed to Council through the Chief Administrative Officer the within seven (7) days of the order being posted.

Municipal Government Act:

The staff reports and pictures for 52 Hickman Street and 1 McCully Street will have consideration for the sections of the Municipal Government Act highlighted below.

Definition:

“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,
 - a. 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) that is in a ruinous or dilapidated condition,**
- (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,**
- (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,**
- (vii) that is an allurements to children who may play there to their danger,**
- (viii) constituting a hazard to the health or safety of the public,**
- (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) that is a fire hazard to itself or to surrounding lands or buildings,**
- (xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
- (xii) that is in a poor state of hygiene or cleanliness;**

Section 346 (1):

Where a property is dangerous or unsightly, the council [or designate] may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.



TO: Planning Advisory Committee

FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator

DATE: April 4, 2022

RE: 1 McCully Street (PID: 25024563)

Issue:

The purpose of this item is to review the state of the vacant building located at 1 McCully Street, with a view to consider a demolition order at later date. The lack of maintenance over the years has left the subject building in a state of serious disrepair. As articulated in the report by the Building Official 2, there are various structural, safety, and health concerns throughout the building.

Please note that due to privacy concerns, pictures of the property will be provided at the meeting.

History:

2011

- April 6 – Letter sent to owner to paint building, soffit, fascia, repair shingles, remove derelict vehicles, and maintain lawn
- May 6 – 2nd letter served to owner to paint building, soffit, fascia, repair shingles, remove derelict vehicles, and maintain lawn
- May 20 – Administrator spoke with owner, stating he will do the necessary repairs
- June 13 – Site visit by administrator showed no activity towards improvement
- July 5 – Order posted to paint building, soffit, fascia, repair shingles, remove derelict vehicles, and maintain lawn
- July 15 – Administrator spoke with owner, stating he will maintain the lawn but has no intentions on painting the building, soffit, fascia, repairing the shingles or removing derelict vehicles
- July 19 – Town removed 8 large pieces of equipment/vehicles from property





July 25 – Town removed 3 large pieces of equipment/vehicles from property

August 26 – Letter sent to owner to paint building, soffit, fascia, repair shingles, and maintain lawn

2013

July 30 – Letter sent to owner to maintain lawn

August 12 – 2nd letter sent to owner to maintain lawn

September 9 – Letter to owner to paint building, repair shingles, holes in building, and any damaged concrete wall blocks, and remove all staging and garbage/debris around the property

September 13 – Town hired contractor to maintain lawn

September 30 – Town hired contractor to remove garbage/debris, dismantle staging

2017

July 31 – Amherst Police Department reached out to Administrator regarding a large hole in the building

August 28 – Town boarded up the hole

2021

August 8 – Complaint received by the Town

August 8 – Spoke with complainant acknowledging complaint

August 20 – Pictures had been taken of the exterior of the building

November 1 – Posted Notice to Enter building and mailed to owner

November 9 – Entered building with owner, owner's representative, Building Official, and Amherst Police Department

December 9 – Posted Order and mailed to owner, and emailed to owner representative, requiring a report from a qualified engineer by February 7, 2022



2022

February 7 – Ordered report had not been submitted to the administrator by owner, and no appeals to the CAO were submitted

March 4 – Posted Notice for PAC meeting and noticed a window had been thrown in front of the building which had previously been inside. Transient activity may be taking place

As indicated in the property history above, there has been a long list of orders placed upon the subject property. In all cases, the Town of Amherst has completed all aspects of the orders in order to bring the property into compliance. Although our files only date back to 2011, there is a possibility this property has a longer history than what is shown. From an inspection completed on November 9, 2022, Marc Buske, Building Official 2, reported:

“At the request of the Dangerous and Unsightly Administrator, Emily Wainwright, of the Town of Amherst, an inspection on the condition of the building at 52 Hickman Street was conducted on November 9, 2021 by Marc Buske, Building Official 2, of the Town of Amherst. The following was noted and photographed:

- 1) *The building is not secured from unauthorized entry as there is a large hole in the front of the building and a window missing;*
- 2) *Exterior walls bricks showed signs of mortar failure and cracking in more than one spot;*
- 3) *The top exterior wall of the back of the building is collapsed outwards from the building, and shows signs of continued deterioration;*
- 4) *The roof is not weather tight as there are shingles missing, and holes in the roof due to rot;*
- 5) *Most of the windows in the building are missing or broken;*
- 6) *Interior structure shows sign of rust and decay due to the building not being weather tight, lack of heat in the building and the lack of maintenance;*
- 7) *Furnace and electrical have all be compromised; and*
- 8) *Signs of transient activity are found inside the building.*

It is the opinion of this inspector that the building is starting to show signs of structural failure due to the lack of maintenance. This building does pose a health and safety risk due to the excessive number of items throughout the building. It is very difficult to move through the building as there are no clear paths and large piles of items in the building.

