



Town of Amherst  
Planning Advisory Committee Meeting  
Agenda

Date: **Tuesday, July 2, 2024**  
Time: **4:00 pm**  
Location: **Council Chambers, Town Hall**

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	Pages
<b>1. Call to Order</b>	
<b>1.1 Territorial Acknowledgement</b>	
“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.”	
<b>2. Approval of Agenda and Acceptance of Minutes</b>	
<b>2.1 Approval of the Agenda</b>	
<b>2.2 Acceptance of the Minutes - May 6, 2024</b>	1 - 2
<b>3. Development Agreement Applications</b>	
<b>3.1 9 LaPlanche Street Development Agreement Application</b>	3 - 22
<b>3.2 112 West Victoria Street Development Agreement Application</b>	23 - 55
<b>3.3 Public Participation Opportunity Summary - June 20, 2024 (Including letters of concern)</b>	56 - 76
<b>4. Unsightly / Dangerous Premises</b>	
<b>4.1 32 Park Street</b>	
<b>4.1.1 Staff Report</b>	77 - 88
<b>4.1.2 Owner / Representative Questions/Comments to PAC</b>	

4.1.3	Complainant / Representative Questions/Comments to PAC	
4.2	19 Spring Street	
4.2.1	Staff Report	89 - 120
4.2.2	Owner / Representative Questions/Comments to PAC	
4.2.3	Complainant / Representative Questions/Comments to PAC	
5.	De-registration of Heritage Property - 96 Church Street	121 - 161
6.	Adjournment	

**Town of Amherst  
Planning Advisory Committee  
Minutes**

**Date:** May 6, 2024  
**Time:** 4:30 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Councillor Hal Davidson, Vice-Chair  
Councillor Charlie Chambers  
Creighton McCarthy, Citizen Representative  
Jim Lamplugh, Citizen Representative

**Members Absent** Ron Wilson, Citizen Representative, Chair  
Councillor Leon Landry

**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  
Jeff Bacon, Business Development Officer  
Natalie LeBlanc, Municipal Clerk

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**1. Call to Order**

The Vice-Chair called the meeting to order.

**1.1 Territorial Acknowledgement**

The Vice-Chair gave the Territorial Acknowledgement.

**2. Approval of Agenda and Acceptance of Minutes**

**2.1 Approval of the Agenda**

**Moved By: Jim Lamplugh**

**Seconded By: Councillor Chambers**

**That the agenda be approved as circulated.**

**Motion Carried**

**2.2 Acceptance of the Minutes - April 2, 2024**

The Vice-Chair called for any errors or omissions in the minutes. There being none, the minutes of the April 2, 2024 meeting of the Planning Advisory Committee were accepted as included in the agenda package.

**3. 107 Park Street Demolition Report**

The Dangerous and Unsightly Premises Administrator reviewed their report included in the agenda package.

**3.1 Committee Questions to Staff**

Committee members agreed that due to the state of the structure, and the close proximity to West Highlands Elementary School, that it did pose a danger.

**3.2 Owner Comments / Questions from Committee**

The owner was not in attendance.

**Moved By: Jim Lamplugh**

**Seconded By: Creighton McCarthy**

**That the Planning Advisory Committee order that the attached accessory building at 107 Park Street (PID: 25025594) be demolished and the hole back filled 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.**

**Motion Carried**

**4. 38 Cornwall Street Demolition Update**

The Dangerous and Unsightly Premises Administrator reviewed their report included in the agenda package. Information item only.

**5. 2 Pearl Place Demolition Update**

The Dangerous and Unsightly Premises Administrator reviewed their report included in the agenda package. Information item only.

**6. MPS / LUB Review**

The Director of Planning & Strategic Initiatives reviewed the proposed changes to the Land Use By-law, particularly around zoning and site plan approvals. Information item only at this time.

**7. Adjournment**

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

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Natalie LeBlanc  
Municipal Clerk

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Councillor Hal Davidson  
Vice-Chair

# MEMO

**TO:** Planning Advisory Committee  
**FROM:** Torben Laux, Land Use Planner  
**DATE:** July 2<sup>nd</sup>, 2024  
**RE:** **Development Agreement – 9 LaPlanche Street**

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## PROPOSAL

An application by Jeanault Lasnier of Camaleon Holdings for a development agreement (DA) to allow the renovation of an existing building, located on 9 LaPlanche Street. The development agreement would allow the creation of six new apartment units on the second and third floors.

## PUBLIC PARTICIPATION

A Public Participation Opportunity (PPO), advertised in accordance with the Policy for Public Participation and Notification, was held on June 20th. No members of the public spoke to this application.

## BACKGROUND INFORMATION

The attached application briefing provides the site details, neighborhood context, and building proposal details. The developer proposes six units within an existing structure located in the Downtown Core Area. The building is situated on three PIDs: 25022872, 25022922, and 25005828, with the structure on the middle one. The structure currently has commercial use on the first floor, with the second and third floors empty and ready for development. The proposed units would be located on the second and third floors, with three units on each.

Onsite parking exists to the right of the building, and greenspace is to the left. The exterior will remain largely untouched, except for the addition of fire exits and fire escapes located at the back of the building as may be required by the Building Code.

## RELEVANT POLICIES

### 1. Residential Policies (RP)

#### RP-9 (Medium and High Density By Development Agreement)

*Within the Residential Designation, it shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall:*

- (a) ensure that the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;*
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;*
- (f) require the use of vegetation to improve the aesthetic quality of the development;*
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.*

The proposed development would not be relocating or constructing a new building but using the existing structure to densify. Furthermore, sufficient on-site parking already exists, therefore, satisfying this policy.

### 2. General Land Use and Development Policies (GP)

#### GP-4 Efficient Development)

*It shall be the intention of Council to ensure that growth and development within the Town is efficient and cost effective by:*

- (a) facilitating the contiguous expansion of the built up areas of the Town;*
- (b) limiting development in un-serviced areas of the Town;*
- (c) concentrating new development in adequately serviced and properly planned areas;*
- (d) encouraging and facilitating infill development on underutilized properties within the built up area of town*

The proposed development would satisfy this policy by using existing space to create new apartment units.

### **GP-7 Compatibility**

*It shall be the intention of Council to allow a mix of compatible land uses to minimize their impacts by:*

- (a) requiring adequate buffering and setbacks;*
- (b) screening development by the use of visual barriers; and,*
- (c) regulating the location of parking, storage buildings and other accessory uses or facilities.*

The draft DA mainly addresses (c) the regulation of the location of parking, storage buildings and other accessory uses or facilities as much of the current site will remain the same.

## **5. Implementation Policy**

### **A-5 (Amendment Criteria)**

*It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- (b) That the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development*
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

The proposal meets the intent of the relevant town bylaws and regulations. In terms of subsection (b), there would be no significant burden on the Town's finances. The street network and town water, sanitary and storm sewer services can accommodate the development. With regard to subsection (c), the proposed use does not conflict with the existing uses in the neighborhood and the dimensions fit other existing developments in the area. Parking and traffic generation is not to be an issue for the area.

## DISCUSSION & CONCLUSION

Staff feel the draft DA is in keeping with the general intent of the relevant polices of the MPS. The proposal has the potential to have a significant positive impact for the Town of Amherst by addressing the shortage of suitable and affordable housing. This development is appropriate for the area in terms of its height, bulk, and general built form.

The following decision options are therefore put forward:

### OPTIONS:

- Option One: Recommend that Council enter into the Development Agreement for 9 LaPlanche Street Development as drafted.
- Option Two: Recommend that Council not enter into the Development Agreement 9 LaPlanche Street.
- Option Three: Defer a decision and request additional information and /or changes to the proposal.

**STAFF RECOMMENDATION: Option One.**



# Public Advisory Committee

Development Agreement to Permit the Construction of 6 units within an existing structure.

July 2, 2024



## Disclaimer

These applications are not the Town's proposal. It is a property owner's right to make an application for a development agreement or a zoning map amendment. No approval or decisions have been made.

## Purpose

The purpose is **to ensure public involvement in the planning process** when a development requires a development agreement or amendments to existing planning documents. **To explain the concept of a “development agreement”** and how it is administered in the Town of Amherst and **describe the proposal while outlining the relevant land use bylaws and policies.**

# Development Agreement

## What is a Development Agreement (DA)?

A development agreement is a **legally binding contract between a property owner and the Town that stipulates standards, design requirements, terms, and conditions** to which the property owner must adhere.

Aspects of a development that may be addressed in this agreement include:



Architectural Design

Parking

Landscaping

Drainage

A development agreement may also influence the use, of fencing and other similar site features to ensure the matter is addressed adequately, stipulate how the project should be phased, enforce certain special requirements, and require the developer to make contribution towards funding public infrastructure.

# Development Agreement Process



# Application Details

**Applicant/ Owner:** Jeanault Lasnier, Camaleon Holdings.

**Summary of Proposal:** to create 6 units on the upper floor within the building

**Location:** 9 LaPlanche St. (PID: 25022872, 25022922, and 25005828)

**Total Property Area:** 1347 sqm (14500 sq ft)

**Existing Zoning:** Downtown Zone – Core Area

**Existing Land Use:** Commercial, Parking Lot

**Street Frontage:** 51m along LaPlanche St.



#seewhyweloveit

Amherst  
NOVA SCOTIA

## Neighbourhood Context

- Located in the Downtown Core Area between LaPlance St and Eddy St.
- Town Hall and Burbine's Gym are located to the South and a 5-minute walk to Lawtons Drugs.
- Located on three lots, parking space to the right and green space to the left
- TD Canada Trust and Dayle's Grand Market to the north



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Amherst  
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# Relevant Planning Bylaws & Policies

## 1. General Land Use and Development Policies

### GP-4 (Efficient Development)

It shall be the intention of Council to ensure that growth and development within the Town is efficient and cost effective by:

- (a) facilitating the contiguous expansion of the built up areas of the Town;
- (b) limiting development in un-serviced areas of the Town;
- (c) concentrating new development in adequately serviced and properly planned areas;
- (d) encouraging and facilitating infill development on underutilized properties within the built up area of town.

### GP-7 (Compatibility)

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.



# Relevant Planning Bylaws & Policies

## 2. Residential Policies

### RP-9 (Medium and High Density By Development Agreement)

Within the Residential Designation, it shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall:

- (a) ensure that the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;
- (f) require the use of vegetation to improve the aesthetic quality of the development;
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.

# Relevant Planning Bylaws & Policies

## 2. Residential Policies

### RP-12 (Residential Area Design)

It shall be the intention of Council to ensure that new residential areas:

- (a) provide for the efficient use of land;
- (b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;
- (c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;
- (d) provides for the efficient and safe movement of pedestrians and cyclists;
- (e) minimizes adverse effects on the environment;
- (f) provides for parks and other community uses in safe and central locations.

# Relevant Planning Bylaws & Policies

## 3. Implementation Policy

### A-5 (Amendment Criteria)

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

1. That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.

(b) That the proposal is not premature or inappropriate by reason of:

- (i) the financial capability of the Town to absorb any costs relating to the development;
- (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
- (iii) the adequacy of road networks, in, adjacent to, or leading to the development

(c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:

- (i) type of use;
- (ii) height, bulk and lot coverage of any proposed building;
- (iii) parking, traffic generation, access to and egress from the site;
- (iv) any other matter of planning concern outlined in this strategy.

Case No: DA-2024-XX

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.

Between:

**Jeanault Lasnier** (owner of property located at 9 LaPlanche Street [PID 25022872, 25022922, and 25005828], hereinafter called the "Owner"),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to renovate an existing building to include six new apartment units on property located at 9 LaPlanche Street [PID 25022872, 25022922, and 25005828

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_ Day of \_\_\_\_\_ 2024, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands are the only lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct three 6 apartment units on the second and third floors of the existing building, subject to Schedules A and B attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED AND DELIVERED**

In the presence of

\_\_\_\_\_

\_\_\_\_\_

**THE TOWN OF AMHERST**

\_\_\_\_\_  
David Kogon MD, Mayor

\_\_\_\_\_  
Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

\_\_\_\_\_  
Jeanault Lasnier  
Camaleon Holdings

## Schedule A

### 9 LaPlanche Street, PID 25022872, 25022922, 25005828 - Development Agreement

#### Terms and Conditions:


#### 1. USE OF LAND AND BUILDINGS

- 1.0 The use of the property shall be limited to ground floor commercial uses six (6) apartment units within the second and third floors of an existing building located on property shown on Schedule 'B'.
- 1.1 The ground floor of the building will not contain residential uses except for access to the upper floors.
- 1.2 Prior to issuance of a Building Permit, the Owner shall submit construction drawings as required by the Building Code to the satisfaction of the Building Inspector.
- 1.3 The Owner shall be responsible for ongoing compliance with the Town of Amherst Solid Waste Bylaw, including but not limited to, maintenance of solid waste containment where located outside the building.

#### 2. GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and building and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 2.3 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties or streets.
- 2.4 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste, and taking all reasonable measures to minimize dust.
- 2.5 Accessory buildings may be permitted on the Lands in accordance with the Town of Amherst Land Use Bylaw.

**Schedule B**

 9 Laplanche Street (PID 25022872, 25022822, 25005828)





# MEMO

**TO:** Planning Advisory Committee  
**FROM:** Torben Laux, Land Use Planner  
**DATE:** July 2<sup>nd</sup>, 2024  
**RE:** **Development Agreement – 112 Victoria Street West (PID 25000605)**

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## PROPOSAL

An application by Tom Mattinson of Six Point Star Homes for a development agreement (DA) to allow the construction of two 16-unit and three 8-unit apartment buildings on 112 Victoria Street West.

## BACKGROUND INFORMATION

The attached application briefing provides the site details, neighborhood context, and building proposal details. The developer proposes to build two 16-unit and three 8-unit apartment buildings located at 112 Victoria Street West. The subject vacant land is 5.1 acres in area and has three points of street access - two of which are on Victoria Street West and the third connecting to Colin Court at the eastern side of the property. The property is bordered on its north side by single detached and converted dwellings. Costin Paving & Construction property is immediately adjacent to the south.

The proposed buildings are intended to be 'Green Building Certified' with rooftop solar panels. Construction will be stick-built by a local company with senior government funding. 73 parking spaces will be at the center of the development with the five buildings located around it. Vehicle access will be via a 2-lane driveway via the western frontage on West Victoria. A small maintenance garage is proposed on the right side of the entrance.

The applicant intends to keep the eastern half of the property as green space and provide for garden beds and a walking path to Colin Court. The existing watercourse crossing the property in this area of the property will not be significantly altered (DOE approval would be required).

## PUBLIC PARTICIPATION

A Public Participation Opportunity (PPO), advertised in accordance with the Policy for Public Participation and Notification, was held on June 20<sup>th</sup>. Several members of the public were in attendance. A summary of the PPO and written submissions are included in the package. The concerns expressed could be summarized as follows:

- Loss of natural habitat for wildlife
- Loss of green space, privacy and views
- Flooding and stormwater runoff
- Was told nothing could be built there
- Buildings and development in general are too large for the neighbourhood
- Local school capacity
- Inadequate access and increased traffic
- There are better locations for this development
- Increased noise pollution and traffic
- Influx of low-income people will increase crime and negative social problems
- Negative impact on property values
- The solid waste containment area is too close to the neighbouring property

That above noted concerns have been addressed below and in the DA to some degree.

## RELEVANT POLICIES

### 1. Residential Policies (RP)

#### RP- 8 Housing Mix

*It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.*

The proposal would generally conform to this policy.

#### RP-9 Medium and High Density By Development Agreement

*Within the Residential Designation, it shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall:*

- (a) ensure that the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*

- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;*
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;*
- (f) require the use of vegetation to improve the aesthetic quality of the development;*
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.*

As currently proposed, the 8-unit on Lot 3 would be 6m (20ft) from the rear property line of the nearest property, 108 West Victoria Street and approximately 30m (100 ft) from the back of the dwelling on this property. The nearest 16-unit unit building would be approximately 9m (30ft) and 4m (144ft) from the rear wall of 114 West Victoria Street. Staff feel that the proposed buildings can be shifted toward the southern property boundary and significantly increase the setback of the closest buildings to the existing dwellings along West Victoria. Increasing the setback would reduce the potential impact on surrounding dwellings. This is addressed in the draft DA.

73 parking spaces are provided for 56 units, a ratio of 1.3 spaces per unit, which exceeds the 1.25 standard set out in the Land Use Bylaw. Access via a 6 m wide 2-lane driveway will lead directly onto an arterial street. The draft DA requires an opaque fence along both sides of the driveway access. It also requires the developer to provide a visual buffer by either erecting an opaque fence and/or leaving mature vegetation.

Outdoor lighting, signage provisions to address landscaping are addressed in the DA.

Regarding architectural sympathy, the proposed buildings would be significantly larger in footprint to the surrounding low-density dwellings nearby, although as 2-story buildings they are not significantly higher. Mitigating factors include the ample separation from existing dwellings, and the use of fencing and vegetation to act as a visual buffer.

### **RP-11 Affordable Housing**

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

- (a) encouraging a mix of housing types and densities;
- (b) permitting secondary apartments in all dwelling units;
- (c) permitting a secondary residential structure (Garden Suite) on a lot;
- (d) cooperating with Federal and Provincial Governments to facilitate affordable housing within the Town.

The proposed development would represent a mix of housing types and densities in this neighbourhood. The capital cost of the construction will be supplemented by senior government funding to support affordable housing.

## 2. General Land Use and Development Policies (GP)

### GP-4 Efficient Development

*It shall be the intention of Council to ensure that growth and development within the Town is efficient and cost effective by:*

- (a) facilitating the contiguous expansion of the built up areas of the Town;*
- (b) limiting development in un-serviced areas of the Town;*
- (c) concentrating new development in adequately serviced and properly planned areas;*
- (d) encouraging and facilitating infill development on underutilized properties within the built up area of town*

The proposed development satisfies all aspects of this policy. It is infill development that will require no extension of town infrastructure.

### GP-7 Compatibility

*It shall be the intention of Council to allow a mix of compatible land uses to minimize their impacts by:*

- (a) requiring adequate buffering and setbacks;*
- (b) screening development by the use of visual barriers; and,*
- (c) regulating the location of parking, storage buildings and other accessory uses or facilities.*

The draft DA contains provisions that address setbacks, buffering through the use of visual barriers. The location of parking and accessory buildings is addressed.

### GP-8 Density

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

The overall density of the development is 9.4 units/acre. To provide some perspective, if the property were to be developed as a subdivision, a rough estimate would suggest that it could accommodate approximately 31 single-detached dwelling lots if 1/3 of the property were used for streets. This amounts to a density of 6 units/acre. While there is no singular definition of low or high density, 9.4 units/acre could be considered at the lower end of medium density.

