



**Town of Amherst  
Planning Advisory Committee Meeting**

**Agenda**

Date: Tuesday, February 19, 2019  
Time: 12:15 pm  
Location: Council Chambers, Town Hall

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1. Call to Order	
1.1 Approval of Agenda	
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3. Adjournment	

## **Town of Amherst Planning Advisory Committee Minutes**

**Date of Meeting:** Monday, February 4, 2019  
**Location:** Council Chambers, Town Hall

**Members Present:** Deputy Mayor Sheila Christie  
Councillor Terry Rhindress (Vice Chair)  
Councillor Jason Blanch  
Citizen Appointee Gordon Goodwin  
Citizen Appointee Ronald Wilson  
Citizen Appointee Larry Pardy

**Staff Present:** Deputy CAO, Jason MacDonald  
Unsightly Premises Administrator, Marc Buske  
Manager of Planning and Strategic Initiatives, Andrew Fisher  
Municipal Clerk Kimberlee Jones  
Administrative Assistant Emily Wainwright

**Others Present:** Town Solicitor, Terry Farrell

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### **1. Call to Order**

Vice-Chair called the meeting to order at 4:37 p.m.

#### **1.1. Approval of Agenda**

**Moved By:** Deputy Mayor Christie  
**Seconded By:** Councillor Blanch  
That the February 4, 2019 agenda be approved.

**Motion Carried**

**1.2. Approval of Minutes**

**Moved By: Citizen Appointee Goodwin**

**Seconded By: Citizen Appointee Wilson**

**That the minutes of the January 18, 2019 PAC meeting be approved.**

**Motion Carried**

**2. Recommendation for Demolition – 1 Spring Street**

Mr. MacDonald explained to the committee that he had just received news from the property owner's solicitor. He paraphrased the email from Jim O'Neill, solicitor for Walter Wells property owner, as followed: Further to our telephone conversation with Mr. Farrell, this will confirm that Mr. Wells has been recently released from the hospital and cannot make it here today and he cannot give proper instructions to his solicitor. So, in view of these extreme circumstances, Mr. O'Neill believes that an adjournment is just and appropriate in these circumstances. He goes on to say that the Spring Street situation and the building did not happen suddenly and that adjourning for two weeks should not be a big deal.

Mr. MacDonald explained that they have spoke to the Town Solicitor on this matter, and he is recommending that we get a motion to defer until Tuesday, the 19<sup>th</sup> of February at noon where we could hear from Mr. Wells.

Kimberlee Jones asked for a motion to defer this agenda item until February 19<sup>th</sup> at noon, when the property owner is able to attend.

**Moved By: Citizen Appointee Wilson**

**Seconded By: Deputy Mayor Christie**

**That the Planning Advisory Committee defer the recommendation of demolition of 1 Spring Street to the February 19, 2019 PAC meeting to allow the property owner to attend.**

**Motion Carried**

Town Solicitor Farrell mentioned that since there were members from the public here tonight, they could allow them to speak. Mr. Farrell suggested that the motion be reversed, so the committee would hear the members of the public before the motion to defer is passed.

The original mover and seconder agreed to amend the motion to allow the public in attendance to speak.

**Moved By: Citizen Appointee Wilson**

**Seconded By: Deputy Mayor Christie**

**That the Planning Advisory Committee amend the motion to allow the members of the public to speak, and to defer the remainder of the motion to the February 19, 2019 PAC meeting to allow the owner to attend.**

**Motion Carried**

**2.1. Staff Report**

Mr. MacDonald reviewed the staff report as included as part of the agenda package.

**2.2 Public Questions/Comments**

Andre K-Saar of 2 Clarence Street. "I wish to thank the Council for your consideration of our opinions and would like to say at this time I have no comments, and I am grateful for the information that I have been given. I will process that and may attend the next meeting."