This building will further deteriorate to the point of imminent collapse if maintenance is not started on the building and, as such threatens, the safety of the public.”



Discussion:

Given the state of the subject building detailed in the Building Official's report and the relatively long history of neglect by the property owner, it is appropriate to consider removing this risk to health and safety by ordering a demolition.

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

Options:

At a later date, given the information available at this time Staff will be recommending **Option 1**.

- 1) That the Planning Advisory Committee order that all contents be removed from the building at 1 McCully Street (PID: 25024563) and the building be demolished, and back fill the hole within 90 days from the date of this Committee 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.





TO: Planning Advisory Committee
FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator
DATE: April 4, 2022
RE: 52 Hickman Street (PID: 25021973)

Issue:

The purpose of this item is to review the state of the vacant dwelling located at 52 Hickman Street, with a view to consider a demolition order at later date. The lack of maintenance over the years has left the subject building in a state of serious disrepair. As articulated in the report by the Building Official 2, there are various structural, safety, and health concerns throughout the building.

Please note that due to privacy concerns, pictures of the property will be provided at the meeting.

History:

April 30, 2021 – Complaint received by the Town

May 14, 2021 – Site visit, pictures taken of the exterior of the building.

May 20, 2021 – Administrator sent acknowledgement letter to complainant.

May 20, 2021 – Administrator sent letter to the owner asking their intentions with the building.

June 9, 2021 – Administrator spoke with owner, owner was going to mow the lawn and try to sell the property or demolish it

September 27, 2021 – Second site visit, pictures taken of the exterior of the building and property

September 29, 2021 – Order sent to owner to maintain the yard (mow), and to bring the building up to standard under the Minimum Standards Bylaw (P-4), or to demolish buildings by October 15/21.

October 15, 2021 – Lawn had been maintained (mowed).

October 19, 2021 – Posted Notice to enter the building for an inspection on November 4/21.





November 3, 2021 – Demolition Permit applied for by owner

November 4, 2021 – Entered the building with the Building Official and Amherst Police Department.

November 10, 2021 – Demolition Permit issued by Building Official, subject to the fee being paid. This did not happen and so the permit is not valid. The permit would have been valid for 12 months (until November 10, 2022).

As the above noted property history indicates, the town gave notice to conduct an inspection to determine the degree to which the building is dangerous or unsightly. Approximately two weeks after notice was given and the day before the inspection was to take place, the property owner made an application to demolish the building. While the permit was approved by the Building Official, it is not valid as the fee was never paid.

On November 4, 2021 the inspection was conducted by the town Building Official, Marc Buske, and the following was reported:

“At the request of the Dangerous and Unsightly Administrator, Emily Wainwright, of the Town of Amherst, an inspection on the condition of the building at 52 Hickman Street was conducted on November 4, 2021 by Marc Buske, Building Official 2, of the Town of Amherst. The following was noted and photographed:

- 1) *Exterior walls are in relatively good shape;*
- 2) *The front porch is showing signs of structural fatigue due to rot and not being weather tight;*
- 3) *Exterior foundation shows signs of cracks and structural stress. Bowing in the foundation wall was observed;*
- 4) *The roof is not weather tight as there are shingles missing, and holes in the roof due to rot;*
- 5) *Most of the windows and doors are intact;*
- 6) *Collapse of some drywall and plaster throughout the building on the ceiling and walls. This is due to weather entering the building. There is evidence of moisture and mold in the building; and*
- 7) *Furnace, electrical and plumbing have all be compromised.*

It is the opinion of this inspector that the building is starting to show signs of structural failure due to the lack of maintenance. This building does pose a health and safety risk due to mold and the state of the building. All electrical, plumbing and HVAC systems do not work or are missing.

The cost to bring this building up a livable state would far exceed the value of the property, and with the lack of maintenance to the building by the property owner, I would recommend the building to be demolished at this time.”



Discussion:

Given the state of the subject building detailed in the Building Official's report and the fact that the property owner applied for demolition permit, it would be appropriate to consider an order for demolition.

The Property owner and the original complainant have been invited to the PAC meeting to discuss the state of the property. Staff have provided the three options below for the PAC to consider; however, the PAC will be asked to made a decision at a subsequent meeting.

Options:

- 1) That the Planning Advisory Committee order that all contents be removed from the building at 52 Hickman Street (PID: 25021973) and the building be demolished, and back fill the hole by November 10, 2022, 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.

At a later date, given the information available at this time Staff will be recommending **Option 1**.