## 5. Implementation Policy

### A-5 (Amendment Criteria)

*It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- (b) That the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development*
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

The proposal meets the intent of the relevant town bylaws and regulations. In terms of subsection (b), there would be no significant burden on the Town's finances. The street network and town water, sanitary and storm sewer services can accommodate the development. With regard to subsection (c), the proposed development represents a significant increase in scale when compared to the nearby low density residential development. That being said, the buildings will be two-storey, similar to 1-2 level dwellings nearby. The development is positioned approximately 60m (200ft) from West Victoria. As such it will have no visual impact on the streetscape. In addition, the proposed buildings are oriented on the lot such that the buildings on Lots 2, 4 and 5 are a significant distance from existing dwellings to the north. The Costin Paving property is to the south where there will be no impact. In addition, the DA requires the developer to adjust the site plan by shifting buildings to the south to increase the separation from the neighbouring properties to the north. In terms of lot coverage, the buildings and parking are condensed on the lot leaving over 80% of the overall property as green space.

## DISCUSSION & CONCLUSION

As provided above, Staff feel the draft DA is in keeping with the general intent of the relevant policies of the MPS. The proposal has the potential to have a significant positive impact for the Town of Amherst by addressing the shortage of suitable and affordable housing. Provisions within the draft DA are intended to mitigate potential impact on the surrounding neighbourhood.

The following decision options are therefore put forward:

**OPTIONS:**

- Option One: Recommend that Council enter into the Development Agreement for 112 Victoria Street West Development as drafted.
- Option Two: Recommend that Council not enter into the Development Agreement 112 Victoria Street West.
- Option Three: Defer a decision and request additional information and /or changes to the proposal.

**STAFF RECOMMENDATION: Option One.**

# Public Participation Opportunity

**Development Agreement to Permit the Construction of 2-16 units and 3-8 units  
Apartment buildings.**

June 20, 2024



## **Disclaimer**

These applications are not the Town's proposal. It is a property owner's right to make an application for a development agreement or a zoning map amendment. No approval or decisions have been made.



## Purpose

The purpose is **to ensure public involvement in the planning process** when a development requires a development agreement or amendments to existing planning documents. **To explain the concept of a “development agreement”** and how it is administered in the Town of Amherst and **describe the proposal while outlining the relevant land use bylaws and policies.**

# Development Agreement

## What is a Development Agreement (DA)?

A development agreement is a **legally binding contract between a property owner and the Town that stipulates standards, design requirements, terms, and conditions** to which the property owner must adhere.

Aspects of a development that may be addressed in this agreement include:



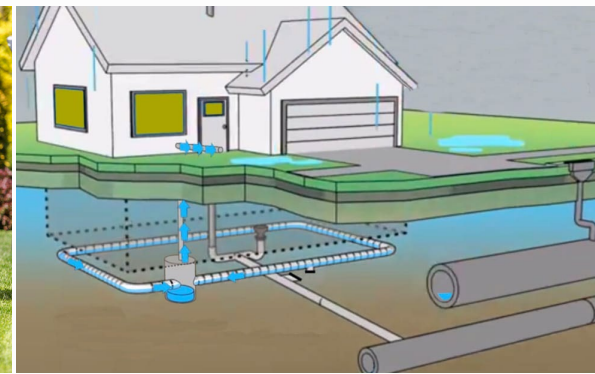
Architectural Design



Parking



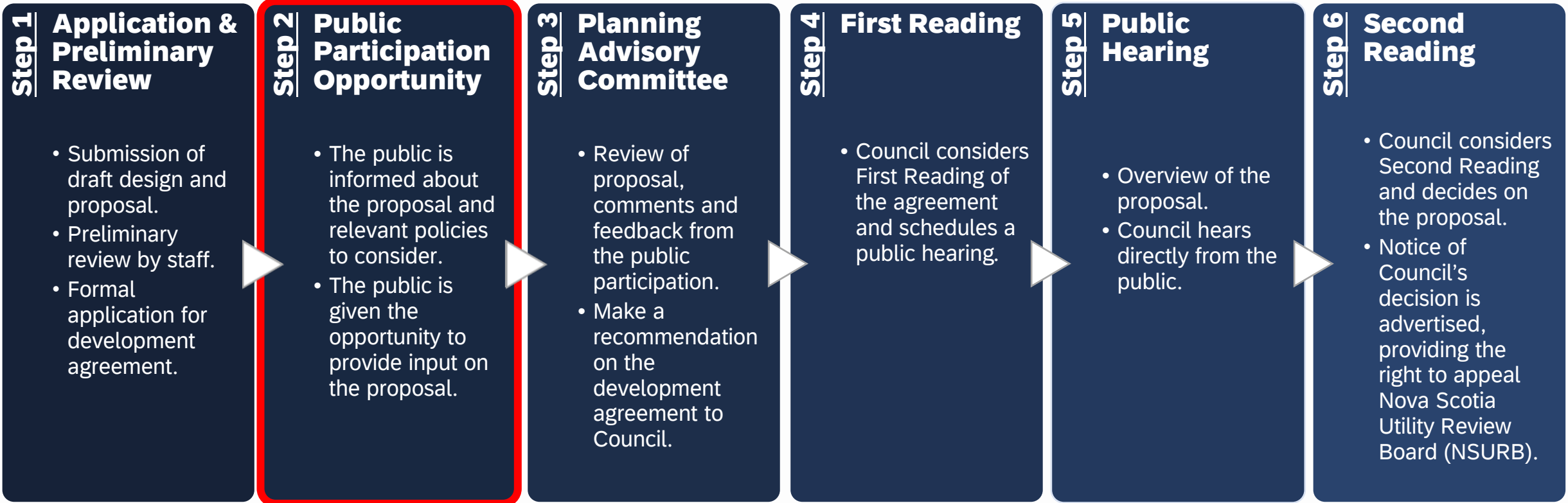
Landscaping



Drainage

A development agreement may also influence the use, of fencing and other similar site features to ensure the matter is addressed adequately, stipulate how the project should be phased, enforce certain special requirements, and require the developer to make contribution towards funding public infrastructure.

# Development Agreement Process



# Application Details

**Applicant/ Owner:** Tom Mattinson, Six Point Star Homes

**Summary of Proposal:** to construct 2-16 unit and 3-8 unit apartment dwellings. Each building is to be located on separate lots.

**Location:** 112 Victoria Street W. (PID 25000605)

**Total Property Area:** 222,156 sqft (20,639 sq m)

**Existing Zoning:** General Residential

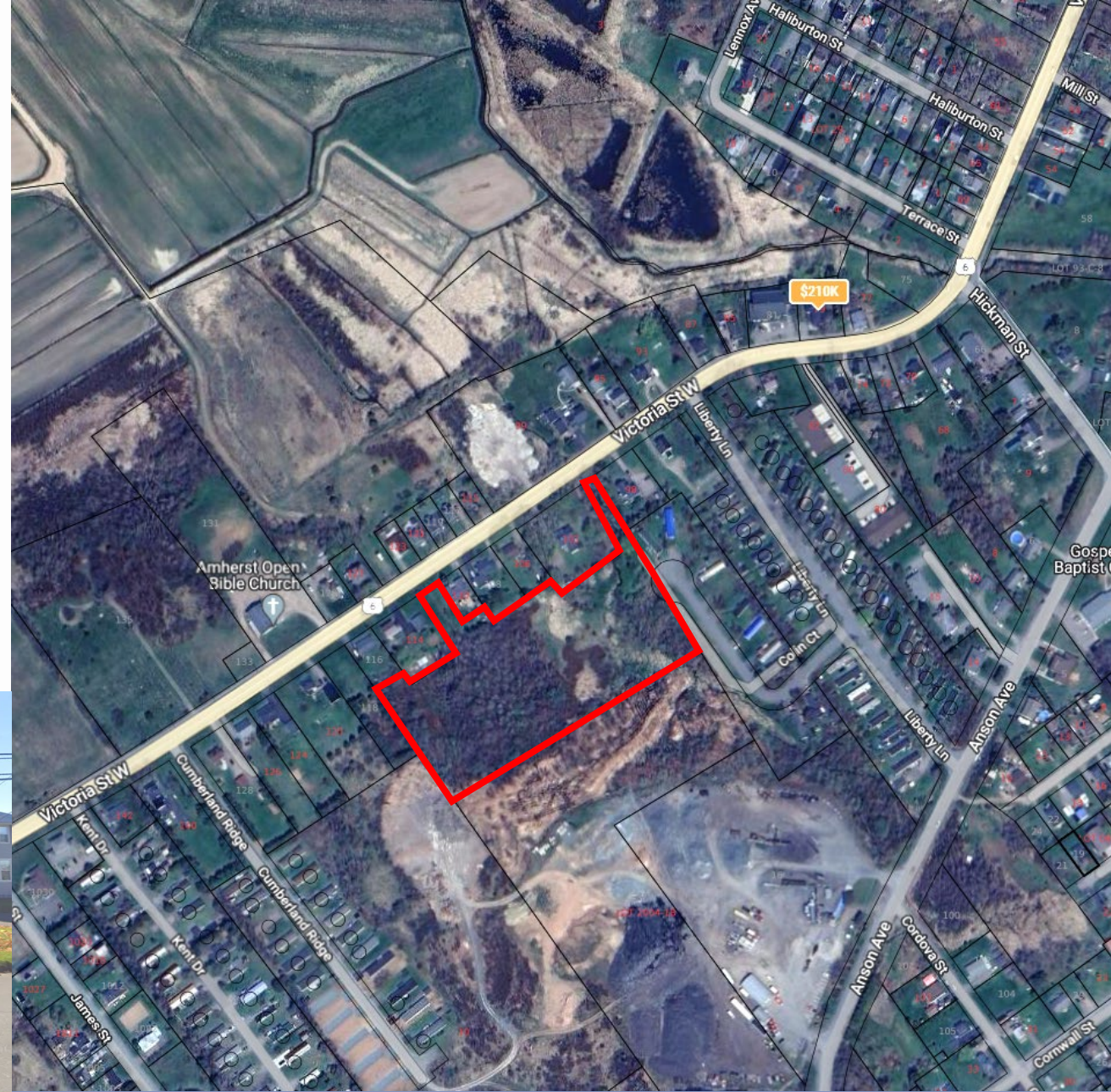
**Existing Land Use:** Vacant Land

**Street Frontage:** 23 m along Victoria Street E.  
28 m along Colin Ct.

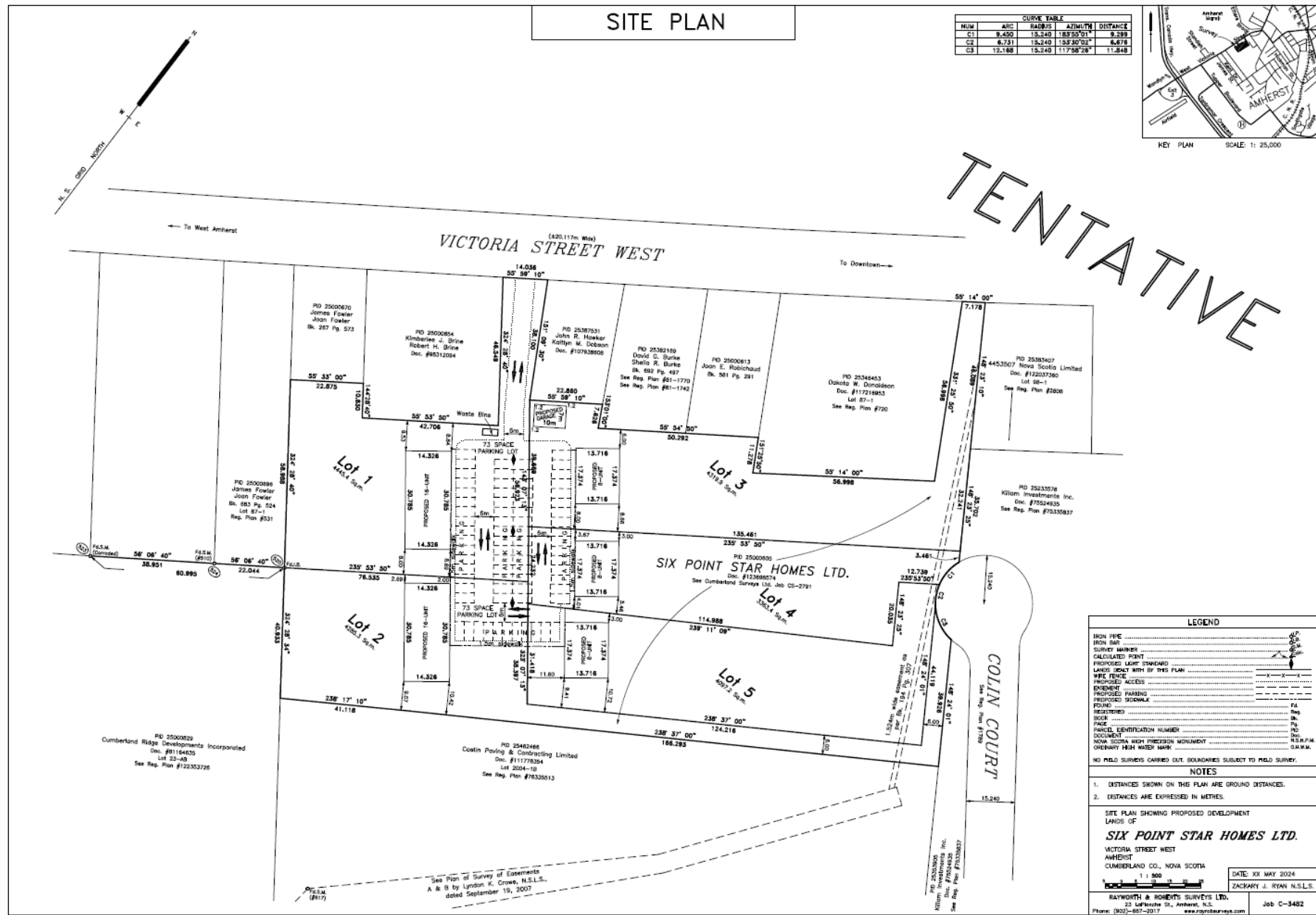


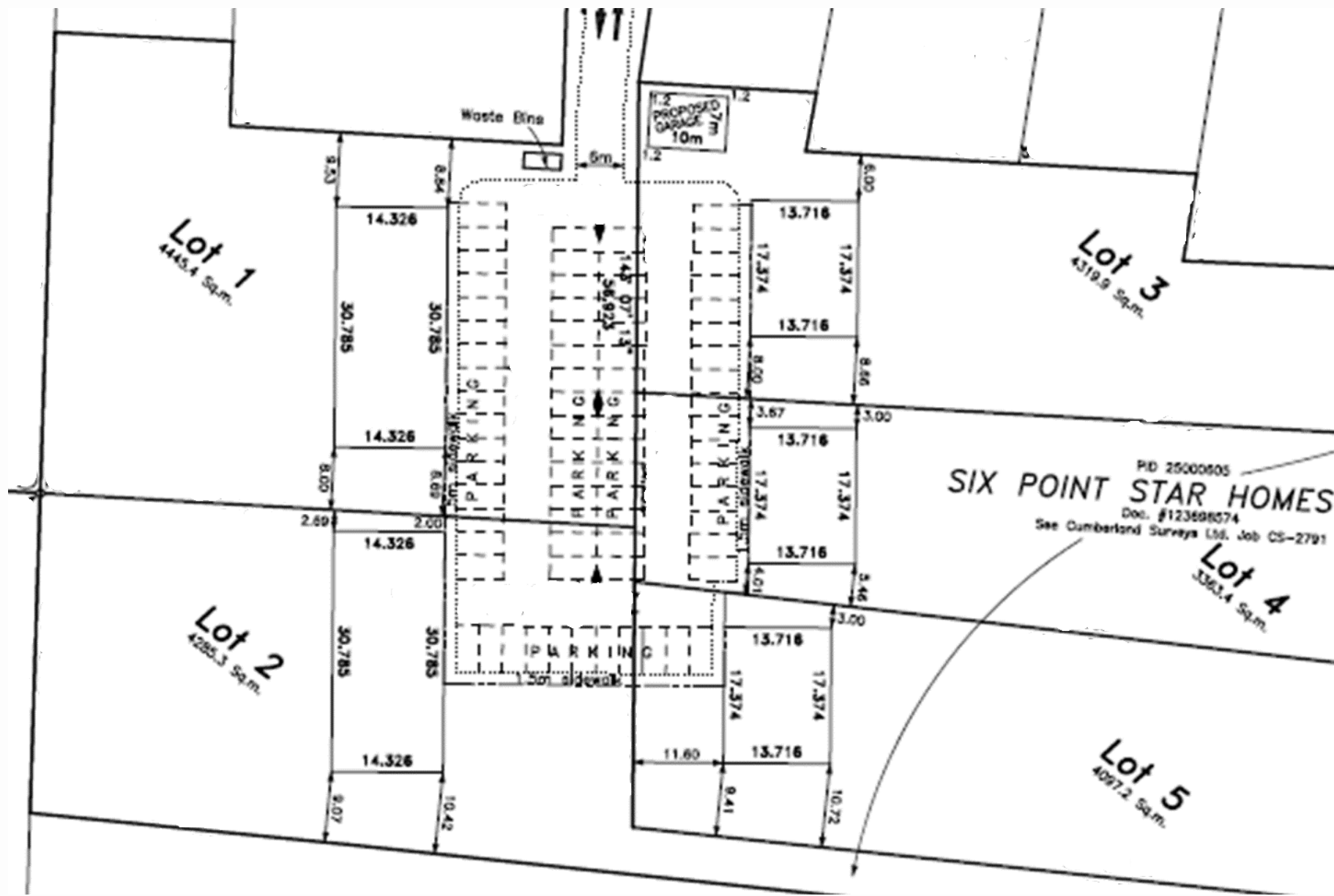
# Neighbourhood Context

- Currently vacant land with developed land on three sides with a mix of single detached homes and converted multi-units.
- Costin Paving & Construction is located just behind the property.
- To the North, the marsh and open fields.
- About 1.5km from the Downtown Core and 1km from Highway Exit 3.