John Colvert, 48 Rogers Avenue. "I am just interested as I know the owner. I was just curious on how these meetings go on. The question I did have is how this got on the list for demolition. It doesn't seem to be as bad as some of the other places in Town." Mr. MacDonald replied that the Town has received a complaint of the structural integrity of the building, and that is why we looked at it and did our investigation. Mr. Colvert asked if that was public information; the name of that person? Mr. MacDonald replied that they do not disclose it automatically, but inevitable it will be public information. Mr. Colvert replied that "I am was here mostly to observe. I do not have any objections, but to me really there are other buildings in Town that are worse than that. Maybe I will come back on the 19<sup>th</sup>."

Charlie Bishop, 18 Belmont Street. "My question is the package that seemed to come up, are you looking at Mr. Wells' home on Victoria Street. You said that there is a package and wondered if you would do both of them at one time." Mr. MacDonald clarified that Mr. Bishop meant 196 East Victoria Street, and stated that that property is subject to a complaint as well, by a member of the public. This committee has recommended demolition and the property owner has appealed that recommended to Amherst Town Council. There is a meeting scheduled on February 20<sup>th</sup> to hear that appeal.

**2.3 Committee Questions/Comments**

Councillor Blanch stated that hearing these comments made it clear that the functioning of this committee, or the process of dealing with unsightly premises may not be clear to the public. We do not have a mechanism within the Town where we go around looking at properties and making assessment. Currently the way that Amherst deals with unsightly premises is that someone has to come with a complaint. Ultimately, what they would do is fill out a form, then the town would investigate that and follow a process that could ultimately end up here.

Mr. MacDonald clarified that it is true that the Town requires a written complaint in order to investigate a property. However, under certain circumstances, if the Town Engineer or Administrator happens to see something that is a danger to the public, they can act on it. We do not need a complaint if something is jumping

out at us. The other issue is that the role of this committee is to hear two things. The first, is a recommendation for demolition. The administrator cannot make an order to demolish a property. The administrator would recommend to this committee, and then they would decide whether the property is demolished. Everything else, such as broken windows, requirement to paint, anything you can think of that could be dangerous or unsightly, not cutting your grass, the administrator can give orders to do something to different properties.

Deputy Mayor Christie added that she encourages members of the public, that if they see something, they consider to be unsightly, to make sure they do a written complaint to the committee or to Mr. Buske because we cannot do them anonymously. They need to have an actual written name to be taken seriously. They do work their way through the process, and this committee is a very active one. Many properties within the Town limits have already been demolished and many are slated to be, so we are taking it very seriously.

Vice-Chair Rhindress added that this committee has been very busy. When an application comes to us, then it goes back to Council, then they can appeal it, which Mr. Wells did, this is why it takes so long to do anything.

### **3. Adjournment**

**Citizen Appointee Goodwin motioned to adjourn the meeting at 4:57p.m.**

**Motion Carried**

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Kimberlee Jones, Municipal Clerk

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Vice Chairman Terry Rhindress



**Date:** February 19, 2019

**To:** Planning Advisory Committee

**From:** Marc Buske, Dangerous & Unsightly Premises Administrator

**Subject:** Recommendation for Demolition

## **Re: PID # 25031469, 1 Spring Street, Amherst, NS**

### **Issue**

The lack of maintenance over the years has left the building in a state of serious disrepair. As articulated in the reports filed by the Building Official, there are various locations of structural failure, and one rear wall has already collapsed.

### **History**

May 28, 2015 the town received a complaint on the property.

June 1, 2015 a letter was sent to the owner stating the property was identified as an unsightly property. A Letter was sent to the complainant acknowledging the complaint.

August 14, 2015 a contractor was hired to clean up the property. A letter was sent to the property owner stating a contractor was hired to clean up around the property and all cost will be added to the property tax account. The letter also stated the file was closed. A letter was sent to the complaint stating the file was closed.

November 13, 2018 the Town received a complaint about the property.

November 28, 2018 a letter was sent to the complainant acknowledging the letter.

November 27, 2018 a site inspection completed to determine the condition of the building.

January 11, 2018 another inspection took place to check on the structural stability of the building.