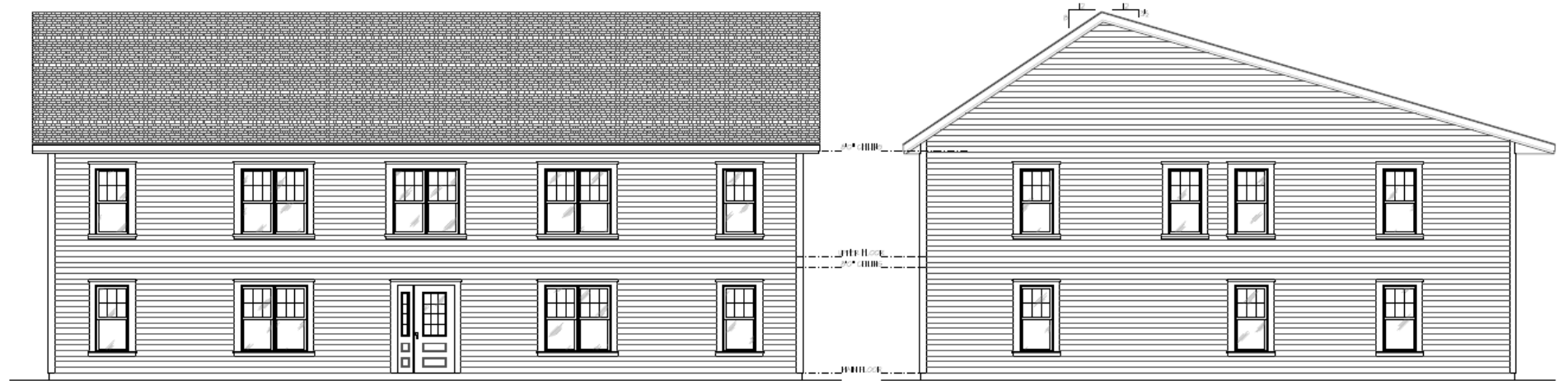
# Site Plan





# Drawings

8 Units

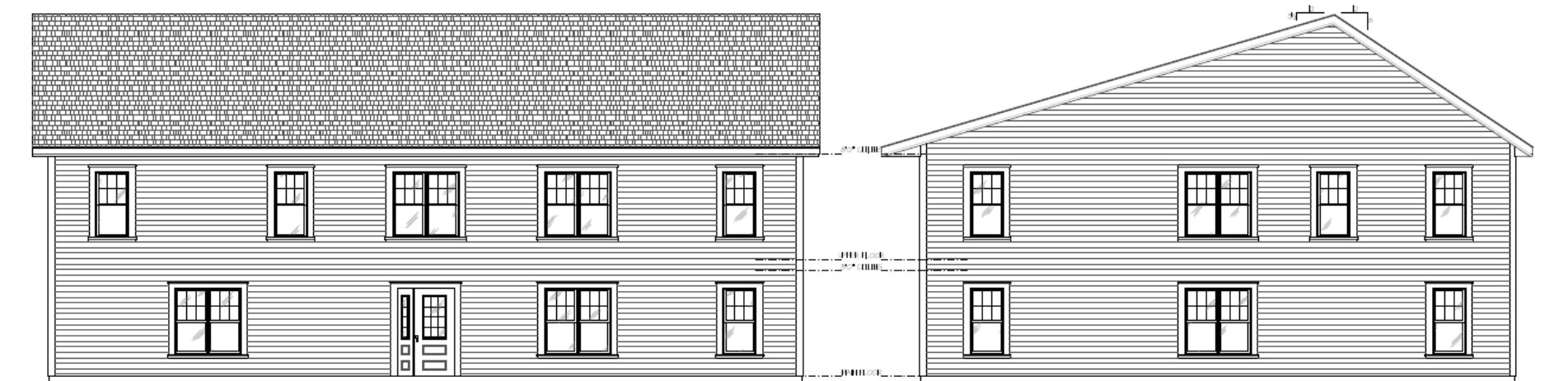


FRONT ELEVATION

SCALE:  $\frac{1}{4}''=1'-0''$

LEFT ELEVATION

SCALE:  $\frac{1}{4}''=1'-0''$



REAR ELEVATION

SCALE:  $\frac{1}{4}''=1'-0''$

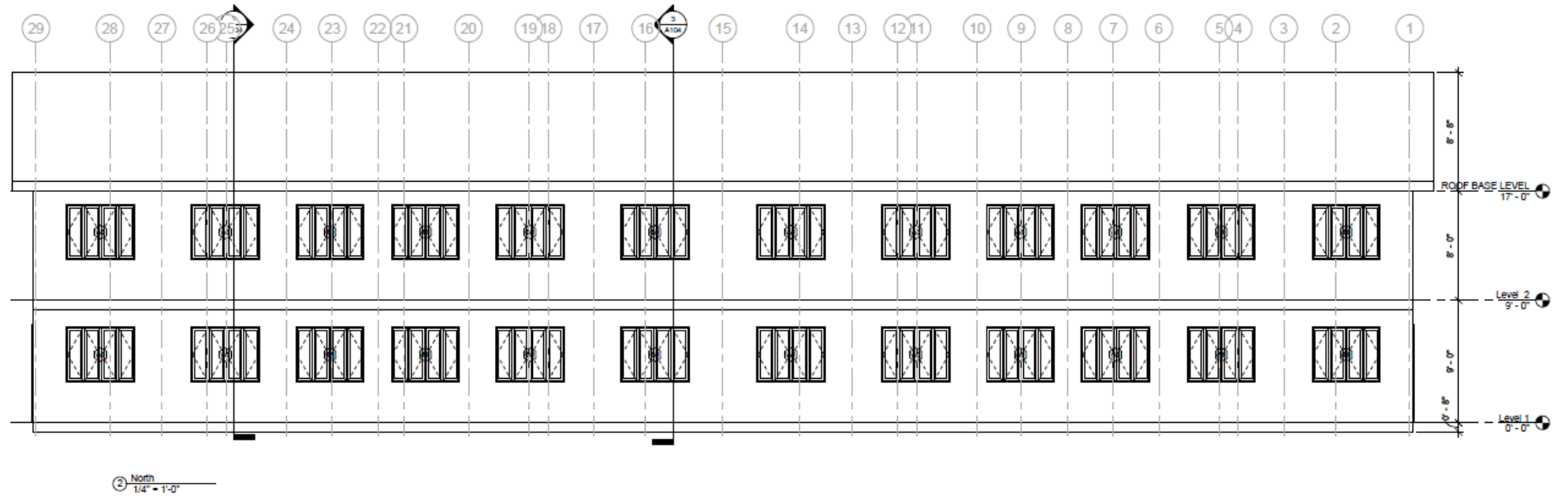
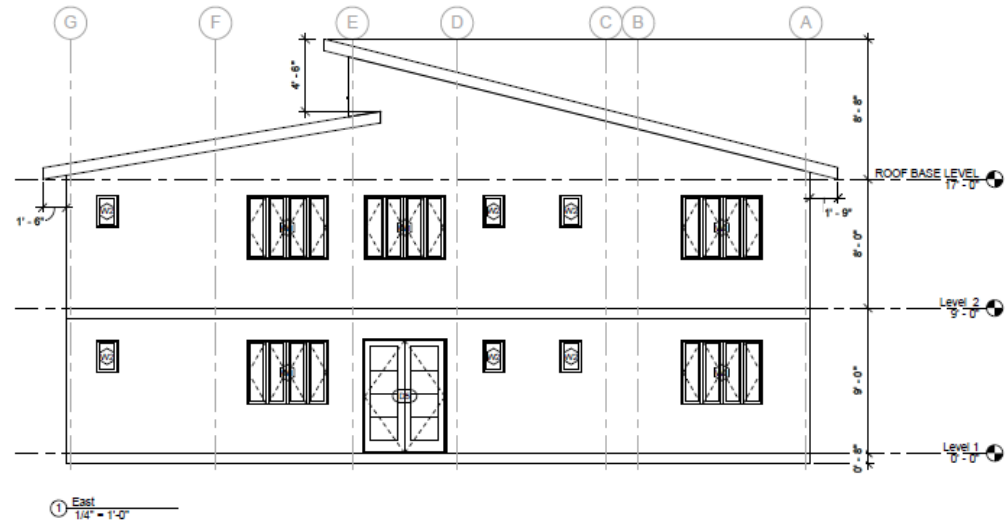
RIGHT ELEVATION

SCALE:  $\frac{1}{4}''=1'-0''$



# Drawings

16 Units





#seewhyweloveit



#seewhyweloveit

# Relevant Planning Bylaws & Policies

## 1. General Land Use and Development Policies

### GP-4 (Efficient Development)

It shall be the intention of Council to ensure that growth and development within the Town is efficient and cost effective by:

- (a) facilitating the contiguous expansion of the built up areas of the Town;
- (b) limiting development in un-serviced areas of the Town;
- (c) concentrating new development in adequately serviced and properly planned areas;
- (d) encouraging and facilitating infill development on underutilized properties within the built up area of town.

### GP-7 (Compatibility)

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

# Relevant Planning Bylaws & Policies

## 2. Residential Policies

### RP-9 (Medium and High Density By Development Agreement)

Within the Residential Designation, it shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall:

- (a) ensure that the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;
- (f) require the use of vegetation to improve the aesthetic quality of the development;
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.

# Relevant Planning Bylaws & Policies

## 2. Residential Policies

### RP-12 (Residential Area Design)

It shall be the intention of Council to ensure that new residential areas:

- (a) provide for the efficient use of land;
- (b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;
- (c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;
- (d) provides for the efficient and safe movement of pedestrians and cyclists;
- (e) minimizes adverse effects on the environment;
- (f) provides for parks and other community uses in safe and central locations.

# Relevant Planning Bylaws & Policies

## 3. Municipal Services

### MS-2 (Service Capacity)

It shall be the intention of Council to require that new municipal water, sanitary sewer and storm sewer services be built to a capacity capable of providing service to undeveloped lands beyond the immediate development area, when the development of such an area is dependent upon use of said services.

It shall further be in the intention of Council to pay the incremental cost of such excess capacity and to recoup such costs upon development of the undeveloped lands outside the immediate development.

# Relevant Planning Bylaws & Policies

## 4. Implementation Policy

### A-5 (Amendment Criteria)

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

1. That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
  - (b) That the proposal is not premature or inappropriate by reason of:
    - (i) the financial capability of the Town to absorb any costs relating to the development;
    - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
    - (iii) the adequacy of road networks, in, adjacent to, or leading to the development
  - (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
    - (i) type of use;
    - (ii) height, bulk and lot coverage of any proposed building;
    - (iii) parking, traffic generation, access to and egress from the site;
    - (iv) any other matter of planning concern outlined in this strategy.



This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2024.

Between:

**Six Point Start Homes** (owner of property located at 112 Victoria Street West [PID 25000605], hereinafter called the “Owner”),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the “Town”),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct two (2) 16-unit and three (3) 8-unit apartment dwellings on property located at 112 Victoria Street West (PID 25000605).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_ Day of \_\_\_\_\_ 2024, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule ‘A’ - Terms and Conditions
- (b) Schedule ‘B’ - Property Location Map
- (c) Schedule ‘C’ – Site Plan
- (d) Schedule ‘D’ – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the “Lands”. The aforesaid Lands are the only lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct five (5) Apartment Buildings, two (2) 16-unit and three (3) 8-unit dwellings on the said Lands, subject to Schedules A, B, C, and D attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED AND DELIVERED**

In the presence of

---

**THE TOWN OF AMHERST**

---

David Kogon MD, Mayor

---

Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

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Tom Mattinson  
Six Point Star Homes

## Schedule A

## 112 Victoria Street West, PID 25000605 - Development Agreement

### Terms and Conditions:

#### 1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to five (5) Apartment Buildings consisting of two 16-unit and three 8-unit dwelling units, for a total of fifty-six (56) dwelling units on property shown on Schedule 'B'.
- 1.2 Each Apartment Dwelling shall consist of no more than 2 levels and shall generally conform to the designs shown on Schedule 'D'. Variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.3 The location of each Apartment Dwelling, driveway, parking area shall be generally configured on the Lands as shown on Schedule 'C', except that the developer shall submit, to the satisfaction of the Development Officer, a revised survey and site plan that shifts the buildings in a southern direction to increase the distance between the proposed buildings and the immediately adjacent properties to the north. Variations to the location of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.4 A minimum of 1.3 parking spaces shall be provided for each dwelling unit for a total of 73 spaces on the Lands and shall be generally configured as shown on Schedule 'C'.
- 1.5 Prior to issuance of a Development Permit for any building, the Owner shall submit a detailed landscaping plan that shall include but not be limited to the following:
  - 1.5.1 Specify the type of treatment of all areas during all phases of the development. Areas of the Lands not part of initial phases must be kept as grass or otherwise treated so as to minimize dust.
  - 1.5.2 An opaque fence approximately 1.8 meters (6 feet) in height shall be placed along both sides of the driveway access, extending from the property line bordering West Victoria Street to the rear corner of the adjacent properties. This fence requirement may be altered or waived on one or both sides upon written agreement with the nearest property owner.
  - 1.5.3 A visual buffer, consisting of vegetation, an opaque privacy fence, or a combination of both, must be established along the property line as specified below. 114 West Victoria Street - PID 25000654, 110 West Victoria Street PID - 25387531, and 108 West Victoria Street PID 25382169
- 1.6 The Owner shall be responsible for maintaining screened a solid waste containment area(s) at minimum six (6) metres from the rear property line of adjacent properties fronting on West Victoria Street.
- 1.1 Prior to the issuance of a Development Permit for any building, the Owner shall submit a detailed Stormwater Management Plan created by a professional engineer. Said plan shall be designed and implemented such that there will be no increase in stormwater flow onto adjacent properties and no increase of peak flow into over existing conditions. The Owner shall be responsible for storm water management during and after construction.

## 2. GENERAL REQUIREMENTS

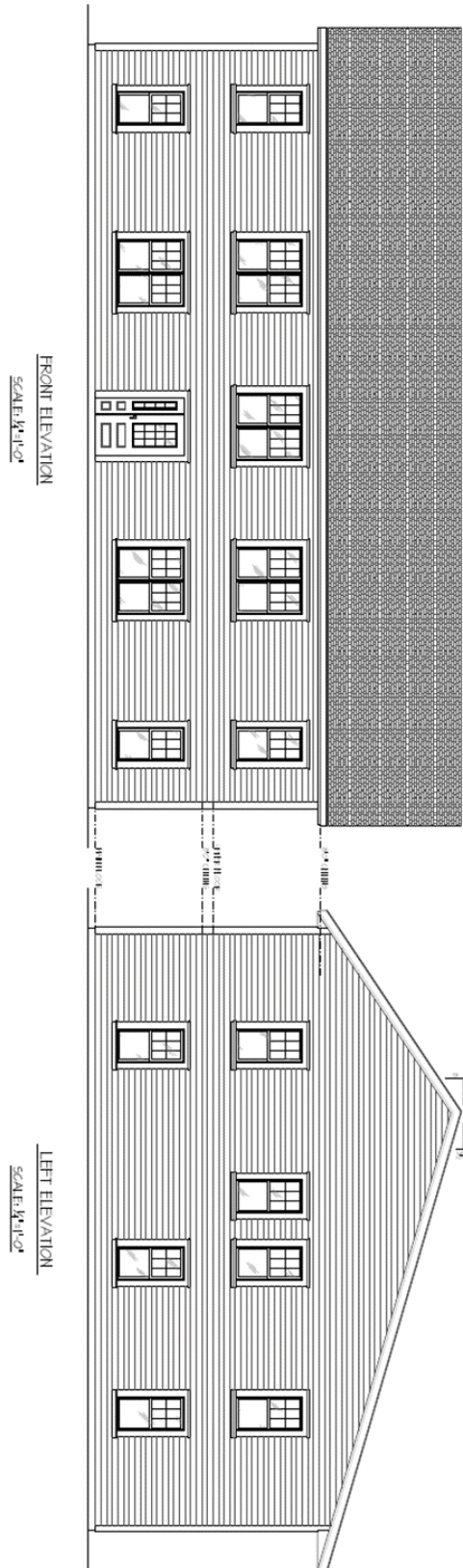
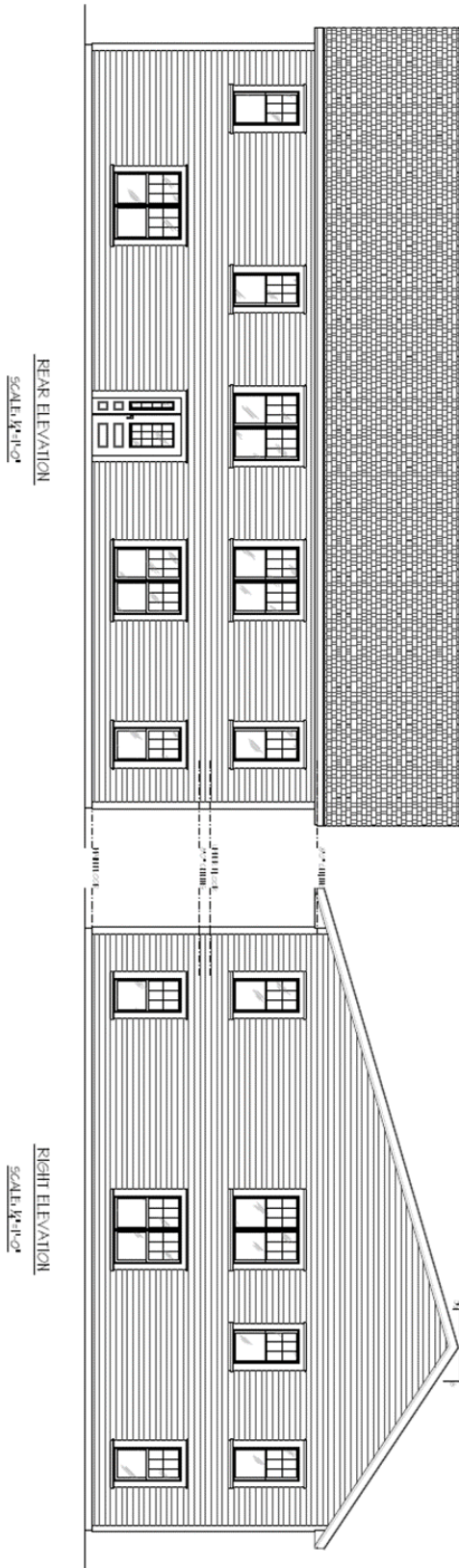
- 2.0 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.1 In addition to *Part 5 – Hours of Construction* under the Town of Amherst Building Bylaw D-6, operation of heavy equipment and electrical generators shall not take place on the property from 8:00 P.M. to 7:00 A.M.
- 2.2 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 2.3 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.4 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste, and taking all reasonable measures to minimize dust.
- 2.6 The Owner shall erect temporary construction fencing during construction to minimize danger to the public and prevent unauthorized access to the construction site.
- 2.7 Accessory buildings may be permitted on the Lands in accordance with the Town of Amherst Land Use Bylaw.

# Schedule B



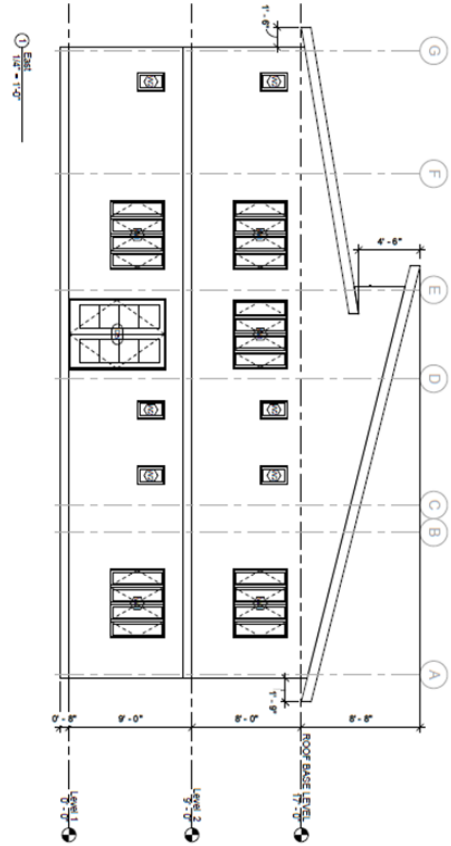
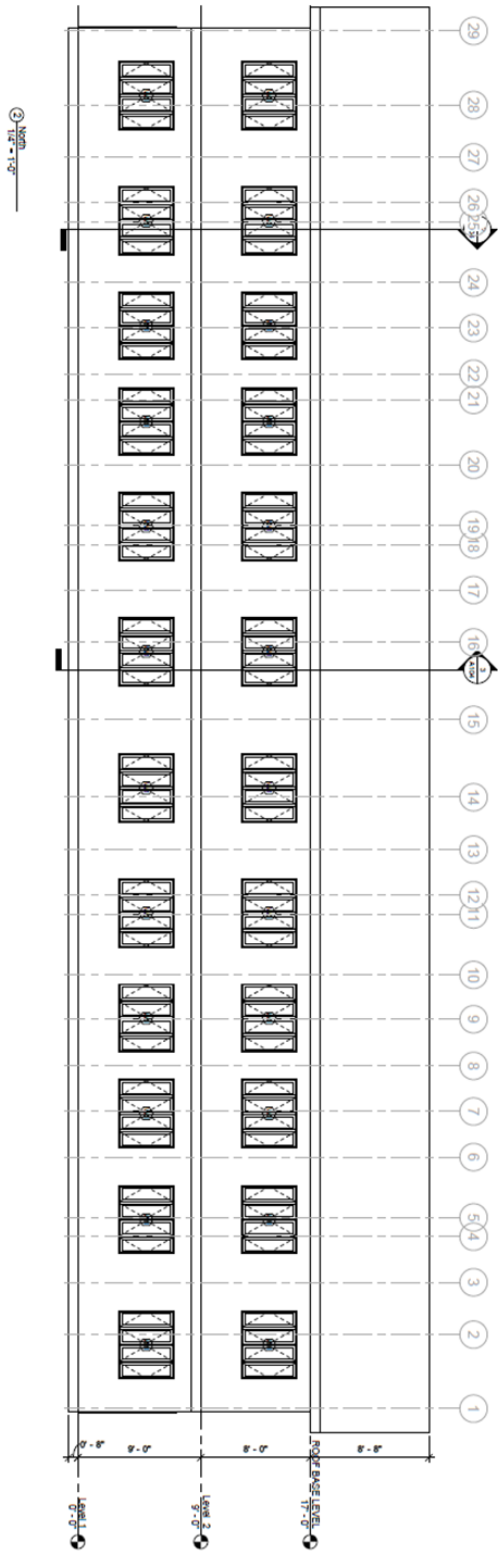


# Schedule D – 8 Units





# Schedule D – 16 Units



**Town of Amherst  
Public Participation Opportunity  
Summary**

**Date:** June 20, 2024  
**Time:** 5:00 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Deputy Mayor Dale Fawthrop  
Councillor Leon Landry  
Councillor Charlie Chambers  
Councillor George Baker  
Ronald Wilson, PAC Citizen Representative, Chair (via ZOOM)  
Creighton McCarthy, PAC Citizen Representative

**Staff Present** Andrew Fisher, Director of Planning & Strategic Initiatives  
Torben Laux, Planner  
Marc Buske, Building Official  
Sean Payne, Corporate Communications Officer  
Natalie LeBlanc, Municipal Clerk  
Cindy Brown, Administrative Assistant

---

- 1. Call to Order**  
Andrew Fisher called the Public Participation Opportunity to order.
- 2. Territorial Acknowledgment**  
Andrew Fisher gave the Territorial Acknowledgement.
- 3. Introduction**  
Andrew Fisher introduced the Town of Amherst staff and members of Council that were in attendance as observers.
- 4. Presentations**
  - 4.1 9 LaPlanche Street Development Agreement Application**
    - 4.1.1 Staff Reports / Presentations**  
Torben Laux presented the application for a Development Agreement to create 6 units on the upper floors within the building located at 9 LaPlanche Street (PIDs 25022872, 25022922 and 25005828).
    - 4.1.2 Public Participation Opportunity**  
The applicant Jeanault Lasiner was present via Zoom. No one present had any questions regarding this application.

## **4.2 112 West Victoria Street Development Agreement Application**

### **4.2.1 Staff Reports / Presentations**

Torben Laux presented the application for a Development Agreement on the property located at 112 West Victoria Street (PID 25000605), to permit the construction of two 16-unit buildings and three 8-unit buildings.

The applicant Tom Mattinson from Six Point Star Homes presented his background as a developer in the community. He said if this is approved, he plans on making these buildings green with solar panels and have them energy efficient. They will be stick built by a local company, and will be considered affordable housing.

### **4.2.2 Public Participation Opportunity**

David Burke of 108 West Victoria Street asked if this project will go ahead regardless of public objection? Andrew Fisher said no and explained the development agreement process. Mr. Burke expressed that he did not want this project to go through because of the wildlife and he will lose his view and privacy. He stated he moved there for a reason, and this will change that. He asked what the next steps are and how they will be updated. Andrew Fisher explained the process and encouraged him to leave his information so he can be contacted when there is an update/change. Mr. Burke asked if this was East Victoria Street would this development be happening?

Heather Freeman lives at the end of Colin Court; she is concerned about flooding, stating that every time it rains it floods all down Colin Court. Ms. Freeman said she was told at the time she purchased her property that nothing could be built on that lot.

Jane Brine lives at 114 West Victoria Street. She is concerned with the right of way that is next to her property (next to 110 West Victoria Street). She said that it is a ditch that is between her property and 110 West Victoria Street. Ms. Brine is also concerned about flooding, indicating that the proposed property is all swamp land, and asked where the water will go. Andrew Fisher replied that a storm management plan is a requirement in the development agreement. Ms. Brine asked about the entrance right of way as it was her understanding that it is only a one way. Andrew Fisher explained it is wide enough to accommodate two lanes of traffic. She also expressed that she felt there would not be room to install a sidewalk, and asked about the trees and if there will be privacy fencing if this development goes through. Andrew Fisher answered that these issues would be taken into consideration when drafting the development agreement. Ms. Brine wanted to know if a copy of the proposed development would be made available. Andrew Fisher assured her that copies of the presentation would

be ready for the public to pick up Friday morning at Town Hall, and if anyone wanted a copy emailed to please provide your name and email address.

John Hawker of 110 Victoria Street West expressed his strong opposition to this application. He feels the buildings will be too large for the neighborhood, and that this proposed development will make the neighborhood unsafe to raise a family. This community is currently very quiet, and he is concerned about increased traffic, how this development will affect his property value and does not feel that the entrance way will be large enough. He does not feel this application takes into consideration the neighborhood and its' current residents, and feels that there is not enough land to develop what is being proposed.

Mr. Hawker also wanted to know what type of buildings will be built on these lots. He added he did submit a written letter of his concerns.

Samantha Legere of 3 Colin Court said she was told that nothing could be built on that lot. She spoke to Costin Paving and that as they have grown how it affects water flow and causes the creek that runs through to raise every year, and further is causing issues with storm run off by changing the landscape that is affecting drainage. She is worried that the additional run off will affect the creek, and should be monitored by an environmental agency. She also does not feel the schools in the area can handle the increase in students.

Joan Fowler of 116 West Victoria Street wanted to know what will be built on Lot 1 as it is behind her home. Andrew Fisher explained that a 16-unit building is being proposed for that lot.

Rachelle Dow of 15 Colin Court she said she moved there because of the green space. She too wants to know if the schools can handle the increase in students. She is also worried about increased traffic, and if it will increase traffic on Colin Court. She wanted to know if they will be clear cutting the lots, noting she would like to see it be kept as a green space. She added she feels the Town should watch how much green space they are losing.

Gary Babineau of Colin Court wanted to know if there will be access points to the proposed site connected to Colin Court, hence increasing traffic. He further asked what kind of people will live in the apartments.

## **5. Closing**

There being nothing further from the public, Mr. Fisher indicated that the next Planning Advisory Committee meeting will be held on July 2, 2024, at 4:00 PM. He noted that although the meeting is open to the public, it is not an opportunity for the public to address the Committee. He thanked everyone for coming and for their inputs.

**Letter of Dispute: Development Agreement on the property located at 112 West Victoria Street (PID 25000605)**

To whom this may concern:

My name is John Hawker and I am a Resident of the neighborhood on West Victoria Street of Amherst. I submitted an email online, but I felt very strongly, that my words be shared with all of you. I have asked a fellow neighbor to share my passionate words with you. This letter is to Dispute and share my disapproval for the “**Development Agreement on the property located at 112 West Victoria Street (PID 25000605)**”.

I am writing this to express my STRONG opposition to the proposed housing development in our neighborhood. While I understand a possible need for housing in the Town of Amherst, there are better locations already in proposition. I believe that the impact your proposed project would have on our community would be detrimental!

The very reason I must write this letter and cannot attend in person, holds true to why I chose to purchase my home in this neighborhood. I am expecting my second beautiful daughter. My wife and I chose to purchase our home as it was a great neighborhood to raise our beautiful family. A neighborhood that provides a sense of comfort. Comfort in the form of quietness, safety, security and supportive neighbors. This is the very family that we chose to CONTINUE to grow as we plan to have a forever home here. The quiet, safe neighborhood that provided us with the comfort any growing family strives for. I cannot share that same viewpoint with the proposal at hand. A proposal to completely change our neighborhood, by proposing SEVERAL apartment complexes be built directly on top of us.

Firstly, the proposed development is simply too large for our area. I also believe the all of the other apartment complexes in proposal, the need to also add FIVE additional buildings, in a rather poor location that directly affects the West

Victoria Community is in poor consideration. The increase in population and limited infrastructure would bring nothing positive to this part of Amherst. It will surely lead to increased traffic congestion, noise pollution, and strain on our public services. Additionally, the construction of this project would result in environmental damage, taking away from the Natural beauty of our very own back yards. We have wildlife that live there, travel through every year to feed from our very properties. Not only is this going to take away from what our neighborhood stands for, but it's going to directly affect the ever importance of safety that I chose to have when raising a family on West Victoria Street. Your proposal suggests a direct way point off of West Victoria, directly between my property and the adjacent. High Traffic, directly alongside my property line puts my family at risk as well as the other children and grandchildren that call this neighborhood HOME.

Furthering my dispute, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of low-income residents, which could lead to increased crime rates and other negative social effects. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, high-density housing complex.

Lastly, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere.

In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize a benefit for affordable housing, the DISADVANTAGES heavily outweigh the latter. I believe that this project is simply not the right fit for our neighborhood. Thank you for your attention to this matter and considering our many concerns.

Sincerely, John Hawker

116 Victoria Street, West  
Amherst, Nova Scotia, B4H 1C8  
June 26, 2024

To: The Town Planning Commission

Re: Development Agreement Application, 112 Victoria Street, West (PID 25000605)

I would like to draw attention to the fact that the people residing on West Victoria Street from Hickman Street to James Street are tax payers in the Town Of Amherst. As one can see they strive to keep their properties neat and tidy, which is a plus for any visitors coming off Exit 3.

The idea of placing two 16 unit buildings, and three 8 unit buildings behind our homes is anything but realistic. The reasons for this statement are listed below:

1: The overall area for two 16 unit buildings, and three 8 unit buildings is too small.

2: The buildings are too compact for normal living conditions.

3: The ongoing flooding every spring. At the present time the landscape is being raised on the south side of the proposed site, which will result in more flooding in our back yards.

4: Our neighbours advise that there is not enough room between civic number 114 and civic number 110 to have a two way exit onto Victoria Street. No room for safe movement of pedestrians and cyclists/as written in the proposal. This area of Victoria Street is a high volume traffic area. Between Hickman Street and James Street there already are four exits leading onto Victoria Street. Strong consideration should be given regarding another exit.

5: Waste bins are adjacent to Victoria Street civic numbers 114 and 110 . A major concern is unwanted rodents.

Suggestions:

The Planning Advisory Commission have the whole proposal relocated to the Amherst Industrial Park where there is plenty of space.

Another suggestion would be to extend the town boundaries, where there would also be more space for development.

Information:


In the early eighties there was a discussion about this same area in question. The proposal was to have mobile homes occupy the space. This request, after a hearing, was turned down.

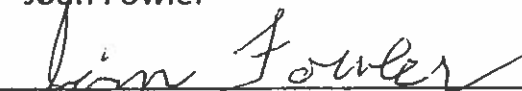
One day, Mr. Robert Barnes, a town business man and gentleman, ( recently deceased), stopped me on Church Street, and inquired if I was pleased with the outcome. I paused and replied "if you are putting me in a win or lose situation, I guess it is nice to win." However, I went on to say that in my opinion, I do not think that the taxpayers on Victoria Street, West, should have been put in a situation where we had to have a hearing. The Town Planning Commission should have turned this down when it was presented to them.



Question: Do you agree?

History is noted for repeating itself.

Respectfully submitted for your review and favorable consideration by

  
\_\_\_\_\_  
Joan Fowler

  
\_\_\_\_\_  
Jim Fowler



OTHER CONCERNED CITIZENS

Wilson Moore

Shelia Moore

David Burke

Timothy Burke

Gary Bohrer

Rachelle Dow

Daniel Dow

Loren Rohlfand

## Cindy Brown

---

**From:** Andrew Fisher  
**Sent:** June 27, 2024 3:29 PM  
**To:** Cindy Brown  
**Subject:** FW: Petition of Disapproval for Development on 112 West Victoria Street  
**Attachments:** Petition for Disapproval of 112 West Victoria Development.pdf

### Andrew Fisher (he/him)

Director, Planning & Strategic Initiatives  
Town of Amherst  
Cell: 902.664.6580  
Email: [afisher@amherst.ca](mailto:afisher@amherst.ca)  
[www.amherst.ca](http://www.amherst.ca) | #seewhyweloveit



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**From:** John Hawker <jhawker@outlook.com>  
**Sent:** June 27, 2024 10:55 AM  
**To:** Andrew Fisher <AFisher@amherst.ca>  
**Subject:** RE: Petition of Disapproval for Development on 112 West Victoria Street

Good morning Andrew,

My name is John Hawker and I am a resident of the West Victoria community here in Amherst. I had attempted to call a couple of times to receive clarification on the deadline for submissions. I have attached our Letter as well as a Petition requesting the dismissal and disapproval of "DEVELOPMENT AGREEMENT ON THE PROPERTY LOCATED AT 112 WEST VICTORIA STREET(PID 25000605).

I was not aware of such a Rapid deadline date, as this proposal's effects are rather large on our community. I recently had my second daughter, and I've been rather preoccupied for the last 5 days, post Council meeting. Its discouraging that we are faced with such a short amount of time to submit any requests, sharing our joint displeasure of the proposal at hand.

With that being said, please review the attachment. With such short time and life getting in the way, we were unable to find MANY of our neighbours home at the time of petitioning and therefore, I would have liked additional time to get the appropriate amount of supporters' signature on our petition. Please take this into

consideration and if there is additional time to further support this petition, please let me know.

Thank you ,

**Letter of Dispute: Development Agreement on the property located at 112 West Victoria Street (PID 25000605)**

To whom this may concern:

My name is John Hawker and I am a Resident of the neighborhood on West Victoria Street of Amherst. I feel the strong urge to continue to share not only my own, but our entire community's opposition and disapproval of a property development proposal in Amherst. As you will see, our community is completely against the development proposal that has shocked us all in such a short period of time. This submission is to Dispute and share our disapproval for the following: "**Development Agreement on the property located at 112 West Victoria Street (PID 25000605)**".

I am writing this to express my STRONG opposition to the proposed housing development in our neighborhood. While I understand a possible need for housing in the Town of Amherst, there are better locations already in proposition. I believe that the impact your proposed project would have on our community would be detrimental!

The very reason I wrote this letter and feared that I could not attend the hearing in person, holds true to why I chose to purchase my home in this neighborhood. My family just welcomed our second beautiful daughter. My wife and I chose to purchase our home as it was a great neighborhood to raise our beautiful family. A neighborhood that provides a sense of comfort. Comfort in the form of quietness, safety, security and supportive neighbors. This is the very family that we chose to CONTINUE to grow as we plan to have a forever home here. The quiet, safe neighborhood that provided us with the comfort any growing family strives for. I cannot share that same viewpoint with the proposal at hand. A proposal to completely change our neighborhood, by proposing SEVERAL apartment complexes be built directly on top of us.

Firstly, the proposed development is simply too large for our area. I also believe the all of the other apartment complexes in proposal, the need to also add FIVE additional buildings, in a rather poor location that directly affects the West Victoria Community is in poor consideration. The increase in population and limited infrastructure would bring nothing positive to this part of Amherst. It will surely lead to increased traffic congestion, noise pollution, and strain on our public services. Not only is this going to take away from what our neighborhood stands for, but it's going to directly affect the ever importance of safety that I chose to have when raising a family on West Victoria Street. Your proposal suggests a direct way point off of West Victoria, directly between my property and the adjacent. High Traffic, directly alongside my property line puts my family at risk as well as the other children and grandchildren that call this neighborhood HOME.

Additionally, the construction of this project would result in environmental damage, taking away from the Natural beauty of our very own back yards. We have wildlife that live there, travel through every year to feed from our very properties. The new proposal takes this away from us and creates a rather unappealing view and removes the natural beauty that currently exists. This also removes our right to privacy and immediately becomes an act of intrusion in our private setting that otherwise naturally exists. These are not small buildings, but rather large ones and the community on West Victoria should not have to forfeit their right to privacy for the sake of what's at stake for the commercial party; profits. Drastically altering the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, high-density housing complex is a direct and negatively impact on our livelihood!