## **Discussion**

Mr. Buell's report indicated:

- 1- The entire brick face including previously repaired portions showed signs of mortar failure and cracking.
- 2- The top plate at junction between roof and wall is open in sections, rotted at various points around the perimeter and show structural failure.
- 3- The top wall on the backside of the exterior is collapsed inward and shows signs of continued deterioration.
- 4- Front wall and side show signs of structural failure, leaning and bulging around most of the surface area. Collapse is imminent.
- 5- Side wall on top portion of building left hand side shows, cracking, leaning outward and disconnect from roof structure. Collapse could happen at anytime and should be addressed as soon as possible.
- 6- Interior of building shows near complete structural failure.
- 7- Collapsed floor open to below.
- 8- Roof support beam failed and is broken, support posts out of alignment and failure of roof rafter system.
- 9- Roof is collapsed and open to the elements. Interior of building filled with refuse, debris and materials that inhibit any time safe restoration of interior structure.
- 10- It is in the opinion of this inspector that the building structure is in a probable possible state of partial collapse at any time and that the site be secured against possible harm to the public until such a time that it can be safely demolished, at the earliest opportunity. This building is in imminent risk of collapse and threatens the safety of the public.



This property was also inspected by the Town Engineer. The following is his report:

On November 27<sup>th</sup>, Marc Buske (Building Inspector) and I inspected the building located at 1 Spring Street, Amherst, NS.

The brick building is structurally unsound however not in immediate danger of collapse. The exterior supporting walls are showing deformation as the roof structure is in the process of slowly deteriorating and applying pressure on the exterior walls and causing deformation.

With the help of the Amherst Fire Department we were able to open the front door of the building to look inside. The main floor of the building has collapsed and much of the building materials stored in the basement is in the process of sliding into the basement. There is a fire truck and a large tractor stored in the building, these vehicles are situated on the main steel supporting floor members and have not fallen into the basement.

The main concern is that an eventual collapse of the eastern most exterior wall will cause damage to the building located next door.

It is recommended that we continue monthly inspections of the building to determine if there is further distortion of the exterior walls. The last inspection of the building was on January 11<sup>th</sup> 2019 and no structural changes were evident since the previous inspection.

Ben Pitman, P.Eng

Town Engineer

## **Recommendation**

I am recommending the property at 1 Spring Street be demolished and the foundation be backfilled within 30 days from the date of this committee meeting, with all work to be done by the property owner, including proper disposal of all items within the building. Failure to do so will result in the Town completing the work. All costs incurred by the Town in the demolition and cleanup will be added to the owner's property taxes.



## MEMORANDUM

**TO:** Marc Buske, Dangerous and Unsightly Supervisor, Amherst

**FROM:** David Buell, CBO II, FPI II, Supervisor, Cumberland County

**DATE:** December 13, 2018

**CC:**

**RE:** Site Inspection – Spring Street, Amherst – PID# 25031469  
Pictures attached

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At the request of Amherst's Dangerous and Unsightly Supervisor, an inspection was made of the above noted property. The on-site inspection was performed, and the following report filed by David Buell, Provincial Building Official and Fire Inspector. The site was visited at 1:30pm on the afternoon of December 13, 2018. The following was noted and photographed:

- The entire brick face including previously repaired portions showed signs of mortar failure and cracking.
- The top plate at junction between roof and wall is open in sections, rotted at various points around the perimeter and show structural failure.
- The top wall on the backside of the exterior is collapsed inward and shows signs of continued deterioration.
- Front wall and side show signs of structural failure, leaning and bulging around most of the surface area. Collapse is imminent.
- Side wall on top portion of building left hand side shows, cracking, leaning outward and disconnect from roof structure. Collapse could happen at anytime and should be addressed as soon as possible.
- Interior of building shows near complete structural failure.
- Collapsed floor open to below.
- Roof support beam failed and is broken, support posts out of alignment and failure of roof rafter system.
- Roof is collapsed and open to the elements. Interior of building filled with refuse, debris and materials that inhibit any time safe restoration of interior structure.

It is in the opinion of this inspector that the building structure is in a probable possible state of partial collapse at any time and that the site be secured against possible harm to the public until such a time that it can be safely demolished, at the earliest opportunity. This building is in imminent risk of collapse and threatens the safety of the public.

Regards  
David Buell, CBO II, CFI  
Permits and Inspection Supervisor  
Cumberland County  
902 667-3853