Furthering my dispute, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of low-income residents, which could lead to increased crime rates and other negative social effects. Suddenly taking away the comfort and quietness that holds true in our community today. Why should we all be

negatively impacted, with the increased risk of losing our sense of Safety, security, comfort and trust that currently exists in our area?

Lastly, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere. It is unfair to ignore the immediate impact that such proposals have on our properties; fiscally speaking. All of the issues I have outlined, will directly impact, and lower, the financial state of our homes. This simultaneously will make anyone interested in residing elsewhere faced with a massive barrier. A barrier that asks us to undersell on our current property, at no fault of our own, and force us to purchase a new property, during a recessive state that makes that quite difficult and expensive to relocate. From the cost of interest loans, to the increase in pricing on the market, we'd be faced with a rather impossible task.

In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize a benefit for affordable housing, the DISADVANTAGES heavily outweigh the latter. I believe that this project is simply not the right fit for our neighborhood. Thank you for your attention to this matter and considering our many concerns.

As you will see on the following page, we have issued a formal Petition to deny the proposal at hand. I put hope into you considering the right thing to do.

We, the residents of West Victoria Community in Amherst, Petition both the Town Council and Planning Commission of Amherst to DISALLOW the "Development Agreement on the property located at 112 West Victoria Street (PID 25000605)".

The attached letter will outline the several reasons for this Petition. The signatures below will show our community's agreement of disallowing and disposing of the Development Agreement (PID25000605) at hand.

**Full Name**

**Signature**

1. John Hawker
2. Kaitlyn Dobson
3. Lisa Dobson
4. Vaughn Dobson
5. Sheila Burke
6. David Burke
7. Robert Brine
8. Kim Brine
9. Jim Fowler
10. JIM FOWLER
11. Luke Crocker
12. Gillian Harris-Crocker
13. WANDA SZPIAKOWSKI
14. Matthew Fullerton
15. Vicki Scott
16. Lesli Miller
17. ~~Neil~~
18. Missy Fomm
19. Shelia MOORE
- 20 MARY JANE MACNEIL

John Hawker  
 Kaitlyn Dobson  
 Lisa Dobson  
 Vaughn Dobson  
 Sheila Burke  
 David Burke  
 Robert Brine  
 Kim Brine

Jim Fowler  
 Luke Crocker  
 Gillian Harris-Crocker  
 Wanda Szpiakowski  
 Matthew Fullerton  
 Vicki Scott  
 Lesli Miller  
 Shelia Moore

Mary Jane MacNeil  
 Ned Ringley

20. Kelly Snowdon	Kelly Snowdon
21. David Daw	David Daw
22. Rachelle Dow	Rachelle Dow
23. Samantha Legere	<i>S</i>
24. <del>Saw Betan</del>	GARY BABINERU
25. HAROLD SHARPE	Harold Sharp

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## Andrew Fisher

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**From:** Bruce Howatt <brucekhowatt@gmail.com>  
**Sent:** July 1, 2024 12:40 PM  
**To:** Andrew Fisher  
**Subject:** Development of the west victoria st

Hello, my name is Bruce Howatt and if would like sign the petition that's apposed to the development of west Victoria st

## Andrew Fisher

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**From:** Nancy Dow <nanceroo123@gmail.com>  
**Sent:** June 28, 2024 5:35 PM  
**To:** Andrew Fisher  
**Subject:** Petition re: six point star homes development West Victoria st

I would very much love to sign this petition.

Everyone I spoke to in my neighborhood is 100 percent AGAINST this development.

I wrote a letter as well since I missed the public meeting where we could voice our concerns.

If I NEED to sign the petition I'll go to your office Tuesday on my lunch break.

Thank you

Nancy Dow

Colin Court resident

1

Dear Committee:

Unfortunately, I was not able to attend the last meeting regarding possible development at 112 West Victoria St Amherst.

I wish to voice my displeasure in this letter.

I am ( as with my neighbors I spoke to 100 percent AGAINST this .)

One of the 2 main reasons ( the 3<sup>rd</sup> being mostly retired people in the park around me) I purchased my home is because of the location.. it stated in the real estate listing... SEE ATTACHED

- 1 ...in a quiet location
- 2 ...there is a permanent green space next door.

There must be a better site for FIVE apartment buildings where it does not disrupt AT LEAST 15 homeowners ..this is just

2

Colin Crt and West Victoria st not liberty lane..

Not one person I spoke to wants this in their backyard or in my case side yard.

I'm sure the developer thinks it will not affect Colin crt....but it will.

Kids are not going to walk all the way down West Victoria st and up Liberty lane to get to bus stop on Anson Ave...they will cut across from the site to colin crt to get to Anson ave.

More kids in area mean more vandalism  
...crime... etc..

Judging by the last meeting...it is quite  
obvious..

3

WE DO NOT WANT THIS DEVELOPMENT  
!!!!!!!

Also a few of us don't remember getting  
letters informing us of the last public  
meeting....or else there would have been  
more residents present to oppose this .

Nancy Dow  
1 Colin Crt



Price: <b>\$54,900</b> Status: <b>Active</b>	MLS® #: <b>06362222</b>
Legal Descr.: Address: <b>1 COLIN CRT</b> City: <b>AMHERST, B4H 4M5</b>	
Side of Road: Lot Size: <b>RENTED</b> Shore Frontage: Sq. Footage (MLA): <b>1,088</b> Total Fin SqFt. (TLA): <b>1,088</b> Building Dimensions: <b>16X68</b>	District: <b>NO 101</b> Sub-Dist: Zoning: <b>RES</b> Sec. School: Elem Schl:
Possession: <b>NEG</b>	

**Overview** A must see! This lovely 2 bedroom, 1.5 bath home is situated on a beautiful landscaped lot in a quiet location. There is a permanent green space next door to ensure privacy. There is a large 17x10 deck on the front to enjoy the outdoors on. New windows with the last 5 years, vinyl siding. Why pay rent when you could own this lovely mini home that is ready to move into. All measurements to be verified by purchaser.


**Directions** From W. Victoria Street turn onto Liberty Lane...Colin court is on the right side and home is on the right #1.

Type: <b>Mobile/Mini</b> Style: <b>Mini, Mobile</b> Title to Land: <b>Other</b> Property Size: <b>None</b> Land Features: <b>Landscaped</b> Access/View:	Heating: <b>Electric</b> Garage Type: <b>Other</b> Water: <b>Municipal</b> Sewer: <b>Municipal</b> Services: <b>Electricity, Telephone, Cable, Other, High Speed Internet</b> Rental Equipm.: <b>None</b>	Exterior: <b>Vinyl</b> Driveway: <b>Double</b> Foundation: <b>None</b> Features: <b>Deck/Patio</b> Roof: <b>Asphalt Shingle</b> Flooring: <b>Carpet, Cushion/Lino, Laminate</b>
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<b>Inclusions</b>	<b>Exclusions</b>
Bedrooms: <b>2</b> Bathrooms: <b>1 1/2</b> Rental Income: Building Age: <b>OL</b>	Sign: <b>Yes</b> HST: <b>NO</b> Lockbox: <b>No</b> PCDS: <b>No</b> Road: <b>Public</b> Matrim.: CSA #: <b>449752</b> Serial #: <b>7525</b> Migrated: <b>No</b> Garage: <b>No</b> Gar.Details: <b>2 SHEDS</b> Water Access: <b>No</b> Water: Building Colour: <b>WHITE</b>

Floor	Room	Size	Floor	Room	Size
MAIN FLOOR	KITCHEN	15.6X15.	MAIN FLOOR	BATH (# pieces 1-6)	4 PC
MAIN FLOOR	LIVING ROOM	15X10	MAIN FLOOR	BATH (# pieces 1-6)	2 PC
MAIN FLOOR	BEDROOM	12X9.3	MAIN FLOOR	LAUNDRY	7X5
MAIN FLOOR	BEDROOM	15.6X12.7			

Betterment Charges:  
Condo Fee: **0** Condo Corp #: **Mobile/Leased Land F: 165**  
Listing Office: **ROYAL LEPAGE PREVIEW REALTY - B101**



Compliments of: **BRUCE JONES: 902-694-5180**  
E-mail: [bruce-jones@coldwellbanker.ca](mailto:bruce-jones@coldwellbanker.ca)  
Company Name: **COLDWELL BANKER PERFORMANCE REALTY - B196: 902-667-1899**



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TO: Planning Advisory Committee  
FROM: Emily Wainwright, Dangerous & Unsightly Premises Coordinator  
DATE: July 2, 2024  
RE: 32 Park Street (PID: 25025362)

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**Registered Owner:** Judy Baker and Dwayne Baker  
3566 Tyndal Road  
Tidnish, Nova Scotia  
B4H 3X9

**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 Coordinator, there are various structural, safety, and health concerns with the building.

**History:**

February 28, 2024	Complaint received regarding the condition of the building.
February 29, 2024	Initial site visit; pictures taken.
March 4, 2024	2 <sup>nd</sup> complaint received regarding the condition of the building.
March 8, 2024	Notice sent to owner and posted to property to enter premises on March 26, 2024.
March 13, 2024	Spoke to owner regarding the building and requiring entrance. Confirmed date and time of entry.
March 26, 2024	Interior inspection with owner and Building Official II.



April 9, 2024

Notice sent to owner:

*That the property owner(s) disconnects the power and hires a structural engineer, or a qualified contractor, by May 13, 2024. The structural engineer, or qualified contractor, must also submit a detailed plan, including a timeline, by May 13, 2024, to the Town of Amherst on how they will bring the building up to meet the National Building Code of Canada (2015) and the Minimum Standards for Residential Occupancies Bylaw. All work required under the National Building Code (2015) shall be completed by May 31, 2025.*

May 13, 2024

Follow-up inspection showed no progress has been made and a quote/contact from an engineer or qualified contractor was not received.

May 14, 2024

Order issued:

*That the property owner(s) disconnects the power and hires a structural engineer, or a qualified contractor, by June 13, 2024. The structural engineer, or qualified contractor, must also submit a detailed plan, including a timeline, by June 13, 2024, to the Town of Amherst on how they will bring the building up to meet the National Building Code of Canada (2015) and the Minimum Standards for Residential Occupancies Bylaw. All work required under the National Building Code (2015) shall be completed by May 31, 2025.*

*Furthermore, failure to comply with the above Order by June 13, 2024, may result in the Administrator presenting the property to the Planning Advisory Committee for consideration for demolition.*

May 22, 2024

Follow-up inspection as there was concern that the building was not secured. Inspection showed that the building was secure.

June 10, 2024

Owner gave us potential contractors name and number and to confirm that power has been disconnected.





- June 11, 2024 Spoke to contractor to set up appointment to discuss what is required. The main contractor unable to speak at this time and would call back.
- June 17, 2024 Notice given that the building located at 32 Park Street will be Considered for Demolition at the July 2, 2024 meeting of the PAC. Power has been disconnected.

**Inspection Report:**

An inspection of 32 Park Street was completed by the Dangerous and Unightly Premises Coordinator and the Building Official II on March 26, 2024. The following was noted and photographed:

- The exterior of the building is vinyl siding.
- The building appears to be vacant and use for storage.
- The building is secure.
- There is still power running to the building.
- The building appears to be in a deteriorated state and unmaintained for quite some time.
- There are signs of structural fatigue, visible by the fascia along the Patterson Street side, where the roof is caving inward, eventually making the structure bow outwards.
- The fascia is in poor condition.
- Shrubs and bushes on the property appear to not be maintained.
- The property is located next to a residence on Patterson Street (approximately 10' feet to the closest structure) and across from a daycare.
- There is evidence of significant rodent activity inside the building.
- There is a large accumulation of items inside the building, but there is a relatively safe path to the exit.
- Interior walls, ceiling, and floors are water damaged due to leaking roof.
- There is severe damage to the ceiling in the room facing Park Street and the ceilings on the second floor due to water.
- The roof is asphalt and is no longer weather tight.
- The foundation appears to be in okay condition.
- Windows are in poor condition with plastic over some.
- The roof facing Patterson Street has fully collapsed.
- A portion of the floor on the first and second story is spongy and may be dangerous.
- The basement is relatively dry.
- Some beams in the basements have water damage and are damp.
- The basement window facing Patterson Street is not weather tight and has allowed snow and other weather into the basement.
- The basement has furnace and hot water heater.



- The property has an exterior oil tank that appears to be empty.
- Water has been shut off since 2018, a sewer account remains – confirmed by Water/Sewer Billing Clerk.
- The building is in a state of serious disrepair.
- There are large, unmaintained shrubs/hedges surrounding the property on Patterson Street and the neighbouring building.
- A portion of the building sits approximately 2’ from the sidewalk and 11’ to the next closest structure.

**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) *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 is in a poor state of hygiene or cleanliness;*



**Discussion:**

During the March 26, 2024, inspection, it was noted that there were signs of significant structural fatigue, water damage, and partial collapse. Since the initial inspection, there have been reports of transient activity inside the building.

Given the state of the subject building detailed above, neglect by the property owner over the years, and its proximity to a daycare and neighbouring properties, 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 recommendation at a subsequent meeting.

**Conclusion:**

At a later date of the Planning Advisory Committee, given the information available at this time, staff will be recommending **Option 1**.

- 1) That the Planning Advisory Committee order that the building located at 32 Park Street (PID: 25025362) be demolished, with all contents removed, and back fill the hole within 90 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 qualified contractor or 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.



# 32 Park Street

PID 25025362

Roof is sagging – structural fatigue

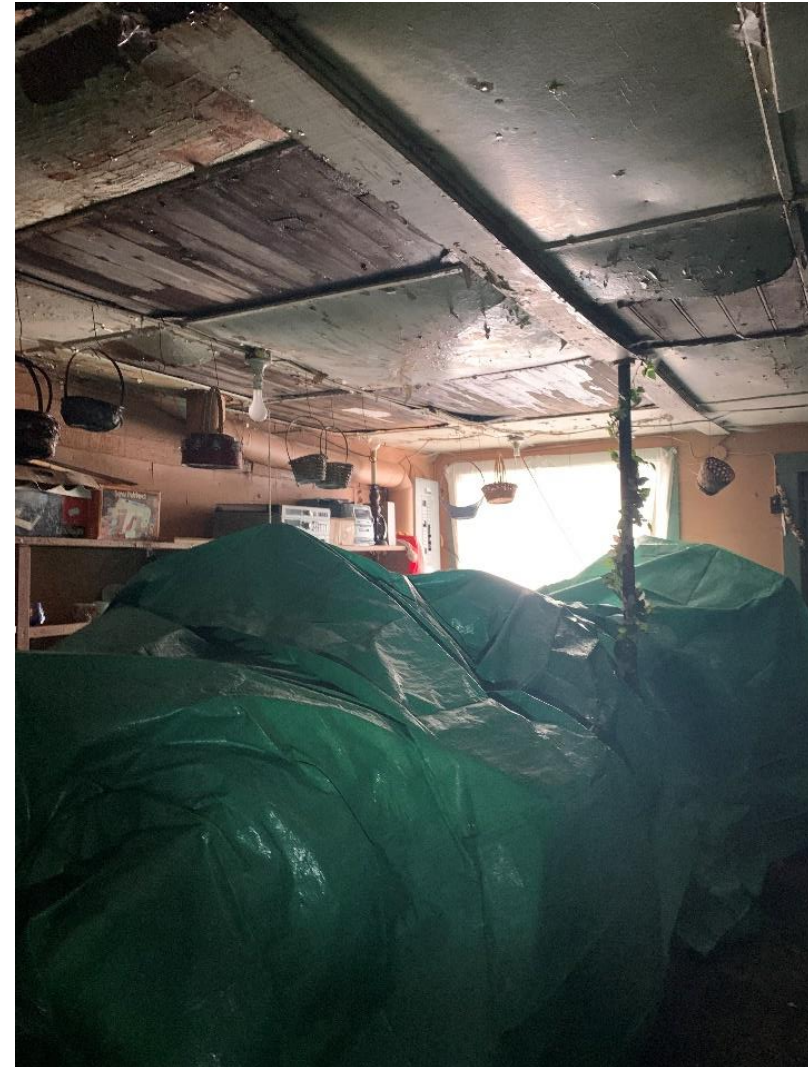


Roof is sagging, causing the exterior walls to start to bow outwards.

Roof on main has fully collapsed.



Main floor (facing Park Street) ceiling showing signs of significant deterioration, rot, and water damage.

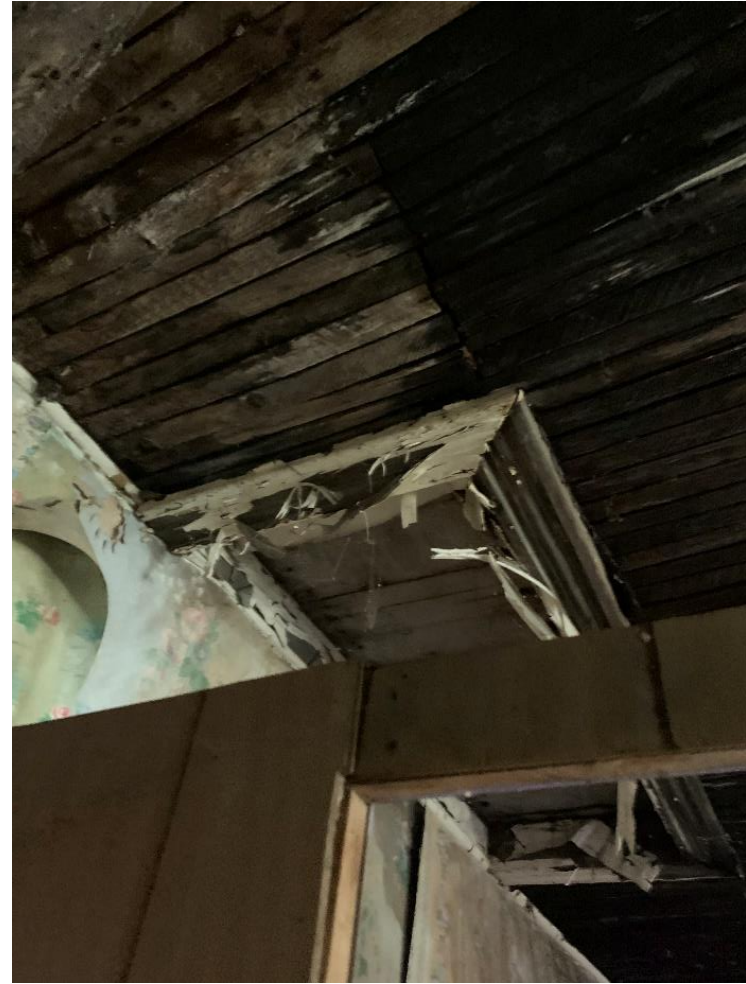


Second floor ceilings and walls are showing signs of signs of significant deterioration, rot, and water damage.





Second floor ceilings and walls are showing signs of signs of significant deterioration, rot, and water damage.



# Full collapse of main floor roof facing Patterson Street.



TO: Planning Advisory Committee  
FROM: Emily Wainwright, Dangerous & Unsightly Premises Coordinator  
DATE: July 2, 2024  
RE: 19 Spring Street (PID: 25031626)

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**Registered Owner:** Walter E 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 report by the Dangerous and Unsightly Premises Coordinator, there are various structural, electrical, safety, and health concerns with the building.

**History:**

- |                   |  |
|-------------------|--|
| February 29, 2024 | Complaint received from APD regarding the condition of the building.   |
| February 29, 2024 | Initial site visit; pictures taken and inspection report completed.  |
| March 13, 2024    | Discussed with Fire Chief on recommendations regarding structure concerns.   |
| April 18, 2024    | Notice sent to owner:<br><br><i>That the property owner completed the following by April 30, 2024:</i> <ol style="list-style-type: none"><li>1) <i>Remove all garbage, junk, rubbish, and debris from the property, and have it properly disposed of; and</i></li><li>2) <i>Dismantle all scaffolding, or submit a timeline when all work requiring scaffolding will be completed.</i></li></ol> |
| May 3, 2024       | Follow-up inspection; no progress  |



May 3, 2024

Order issued:

*That the property owner completed the following by May 15, 2024:*

- 1) *Remove all garbage, junk, rubbish, and debris from the property, and have it properly disposed of; and*
- 2) *Dismantle all scaffolding, or submit a timeline when all work requiring scaffolding will be completed.*

May 16, 2024

Follow-up inspection; no progress. Project awarded to contractor.

May 23, 2024

Follow-up inspection; no progress. Required work completed by Town hired contractor.

Notice to Enter issued.

May 28, 2024

Interior inspection with AFD Chief, Building Official II, and Dangerous and Unsightly Premises Administrator.

Immediate Order issued:

*That the property owner completes the following immediately:*

- 1) *Disconnects power to the left side unit;*
- 2) *Hire a qualified electrician to complete an electrical inspection, with the report being submitted back to the Administrator; and*
- 3) *Secure entrances as to no longer be dangerous.*

Reached out to Diversion Support Work at the YMCA regarding remaining tenant.

Hired a qualified electrician to complete a safety report on the entire building immediately. Completed same day. Electricians shut of power to unoccupied unit.

Smoke detectors and carbon monoxide detectors were installed in the occupied unit.

Contacted Nova Scotia Power to have the power disconnected from the unoccupied unit. NS Power confirmed disconnection.

Rear entrance was secured by Town staff.



May 29, 2024	<p>Follow-up inspection; issued “No Entry” signs on unoccupied side of the building.</p> <p>Met with tenant, Social Worker from the YMCA, representative from Maggie’s Place, and family friend of tenant to discuss current situation of the building. Social Worker started the process for Priority Housing through the NS Housing Authority.</p>
May 30, 2024	<p>Safety Report received from electrician.</p> <p>Follow-up inspection; CAO ordered immediate maintenance of lawn.</p> <p>Camille LeBlanc was hired to serve inspection report and notice of PAC to property owner.</p>
May 31, 2024	Lawn maintenance award to contractor.
June 3, 2024	Follow-up inspection. Maintenance completed by Town hired contractor.
June 14, 2024	Complaint received: unsecured trailers
June 19, 2024	Follow-up inspection; Town staff secured trailers.
June 21, 2024	Correspondence from a legal representative of the occupant of 19 Spring advising of their inability to attend the July 2 <sup>nd</sup> meeting and requesting the opportunity to address the Committee at a later date.

**Inspection Report:**

An inspection of 19 Spring Street was completed by the Dangerous and Unsightly Premises Coordinator, the Building Official II, the Amherst Fire Department Fire Chief, and a member of the Amherst Police Department on May 28, 2024. The following was noted and photographed:

- The exterior of the building is wood siding.
- The unoccupied unit appears to be vacant.
- The right unit is occupied.
- There is power running to the structure (3 meters in service).
- Extremely long grass.
- 2 closed in trailers, 1 flat bed trailer, 1 camper, 3 derelict vehicles.
- One door to the building is not secured.



- The building appears to be in a deteriorated state and unmaintained for quite some time.
- Both chimneys are in poor condition.
- The roof facing the backyard (Queen Street) is in extremely poor condition with visible holes.
- The roof is asphalt and is no longer weather tight.
- The kitchen in the unoccupied unit has collapsed into the basement.
- The oven was turned on in the unoccupied unit, but the elements had burnt out.
- A space heater was on and running in the unoccupied unit.
- A light was found toppled over in the unoccupied unit onto a mattress and papers; it appears it had charred the wallpaper on the wall in the second-floor bedroom.
- There is a hoarding situation inside the unoccupied unit with no access to egress.
- Interior walls, ceiling, and floors are damp and water leaking though various points of the roof.
- Evidence of rodents (rodent feces present).
- Strong smells of decomposing organic material and other waste.
- There is severe damage to all the ceilings in the unoccupied unit due to water.
- There is some damage to the second-floor ceiling in the occupied unit.
- There did not appear to be any working smoke detectors or carbon monoxide detectors in the building.
- The foundation of the unoccupied unit is in extremely poor condition.
- The foundation of the occupied unit appears to be in fair condition.
- Windows are in poor condition.
- The basement is relatively dry.
- Some beams in the basements have water damage and are damp.
- The basement windows on the unoccupied side unit are no longer weathertight.
- The occupied unit appears to have a newer furnace.
- The electrical system appears to be compromised as they run through the collapsed portion of the structure.
- The water lines appear to be compromised as they run through the collapsed portion of the structure.
- Water account is still active, only appears to be 1 meter.

### **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) *that is in a ruinous or dilapidated condition,*
- (iv) *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;*

**Discussion:**

During the May 28, 2024, inspection, there was immediate concern for the lone occupant of the building. Upon entry, it was noted that the interior walls were separating from the exterior of the building and the kitchen had collapsed into the basement. Other significant safety concerns were also noted in the unoccupied unit, including that the oven was turned on (although the element had burnt out), a space heater was on and running, and a light was on and had fallen over onto a mattress. It appeared that the light had also scorched the wallpaper in the bedroom prior to falling over. The occupied unit has access to the basement, which is connected to the unoccupied unit. There is no way of fully securing the occupied unit from the collapse.

A qualified electrician was immediately hired to complete an inspection and a safety report. Upon inspection, dangerous wiring was found throughout the entire structure. Knob and tube wiring was present, and bare copper was exposed and live, which was also running through the collapsed portion of the structure. The main gear switch was found to be in very poor condition, and the electrician rated the overall system a 1/10 as many hazards were present. The electricians shut off power to the unoccupied unit to mitigate the fire hazard. It is important to note that although the electricians (and NS Power) have disconnected power, the electrician stated that there is no way of knowing if all power has been completely disconnected from the unoccupied unit as this age and type of wiring used to be installed with little to no rhyme or reason. Smoke detectors and carbon monoxide detectors were installed in the occupied unit the same day to further lower the risk to the occupant.

Extensive discussions were had with how to proceed as there was still a long-term occupant in the building. It was concluded that after installing smoke and carbon monoxide detectors, have a



qualified electrician complete a safety report and shut of power to the unoccupied unit, and having Nova Scotia Power disconnect the power to the unoccupied unit, that we lowered the risk to the current occupant for the foreseeable future. Long-term, however, the building will continue to significantly deteriorate and cause more deterioration to the occupied side. Along with the various structural and electrical concerns, the unoccupied unit is noted to be a health concern as there is decomposing organic matter, rodents, mold, significant water damage, and an extremely hoarding situation occurring.

Given the state of the subject building detailed above, neglect by the property owner over the years, 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. As noted above, on June 21<sup>st</sup> correspondence from the legal representative of the occupant of 19 Spring was received requesting that they be given the opportunity to address the PAC at a later date given their inability to attend the July 2<sup>nd</sup> meeting. Although it is questionable if the tenant has standing, Given the difficulty of serving the owner of the property, it was determined that the July 2, 2024 meeting of the committee would continue as scheduled, but allow for the occupant and their lawyer to address the committee at the next meeting, prior to a motion being made by the Planning Advisory Committee.

Staff have provided three options for the PAC to consider, however, the PAC will be asked to make a recommendation at a subsequent meeting.

### **Conclusion:**

At a later date of the Planning Advisory Committee, given the information available at this time, staff will be recommending **Option 1**.

- 1) That the Planning Advisory Committee order that the building located at 19 Spring Street (PID: 25031626) be demolished, with all contents removed, back fill the hole, and remove all vehicles and trailers from the property within 90 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, or impound yard, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a qualified contractor or 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.







**Attachment:**

- 1) *20240702 19 Spring Street PAC PowerPoint*



# 19 Spring Street

PID 25031626











# Unoccupied Unit

Interior walls separating from exterior walls.



Interior Walls separating from exterior walls.





Main floor bathroom. Interior walls separating from exterior walls.



Significant water damage to main floor kitchen.



Significant water damage to main floor kitchen.



Oven was on, element appeared to be burnt out.



Floor has completely collapsed into basement. Hallway door frame is resting on debris.



Refrigerator has fallen into the basement due to the collapsed floor.



Main floor water damage.



Main floor water damage.



Main floor water damage.



Main floor water damage.



Space heater on and running.



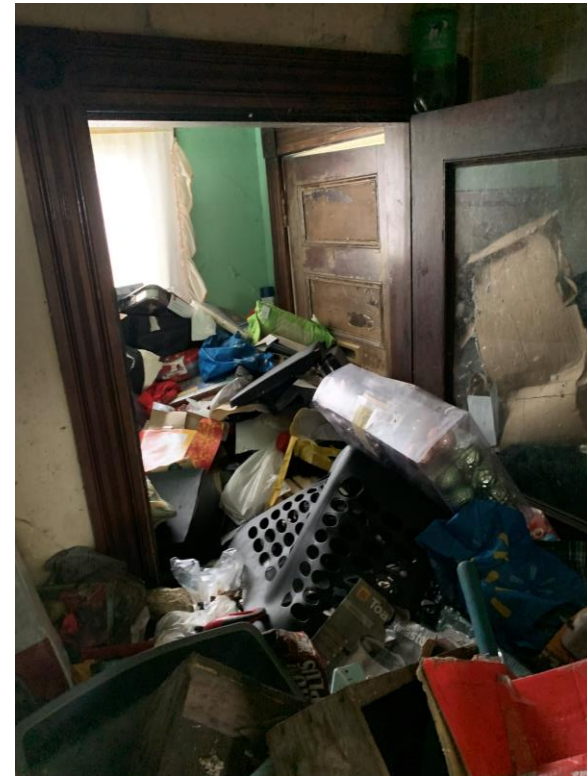
Main floor water damage, hoarding.



Main floor hoarding.



Main floor hoarding.

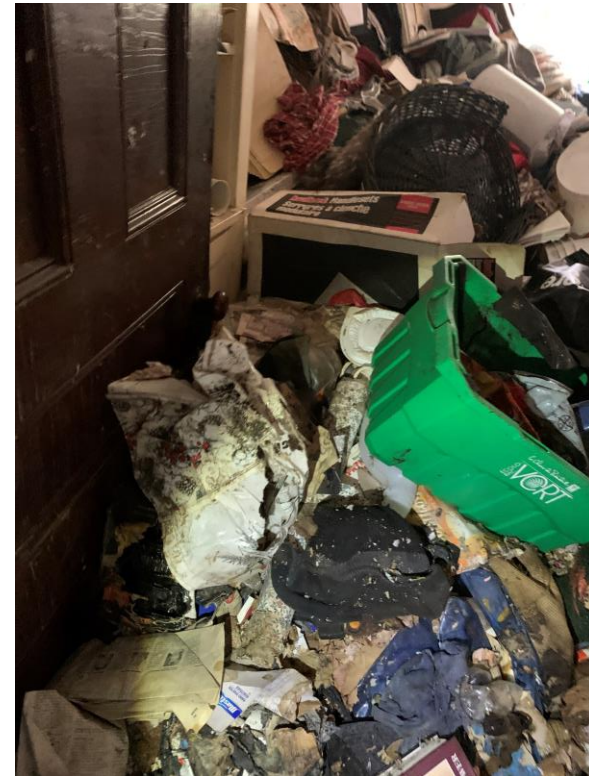




Second-floor water damage.



Second-floor hoarding/garbage.



Second-floor hoarding/garbage.



Second-floor hoarding/garbage.



Second-floor water damage.



Second-floor water damage.



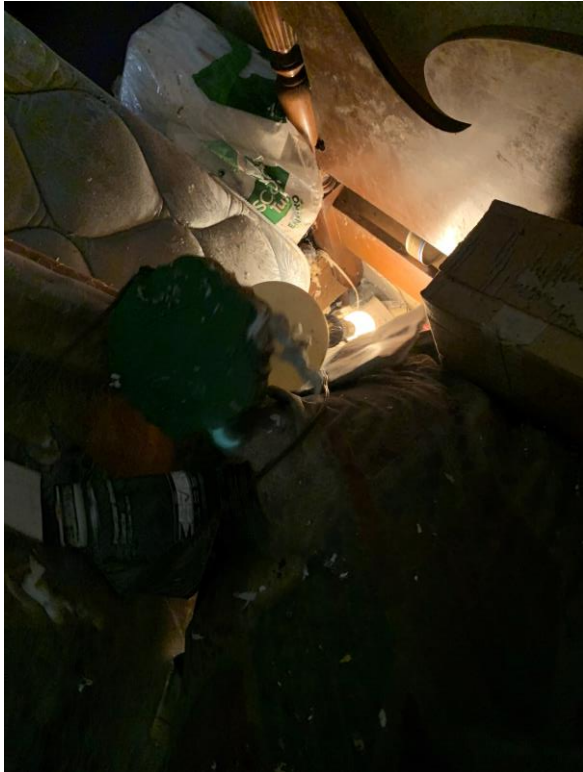
Second-floor bathroom water damage.



Second-floor bathroom water damage.



Second-floor bedroom. Light fallen onto mattress and papers.



Second-floor bedroom. Light appeared to scorched wallpaper.



# Occupied Unit

Water damage on second-floor.



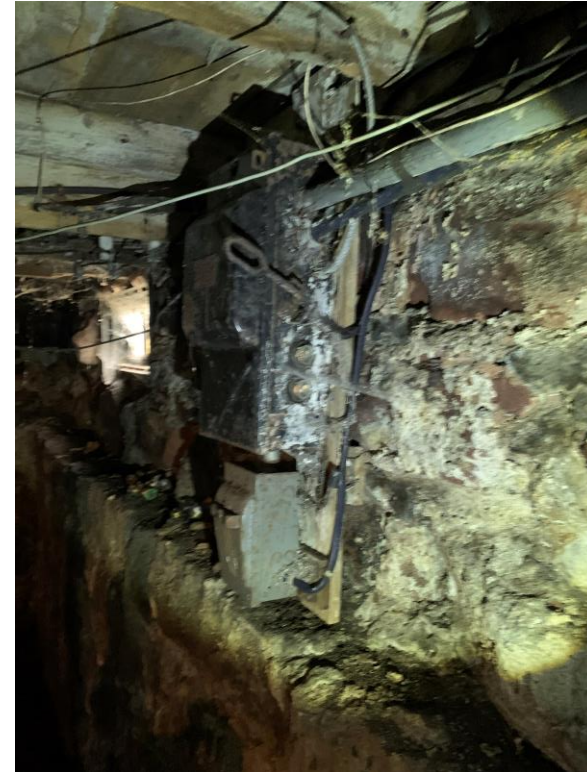
Minor water damage on second-floor.



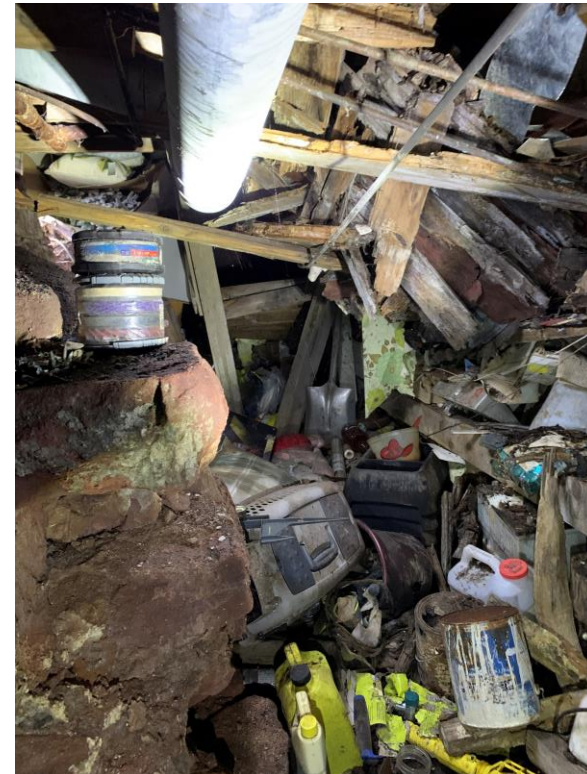
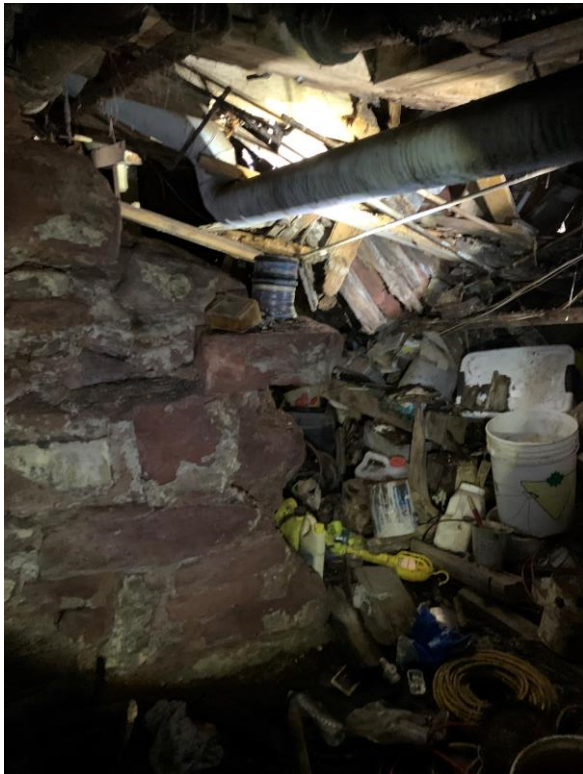
Electrical and furnace is accessible through occupied unit.



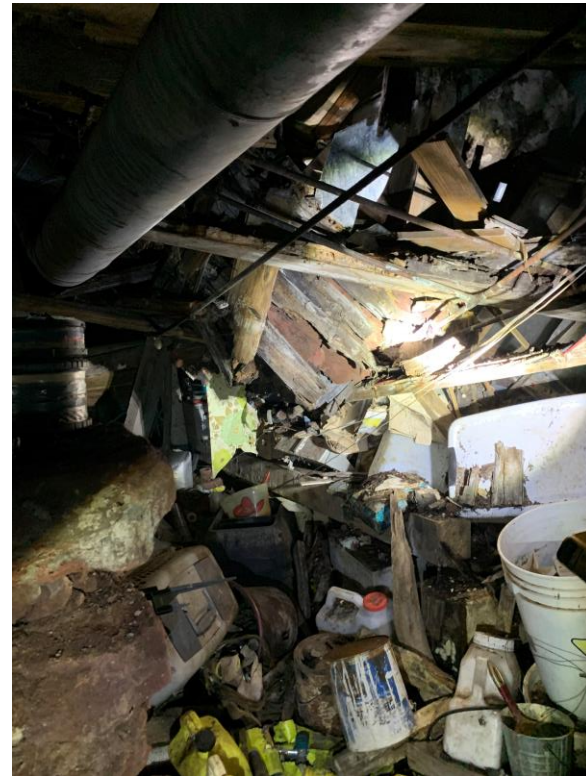
Basement: Main gear box in extremely poor condition. Accessible through occupied unit



Basement. Collapse of unoccupied unit.









# MEMO

**TO:** Heritage Advisory Committee  
**FROM:** Andrew Fisher, Director, Planning & Strategic Initiatives  
**DATE:** July 2<sup>nd</sup>, 2024  
**RE:** **Deregistration of Heritage Property – 96 Church Street**

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## PROPOSAL

An application by Trish Mooney to deregister 96 Church Street from the Municipal Heritage Property Registry.

## BACKGROUND INFORMATION

This 151 year old building known as the Moffat House, was built in 1873 and has been registered as a Municipal Heritage Property since 1986. It is a two-storey Second Empire style house with a steeply pitched square Mansard roof, ornate window hoods, and decorative eaves. Attached is a “Canada’s Historical Value Context” that details the ‘Heritage value’ and ‘character-defining elements’. In general, it is a large stately house that, while in need of significant repair, appears to have retained most of its original architectural features.

The applicant seeks to deregister the property due to its deteriorating condition, high maintenance costs, and as stated in the applicant's attached letter, to improve prospects of the sale of the property. The property owner is also requesting a rezoning from General Residential to commercial to increase the marketability of the property. The rezoning is a separate process from the deregistration and will be dealt with at a later date. As noted below, the rezoning application may not need to proceed given that the intentions of the potential buyer would be permitted under the existing residential zoning.

Attached is a 2023 Cumberland Home Inspections report provided by the applicant that provides a summary of the state of the dwelling. As noted in that report, the house is in need of updates, repair and maintenance. However, staff note that for the most part the house is in relatively good condition given the lack of maintenance upgrades over the years.

Tom Mattinson, owner of Six Point Star Homes, is interested purchasing and converting the building into six-unit apartments. Staff met onsite with him to discuss his plans and discuss the possibility of retaining as much of the exterior heritage features as possible. It is important to note that the heritage designation does not include the interior of the building. Mr. Mattinson

stated that he did not intent to change the building footprint, rooflines, window or door openings. He did intend to refinish the exterior with low maintenance materials, including new roofing, siding, windows and doors. He was agreeable to retaining, or attempting to retain some the architectural details, but with updated material replacements not refinishing of existing materials.

It should be noted that Mr. Mattison recently completed the refurbishment of 11 North Adelaide. He stated that his intention is to complete a similar renovation at 93 Church Street.

### **Deregistration**

Registered heritage properties are applicable to the Nova Scotia Heritage Property Act (ACT). Under section 16 of the act, Council may deregister a property where:

- a) The property has been destroyed or damaged by any cause; or
- b) the continued registration appears to the council to be inappropriate as a result of the loss of the property's heritage value, [...], unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner; and,
- c) a public hearing is first held to consider the deregistration.

### **Alterations**

Under Section 18 of the Act, if alterations are considered substantial, they must be approved by the town after receiving a recommendation from the Heritage Advisory Committee. Under section 18, the town can take up to three years to make a decision to approve (with or without conditions) or deny an application. If the town denies the alteration application, the owner may make the desired alterations after three years from the application date. A refused application may be appealed to the NSUARB.

The full Heritage Property Act can be referenced on the Nova Scotia Legislature website:

<https://nslegislature.ca/sites/default/files/legc/statutes/heritage.htm>

## **DISCUSSION & CONCLUSION**

Staff feel that based on the Heritage Property Act “Deregistration of municipal heritage property”, the statement regarding neglect, abandonment, or other actions or inactions by the owner is applicable. It is also important to note that while the applicant has claimed difficulty selling the property due the registration, there are no records of this property being on the open market. As such, it is difficult to determine if there are other buyers interested in the property, and it is possible that a yet unknown purchaser exists that would have the interest and wherewithal to restore the subject building’s exterior. That being said, it is reasonable to conclude that there would be few potential buyers that would restore the property to its original state.

For perspective, a local painting contractor with experience in refinishing this type and size of building estimated the cost to be in the \$40,000 ballpark for painting alone. In addition,

replacement of the rotted material, doors, windows and roofing would put the cost to renovate the exterior is easily into the six figures. That level of investment on the exterior becomes even more daunting when one considers the ongoing maintenance required to maintain it on an ongoing basis.

It should also be considered that the property, if put on the market, would be at a price point that might entice investors that would do the bare minimum to restore the exterior, resulting in the building being in a worse state of repair in the future.

Alternatively, Six Point Star Homes have a proven track record of renovating a building of this scale to provide much needed housing. Two examples being the renovation of 11 North Adelaide, and 153 Church Street. As mentioned above, the company owner is willing to keep some of the architectural features, but the building will likely lose elements of its heritage value. Mr. Mattinson stated that regardless of whether the renovations are approved under the heritage designation or not, he intends to pursue deregistration of the property.

Obviously, the best scenario would be a complete a sensitive restoration of this heritage asset to as close to its original state as possible. However, staff are concerned that insisting on this standard may jeopardize a more practical middle ground that results in a refurbished building with 6 new dwelling units that maintains some references to the previous character. To this end, staff feel the best course of action would be to recommend that Council refuse to deregister the property at this time but express a willingness to approve a substantial alteration of the building, subject to submission of a more detailed exterior renovation plan. Upon completion of the exterior renovation Council could decide to deregister the property if it has lost its heritage value.

#### **OPTIONS:**

Option One: That the Heritage Advisory Committee recommend that Council deregister the property.

Option Two: That the Heritage Advisory Committee recommend that Council **refuse** to deregister the property.

Option Three: That the Heritage Advisory Committee recommend that Council refuse to deregister the property but express a willingness to approve a substantial alteration that may reduce the heritage value of the building.

**STAFF RECOMMENDATION: Option Three.**

**From:** [Mooney, Trish \(DH/MS\)](#)  
**To:** [Andrew Fisher](#)  
**Cc:** [Torben Laux](#)  
**Subject:** 96 Church Street- De-registration request-Trish Mooney  
**Date:** June 5, 2024 2:17:33 PM  
**Attachments:** [image001.png](#)  
[POA Nancy Mooney.pdf](#)  
[2023 12 21 report 31 pates 133210 34 225566Report.pdf](#)

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Good afternoon Andrew,

**I have Power of Attorney (attached) for the owner of the residence, my mother, Nancy Mooney. She is still independent and capable. I have her permission to communicate with you regarding this issue on her behalf. If confirmation is required, she may reach her at 902-667-7999**

**Background:**

We lost the sale of this house yesterday. The home needed to be de-registered which they were willing to undertake but then additionally an application would have needed to be submitted for rezoning from residential to commercial. There was too great a risk to the buyer with both these requirements holding no guarantees.

Having lost that private sale will be enlisting a real estate agent.

I want to begin this process as I fear this house will not be easy to move and need to remove barriers to its sale.

I need to communicate that these efforts are underway to the real estate agent.

**And, importantly, I am hoping that this deregistration process can be transferred un-interrupted to a new owner if necessary.**

Caveat - I understand the de-registration process can take years and, again, is not guaranteed.

**Proposed justification for deregistration:**

The home is in massive disrepair. **See attached inspection.** Short answer is that there is no money and has been no money to fix this house for many years. We have been cobbling moneys together to keep it (barely) liveable for my mother until she broke her hip fall 2023. This was a blessing because no effort could extract her from that house. She is now living independently in an apartment and still trying to keep 96 Church street on a minimum annual life support to the tune of 10,000 -15,000 a year. To further illustrate her inability to maintain the former glory of this home, she qualifies for a disability tax credit due to a variety of ailments. I have attached an inspection report that indicates its state of disrepair. I stress. There was no financial ability for my mother to make the necessary repairs to this house. The best we can do is patch the roof from time to time but a new roof is min \$30,000. It was just patched again Spring 2024.

**On a personal note**

In addition to the financial stress caused by 96 Church St., my mother is awaiting subsidized housing and is in an apartment that is beyond her means. As a result of these 2 budgetary pressures, her expenditures are at 300%. I only share this to illustrate our dire straits. Time is of the essence. If that private sale had been successful, she would have been able to live out her last years in financial peace. Now that future hope is uncertain. Anything we can do to expedite this process would be greatly appreciated.

And. My brother has no means to support her. I have no means to support her.

**I have reviewed the Heritage Act de-registration section:**

Deregistration of municipal heritage property

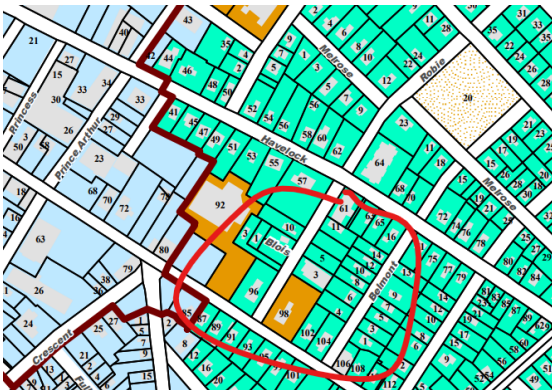
16 (1) On the application of an owner of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where:

- (a) the property has been destroyed or damaged by any cause; or
  - (b) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner ,
- after holding a public hearing to consider the proposed deregistration.

(2) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

(3) Where a municipal heritage property is deregistered, the council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited in the registry of deeds for the registration district in which the property is situate. R.S., c. 199, s. 16; 2010, c. 54, s. 12.

In the interim we pray that a buyer will consider this property worth investing in...maybe as an apartment building given its residential zoning - although - I can't understand why a rezoning to commercial would not be a strong contender given we are sandwiched between two commercial zones. It would certainly help with broadening net when soliciting a potential buyer – but that hill is for another day.



**Please accept this email as my request to begin the process of deregistering the registered heritage property 96 Church Street, Amherst, Nova Scotia, B4H 3B2**

I am taking Maritime Bus up to Amherst tomorrow for a final push on cleaning out the house. In the (unlikely) event there is any paperwork that needs to be completed regarding this process or a face to face is of benefit, I will be in town from 3pm tomorrow and all day Friday. I can be reached any time at 506-472-5683

Many thanks in advance and looking forward to hearing your advice and working with you / the municipality.

Trish

**Trish Mooney**

Administrative Assistant / Adjointe administrative

Primary Health Care / Soins de Santé Primaires

Department of Health / Ministère de la Santé

2nd Floor / Etage 2

520 King Street / 520, rue King

P.O. Box 5100 / C.P. 5100

Fredericton, NB / (N.B.) E3B 5G8

Tel. / Tele. (506) 453-6349

Fax / Telec. (506) 453-8711

*She, her/elle*





▼ MENU ▼

**96 Church Street**

96 Church Street, Amherst, Nova Scotia, Canada

**Formally Recognized: 1986/08/18****OTHER NAME(S)**

96 Church Street

Moffatt House

**LINKS AND DOCUMENTS**[Cumberland County Museum and Archives](#)**CONSTRUCTION DATE(S)****LISTED ON THE CANADIAN REGISTER: 2010/01/25****STATEMENT OF SIGNIFICANCE****DESCRIPTION OF HISTORIC PLACE**

96 Church Street, also known as the Moffatt House, is a two-storey Second Empire style house located on the east side of Church Street in Amherst, Nova Scotia. The home sits on a corner lot in one of Amherst's older residential neighbourhoods. The building and property are included in the municipal designation.

**HERITAGE VALUE**

96 Church Street is valued as an excellent example of Second Empire architecture. Built circa 1873, it has the characteristic steeply pitched square Mansard roof, ornate window hoods, and decorative eaves of the Second Empire style. The home still has the original fine wooden details around its doors and windows. Also of particular note are the rare interior wall paintings in the hallways and several of the rooms, being some of the best examples of this work in the region.

Source: "Heritage Properties Amherst" File, Cumberland County Museum

**CHARACTER-DEFINING ELEMENTS**

Character-defining elements of 96 Church Street include:

- location in historic residential area of Amherst;
- wooden windows and clapboard cladding.

Character-defining elements of 96 Church Street include all Second Empire elements, such as:

- square Mansard roof;
- brackets decorating eave line;
- decorative eaves;
- second-storey windows breaking the eaves;
- ornate rounded window hoods;
- decorative matching trim on front and side porches;
- matching roof, window hoods and trim on rear addition;
- three two-storey matching bay windows;
- decorative cornice.

## RECOGNITION

### JURISDICTION

Nova Scotia

### RECOGNITION AUTHORITY

Local Governments (NS)

### RECOGNITION STATUTE

Heritage Property Act

### RECOGNITION TYPE

Municipally Registered Property

### RECOGNITION DATE

1986/08/18

## HISTORICAL INFORMATION

### SIGNIFICANT DATE(S)

n/a

### THEME - CATEGORY AND TYPE

Expressing Intellectual and Cultural Life  
Architecture and Design  
Peopling the Land  
Settlement

### FUNCTION - CATEGORY AND TYPE

#### CURRENT

Residence  
Single Dwelling

#### HISTORIC

Residence  
Group Residence

## ARCHITECT / DESIGNER

n/a

## BUILDER

n/a

## ADDITIONAL INFORMATION

### LOCATION OF SUPPORTING DOCUMENTATION

"Heritage Properties Amherst" File, Cumberland County Museum and Archives, 150 Church St, Amherst, NS B4H 3C4

### CROSS-REFERENCE TO COLLECTION

### FED/PROV/TERR IDENTIFIER

12MNS0014

### STATUS

Published

### RELATED PLACES

n/a

## SEARCH THE CANADIAN REGISTER

## FIND NEARBY PLACES

## NEARBY PLACES



### VIA Rail/Canadian National Railways Station

Station Street, Amherst, Nova Scotia

The VIA Rail/Canadian National Railways (CNR) Station at Amherst is a one-and-a-half-storey, red...



### Old Amherst Post Office

50 East Victoria Street, Amherst, Nova Scotia

The Old Amherst Post Office is located prominently on the main street of Amherst, Nova Scotia among...



### Victoria

177 Victoria Street, Amherst, Nova Scotia

Victoria is prominently located on the corner of Victoria Street and Regent Street in Amherst, Nova...





## Cumberland Home Inspections

Geoffrey Cormier  
20 Townsview Court  
Amherst, NS B4H 4M1

Email: [cumberlandhomeinspections@eastlink.ca](mailto:cumberlandhomeinspections@eastlink.ca)  
Phone: (902) 397 0959



This report is solely for the benefit of the Client. Any person or party designated by the Client to receive information in this report shall be subject to the TERMS AND CONDITIONS contained herein. Such designation shall be provided in writing to the inspector.

**Client Information:**

Trish Mooney  
Fredericton, NB  
Phone: (506) 472 5683

**Property Information:**

96 Church Street  
Amherst, NS

# Summary

## Site Grounds & Grading

### [Grading at House Wall](#)

No gutters are creating pooling against foundation.

### [Steps to Building](#)

Observed deterioration in rear steps. Front steps have sunken and shifted.

## Roof

### [Gutters & Downspouts](#)

No gutters observed, minus one section missing end caps and extensions.

## Electrical

### [Old Wiring](#)

Knob and tube noted in porch.

## Attic

### [Attic Sheathing](#)

Noted several leaks in sheathing.

## Interior

### [Ceilings](#)

Evidence of moisture damage.

## Site Grounds & Grading

This inspection is not intended to address or include any geological conditions or site stability information. For information concerning these conditions, a geologist or soils engineer should be consulted. Any reference to grade is limited to only areas around the exterior of the exposed foundation or exterior walls. This inspection is visual in nature and does not attempt to determine drainage performance of the site or the condition of any underground piping, including municipal water and sewer service piping or septic systems. When decks and porches are built close to the ground where no viewing or access is possible, we cannot make accurate opinions. These areas as well as others that are too low to enter, or in some other manner not accessible, are excluded from the inspection and are not addressed in this report.

### Inspection Information

**Date:** December 18, 2023

**Time:** Afternoon

**Weather Conditions:** Cloudy, Fair

**Present at time of inspection:** Current Occupants

**Comments:**

Arrived to property @ 2:30pm.

---

### Steps to Building

**Condition:** Not Satisfactory

**Step Type:** Concrete

**Landing Type:** Other

**Railing:** Yes

**Problems**

- The steps are deteriorating.
- The steps are settling.

**Comments:**

Observed deterioration in rear steps. Front steps have sunken and shifted.



---

### Sidewalks / Walkways

**Condition:** Satisfactory

**Type:**Concrete, Pavers

**Comments:**

No major issues with walkway, normal wear.



---

## Grading at House Wall

**Condition:** Needs Maintenance

**Problems**

- There are low areas where water could pool.
- Roof-runoff could pool near the foundation.

**Comments:**

No gutters are creating pooling against foundation.





## Exterior & Structure

My inspection of the Exterior grounds includes the surface drainage, grading, some fencing, gates, sidewalks, patios, driveways, and retaining walls adjacent to the structure. The inspection of the exterior of the building includes the cladding, trim, eaves, fascias, decks, porches, downspouts, railings, doors, windows and flashings. Areas hidden from view by finished walls or stored items cannot be judged and are not a part of this inspection. Minor cracks are typical in many foundations and most do not represent a structural problem. If major cracks present along with rotation, I routinely recommend further evaluation be made by a qualified professional structural engineer. The grading of the soil should allow for surface and roof water to flow away from the foundation. All concrete slabs experience some degree of cracking due to shrinkage in the drying process or minor settlement. All items listed are inspected for their proper function, poor installation, excessive wear and general state of repair. Where deck carpeting, stacked firewood, excessive vegetation, soil and other coverings are installed over decking and patio surfaces, the materials or their nature of construction and condition of the underneath these coverings cannot be determined.

### Building Information

**Year Constructed:** 1875

**Type:**Single

**Comments:**

As per occupant, approximately 150 years old.

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### Exterior Wall Covering

**Condition:** Needs Maintenance

**Type:**Wood

**Problems**

- Paint is peeling off of the siding material.
- There are signs of rot or decay on the wall covering.



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### Eaves & Soffits

**Condition:** Needs Maintenance



---

## Exterior Receptacles

**Condition:** Professional Consultation

**Type:** Non-GFCI

### Problems

- There are exterior receptacles without GFCI circuits.



## Roof

The inspection of the roof system includes a visual examination of the surface materials, connections, penetrations and roof drainage systems. I examine the roofing material for damage and deterioration. I examine the roof system for possible leaks, damage and conditions that suggest limited remaining service life. I may offer opinions concerning repair and/or replacement if warranted. Opinions stated herein concerning the roofing material are based on the general condition of the roof system as evidenced by my visual inspection. These do not constitute a warranty that the roof is or will remain, free of leaks. All roofing systems require annual maintenance. Failure to perform routine maintenance will usually result in leaks and accelerated deterioration of the roof covering and flashings. The only way to determine whether a roof is absolutely watertight is to observe it during a prolonged rainfall. Many times, this situation is not present during the inspection and I cannot confirm this condition. I suggest that an annual inspection of the attic area be performed where accessible to identify if any leaks are evident.

### Gutters & Downspouts

**Condition:** Not Satisfactory

#### Problems

·There are missing sections of gutters / downspouts.

#### **Comments:**

No gutters observed, minus one section missing end caps and extensions.



---

### Roof Covering

**Condition:** Needs Maintenance

**Shingle Type:** Asphalt

#### Observations

**Layers Observed:** 1

**Approximate Age:** >10 years

---

### Roof Style

**Type:** Mansard

# Plumbing

My Inspection of the plumbing system includes a visual examination of the exposed portions of the domestic water supply, drain waste, vent, gas lines, faucets, fixtures, valves, drains, traps, exposed pipes and fittings. These items are examined for proper function, excessive or unusual wear, leakage and general state of repair. The hidden nature of piping prevents inspection of every pipe and joint connection, especially in walls, floors and ceiling voids. A sewer lateral test is necessary to determine the condition of the underground sewer lines. This type of test is beyond the scope of this inspection. My review of the plumbing system does not include landscape irrigation systems, water wells, on site and/or private water supply systems, off site community water supply systems, or private (septic) waste disposal systems unless specifically noted. A qualified specialist prior to the closing of escrow can perform review of these systems. My inspection of the water heater includes a visual examination of the accessible portions of the tank, gas, electrical and/or water connections, venting and safety valves. These items are examined for proper function, excessive or unusual wear, leakage and general state of repair.

## Water Service

**Condition:** Satisfactory

**Type:** Public

**Comments:**

Municipal water service.

---

## Water Heater

**Condition:** Satisfactory

**Fuel type:** Electric

**Water Heater Data**

**Extension:** Not applicable

**Relief valve:** Present

**Seismic Restraint:** Not applicable

**Gas shutoff:** Not applicable

**Venting (air supply):** Present

**Expansion tank:** Not applicable

**Location & Capacity**

**Location:** Basement

**Capacity (gallons):** 48

**Age:** 2021



## Pipes

**Condition:** Satisfactory

**Type:** Copper, Plastic

**Flow rate:** Satisfactory

---

## Electrical

My examination of the electrical system includes a visual examination of the exposed and accessible branch circuits, wiring, service panel, over current protection devices, lighting fixtures, switches, and receptacles. Service equipment, proper grounding, wiring methods and bonding are focal points. We inspect for adverse conditions such as lack of grounding and bonding, over-fusing, exposed wiring, open-air wire splices, reverse polarity and defective GFCI's. The hidden nature of the electrical wiring prevents inspection of every length of wire or their connections. Telephone, video, cable, audio, security systems and other low voltage systems were not included in this inspection unless specifically noted. I recommend you have the seller or a specialist demonstrate the serviceability or locations of these systems to you if necessary. Any electrical repairs attempted by anyone other than a licensed electrician should be approached with caution. The power to the entire house should be turned off prior to beginning any repair efforts, no matter how trivial the repair may seem. Aluminum wiring requires periodic inspection and maintenance by a licensed electrician. Operation of time clock motors is not verified. Inoperative light fixtures often lack bulbs or have dead bulbs installed. Light bulbs are not changed during the inspection, due to time constraints. Smoke Alarms should be installed within 15 feet of all Bedroom doors and in Bedrooms. These units should be tested monthly.

### Outlets, Fixtures, & Switches

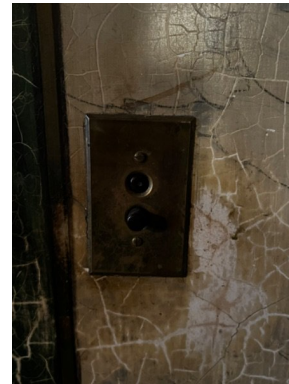
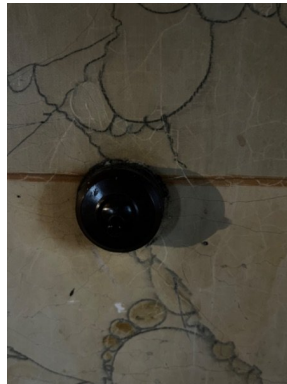
**Condition:** Professional Consultation, Not Satisfactory

#### Outlets

- Non-GFCI
- Ungrounded

#### Problems

- Most of the receptacles are only 2 wire receptacles.



## Main Panel

**Condition:** Satisfactory

**Location:** Basement

**Volts:** 240 - 120V

**Capacity:** 100 A

**Type:** Circuit-breakers

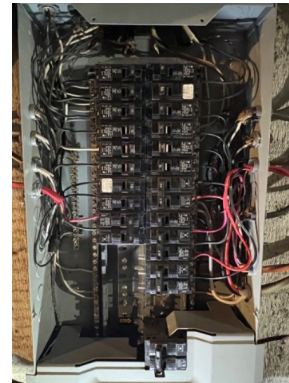
### Grounding & Bonding

**Grounding:** Grounded

**Bonding:** Bonded

### **Comments:**

Copper wiring.



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## Service Entrance Cable

**Volts:** 240 - 120V

**Type:** Overhead, Drip Loop

**Capacity:** 100 amp

**Location:** Right side of building



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## Old Wiring

### **Comments:**

Knob and tube noted in porch.





## Attic

My inspection of the attic includes a visual examination of the roof framing, plumbing, electrical, and mechanical systems. There are often heating ducts, bathroom vent ducts, electrical wiring, chimneys and appliance vents in the Attic. When low clearances and deep insulation prohibits walking in an unfinished attic, inspection will be from the access opening only. Vaulted ceilings cannot be inspected.

### Moisture & Mildew

**Condition:** Not Satisfactory

**Degree of Damage:** Extensive signs

### Attic Sheathing

**Condition:** Not Satisfactory

**Observed:** Observed

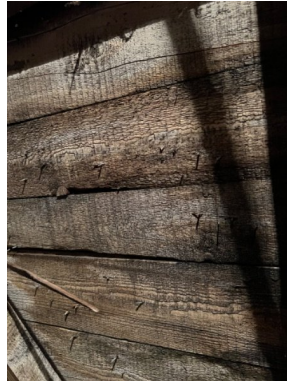
**Type of Sheathing:** Dimensional lumber

#### Problems

- There are signs of leakages.
- There are signs of water damage to the roof sheathing.

#### **Comments:**

Noted several leaks in sheathing.



## Interior

My inspection of the Interior includes a visual inspection of the readily accessible portions of the walls, ceilings, floors, doors, cabinetry, countertops, steps, stairways, balconies and railings. Please note that a representative sample of the accessible windows and electrical receptacles are inspected. These features are examined for proper function, excessive wear and general state of repair. In some cases, all or portions of these components may not be visible because of furnishings and personal items. In these cases some of the items may not be inspected. The condition of walls behind wall coverings, paneling and furnishings cannot be judged. Only the general condition of visible portions of floors is included in this inspection. As a general rule, cosmetic deficiencies are considered normal wear and tear and are not reported. Determining the source of odors or like conditions is not a part of this inspection. Floor covering damage or stains may be hidden by furniture. The condition of underlying floor coverings is not inspected. Determining the condition of insulated glass windows is not always possible due to temperature, weather and lighting conditions. Check with owners for further information. All fireplaces should be cleaned and inspected on a regular basis to make sure that no cracks have developed. Large fires in the firebox can overheat the firebox and flue liners, sometimes resulting in internal damage.

### Interior Information

**Number of Bedrooms:** 5

**Number of Bathrooms:** 3

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### Windows

**Condition:** Needs Maintenance

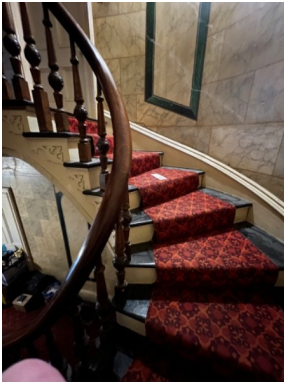
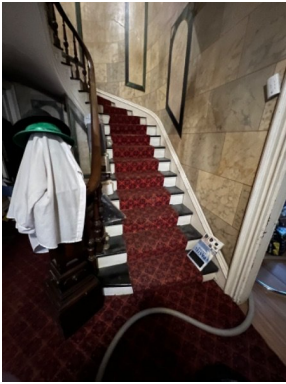
#### Problems

·There is cracked / broken glass.



### Stairs / Railings

**Condition:** Satisfactory



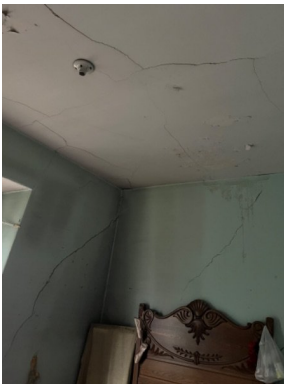
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## Walls

**Type:**Plaster

### Problems

- There are cracks or holes in the walls.
- There is paint peeling or chipping off the walls.



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## Ceilings

**Condition:** Needs Maintenance, Not Satisfactory

**Type:**Plaster

### Problems

- There are cracks or loose sections in the ceiling.
- There is evidence of water damage to the ceiling.
- The ceiling is sagging.

### **Comments:**

Evidence of moisture damage.



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## Living Room

Condition: Satisfactory



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## Dining Area



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## Porch

**Condition:** Needs Maintenance

**Comments:**

Knob and tube wiring observed.



## Bedrooms

My inspection of the Bedrooms includes a visual inspection of the readily accessible portions of the walls, ceilings, floors, doors, & cabinetry. Please note that a representative sample of the accessible windows and electrical receptacles are inspected. These features are examined for proper function, excessive wear and general state of repair. In some cases, all or portions of these components may not be visible because of furnishings and personal items. In these cases some of the items may not be inspected. The condition of walls behind wall coverings, paneling and furnishings cannot be judged. Only the general condition of visible portions of floors is included in this inspection. As a general rule, cosmetic deficiencies are considered normal wear and tear and are not reported. Determining the source of odors or like conditions is not a part of this inspection. Floor covering damage or stains may be hidden by furniture. The condition of underlying floor coverings is not inspected. Determining the condition of insulated glass windows is not always possible due to temperature, weather and lighting conditions. Check with owners for further information. All fireplaces should be cleaned and inspected on a regular basis to make sure that no cracks have developed. Large fires in the firebox can overheat the firebox and flue liners, sometimes resulting in internal damage.

### Primary Bedroom

**Location:** Upstairs

**Walls & Ceiling:** Needs Maintenance

**Flooring:** Satisfactory

**Doors & Windows:** Needs Maintenance

**Ceiling Fan:** Not Present

**Receptacles:** Non-GFCI

**Heating Source:** Forced Air



### Bedroom 2

**Location:** Upstairs

**Walls & Ceiling:** Needs Maintenance

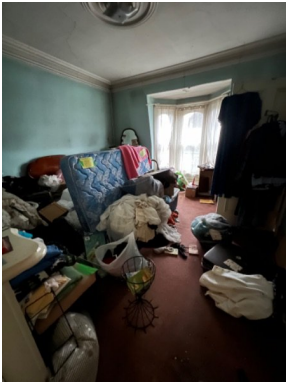
**Flooring:** Satisfactory

**Doors & Windows:** Needs Maintenance

**Ceiling Fan:** Not Present

**Receptacles:** Non-GFCI

**Heating Source:** Forced Air



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### Bedroom 3

**Location:** Upstairs

**Walls & Ceiling:** Needs Maintenance

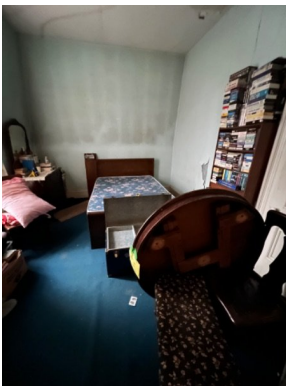
**Flooring:** Satisfactory

**Doors & Windows:** Needs Maintenance

**Ceiling Fan:** Not Present

**Receptacles:** Non-GFCI

**Heating Source:** Forced Air



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### Bedroom 4

**Location:** Upstairs

**Walls & Ceiling:** Needs Maintenance

**Flooring:** Satisfactory

**Doors & Windows:** Needs Maintenance

**Ceiling Fan:** Not Present

**Receptacles:** Non-GFCI

**Heating Source:** Forced Air



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## Bedroom 5

**Location:** Upstairs

**Walls & Ceiling:** Needs Maintenance

**Flooring:** Satisfactory

**Doors & Windows:** Needs Maintenance

**Ceiling Fan:** Not Present

**Receptacles:** Non-GFCI

**Heating Source:** Forced Air





## Kitchen

Inspection of standalone refrigerators, freezers and built-in icemakers are outside the scope of the inspection. No opinion is offered as to the adequacy of dishwasher operation. Ovens, self or continuous cleaning operations, cooking functions, clocks, timing devices, lights and thermostat accuracy are not tested during this inspection. Appliances are not moved during the inspection to inspect below or behind them. Portable dishwashers are not inspected, as they require connection to facilitate testing and are sometimes not left with the home.

### Cabinets



## Kitchen 2

### Cabinets

Condition: Satisfactory



## Bathroom

My inspection of the bathrooms included a visual examination of the readily accessible portions of the floors, walls, ceilings, cabinets, countertops and plumbing fixtures. Bathrooms are inspected for water drainage, damage, deterioration to floor and walls, proper function of components, active leakage, unusual wear and general state of repair. Bathroom fixtures are run simultaneously to check for adequate water flow and pressure. Fixtures are tested using normal operating controls. Vent fans and their ductwork are tested for their proper operation and examined where visible. Shower pans are visually checked for leakage, but leaks often do not show except when the shower is in actual use. Determining whether shower pans, tub/shower surrounds are watertight is beyond the scope of this inspection. It is very important to maintain all grout and caulking in the bath areas. Very minor imperfections can allow water to get into the wall or floor areas and cause damage. Proper ongoing maintenance will be required in the future.

### Location

**Location:** Main floor



## Bathroom 2

### Location

Location: Upstairs



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### Toilets

Condition: Satisfactory



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### Sinks

Condition: Satisfactory



## Bathroom 3

### Location

Location: Upstairs

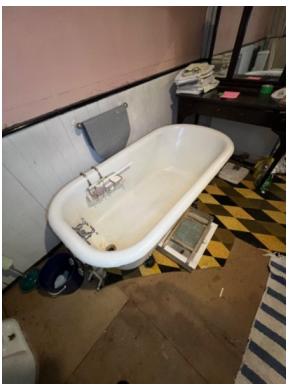


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### Bathtub

Condition: Satisfactory

Type: Leg tub



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### Toilets

Condition: Needs Maintenance

#### Problems

- The toilet does not flush properly.



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## Sinks

**Condition:** Needs Maintenance



## Basement / Crawlspace

### Description



### Columns

**Condition:** Satisfactory  
**Type:** Wood



### Floor

**Condition:** Satisfactory  
**Type:** Concrete



## Stairs / Railings

**Condition:** Satisfactory

**Type:** Wood



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## Foundation

**Condition:** Satisfactory

**Type:** Block



## Heating

My examination of the heating system includes a visual examination of the exposed and accessible heating equipment, thermostat, safety controls, venting and the means of air distribution. My inspection of the heating system includes activating the heating system via the thermostat and a visual examination of the accessible components listed below. These items are examined for proper function, excessive or unusual wear and general state of repair. Heat exchangers are inaccessible by design, and are not part of the ASHI standards of practice. They must be completely removed from the furnace to be fully evaluated. My inspection does not include disassembly of the furnace. The inspector cannot light pilot lights due to the liability. The inspector does not test safety devices. To obtain maximum efficiency and reliability from your heating system, I recommend annual servicing and inspections by a qualified heating specialist.

### Oil Fired Furnace

**Oil Tank:** Observed  
**Location:** Basement

**Comments:**  
2001



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### Heat Distribution

**Condition:** Satisfactory  
**Type:** Ductwork  
**Pipes:** Not visible  
**Location:** Each room



## Heating System

**Condition:** Satisfactory

**Type:** Forced air

**Fuel Type:** Oil



## Cooling

This is a visual inspection limited in scope by (but not restricted to) the following conditions: - Window and/or wall mounted air conditioning units are not inspected. - The cooling supply adequacy or distribution balance are not inspected. - Pressure tests on coolant systems are not within the scope of this inspection; therefore no representation is made regarding coolant charge or line integrity. - Judgment of system efficiency or capacity is not within the scope of this inspection. - Cooling systems are not dismantled in any way. Secured access covers are not removed. - The interior components of evaporators, condensers and heat pumps are not viewed. - The interior conditions of cooling components are not evaluated. - The presence of leaking refrigerant lines, heat pump oil, etc., is outside the scope of this inspection. Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

### Air Conditioning Type

**Condition:** Satisfactory

**Type:** Heat pump

**Status:** Turned on

**Comments:**

LG heat pump



<end of report>