



**Town of Amherst
Planning Advisory Committee Meeting**

Agenda

Date: **Tuesday, June 11, 2019**
Time: **12:15 pm**
Location: **Council Chambers, Town Hall**

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| 1. Call to Order | |
| 1.1 Approval of Agenda | |
| 1.2 Approval of Minutes - May 13, 2019 | 1 - 4 |
| 2. 23 Spring Street Demolition | |
| 2.1 Staff Report | 5 - 15 |
| 2.2 Recommendation | |
| 3. Staff Reports / Presentations | |
| 4. Adjournment | |

Town of Amherst

Planning Advisory Committee

Minutes

Date of Meeting: Monday, May 13, 2019
Location: Council Chambers, Town Hall

Members Present: Councillor Terry Rhindress
Councillor Jason Blanch
Citizen Appointee Gordon Goodwin (Vice-Chair)
Citizen Appointee Larry Pardy

Members Absent: Citizen Appointee Ronald Wilson (Chair)
Deputy Mayor Sheila Christie

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

1. Call to Order

Vice-Chair Goodwin called the meeting to order at 4:33 p.m.

1.1. Approval of Agenda

Moved By: Councillor Rhindress
Seconded By: Councillor Blanch
That the May 13, 2019 agenda be approved.

Motion Carried

1.2. Approval of Minutes

Moved By: Citizen Appointee Pardy
Seconded By: Councillor Blanch
That the minutes of the April 4, 2019 PAC meeting be approved.

Motion Carried

2. Amendments to the Land Use Bylaw – Offsite Signage

2.1 Staff Report

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

2.2 Public Participation Opportunity Summary

Mr. Fisher reviewed the summary of the Public Participation Opportunity that was held on May 1, 2019.

2.3 Recommendation

Moved By: Citizen Appointee Pardy

Seconded By: Councillor Blanch

That the Planning Advisory Committee recommend that Council not amend the Land Use Bylaw to allow non-electric off-site signage in the Downtown Core Area District.

**Motion Carried
(1) Opposed, Councillor Rhindress**

3. 23 Spring Street - Demolition

3.1. Staff Report

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

Mr. MacDonald read a letter sent to him from Mr. Jim O'Neill, lawyer for the property owner as distributed.

JIM O'NEIL
LAWYER

May 13, 2019

Municipality of the Town of Amherst
Victoria Street
Amherst, NS

Attn: Administrator of Unsightly Premises

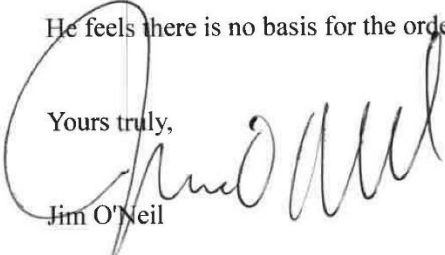
Re: Spring St. – Walter Wells

This is to advise that Walt Wells has not instructed me to attend in person today.

He has the flu so he's not going to be attending but he wanted me to file this letter with you objecting to the issuance of a demolition order.

He feels there is no basis for the order and that the issues in question can be repaired.

Yours truly,



Jim O'Neil

Cc Douglas Shatford, QC

Jim O'Neil – Trial Lawyer
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WebSite: www.JimONeilLaw.com

3.2 Committee Questions / Comments

Councillor Rhindress asked if this was to go ahead today, would the rodents inside be destroyed. Mr. MacDonald replied that if it gets to the point where the Town will do the demolition, a professional pest control company would take care of the rodents and animals prior to demolition.

Councillor Blanch asked if staff were aware of other routes that other communities take beyond doing nothing and demolition and are there other alternatives in those communities that we are not aware of or not choosing. Mr. MacDonald replied that he is not aware of what is happening in other communities that would order an owner to do something differently. He said he was approached by members of the community looking to salvage parts of the property, but it is ultimately up to the property owner. If the Town orders demolition and it is not done, the Town has to do it in the least expensive way, since the costs are then charged to the property owner. In regard to restoration, and to start using tax payers dollars to do so, where do you even start. It would cost hundreds of thousands and would cost more than what it is worth. It would be almost and impossible task to restore it. Councillor Blanch then asked if the home was unoccupied or occupied. Mr. MacDonald replied that the property is not occupied.

Vice-Chair Goodwin asked if the fire marshal has taken a look at this place and the chance of it catching fire, as there are buildings and residences very close. Mr. Buske replied that the fire marshal has not been contacted as they do not really get involved in uninhabited buildings, but that the Fire Chief is aware of the situation. On the day of the inspection, there was power to the building and heaters running.

3.3 Owner Questions / Comments

The owner was not in attendance.

4. Adjournment

Councillor Rhindress motioned to adjourn the meeting at 5:11p.m.

Motion Carried

Kimberlee Jones, Municipal Clerk

Vice Chairman Gordon Goodwin

SYNOPSIS

23 Spring Street

Various complaints have been received regarding the physical condition of the building located at 23 Spring Street. Town staff, as well as a contract Building Official from the Municipality of the County of Cumberland have investigated and determined that this structure poses a serious health and fire risk and in its current state is not habitable.

The owner was ordered by the Administrator to provide an engineering assessment of the building on the property, however to date this has not been received and the owner has made no attempt to correspond with the Town on this matter.

Given the historical lack of compliance from the owner of this property, the current state of the buildings, and the likely costs of renovation to bring the buildings into compliance with the Town's Minimum Standards for Residential Occupancies Bylaw, the Administrator is recommending that the condition be remedied by demolition of the building.

MOTION:

That the Planning Advisory Committee order that all contents of the building located at 23 Spring Street be removed and that the building be demolished and the foundation backfilled no later than July 2, 2019. 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.



May 6, 2019

To: Planning Advisory Committee
From: Marc Buske, Dangerous & Unsightly Premises Administrator
Subject: Recommendation for Demolition

RE: PID # 25031659, 23 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.

History

- 1- September 15, 2011 a letter was sent to the property owner asking him to remove 5 derelict vehicles from the property.
- 2- October 21, 2011 there was a site visit and the 5 derelict vehicles have not been removed.
- 3- November 28, 2011 the Town hired a contractor to remove the 5 derelict vehicles from the property.
- 4- November 29, 2011 the file was closed.
- 5- July 27, 2018 received a complaint on the state of the property.
- 6- October 2, 2018 sent the complainant a letter acknowledging the complaint.
- 7- October 18, 2018 did a site inspection and took pictures of the outside of the building and property. Posted the property asking the owner to provide a report to the Town of Amherst on a plan to bring the building into a state that would meet the minimum standards for residential occupancies bylaw (P-A). A copy of this notice was sent register mail.
- 8- February 5, 2019 no report was provided to the Town of Amherst with a plan on bring the building into a state that would meet the minimum standards for residential occupancies bylaw (P-4). Posted the property with a notice to enter the property on February 7, 2019 at 9:30am to conduct an inspection of the condition of the building.



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- 9- February 7, 2019 There was a site visit on the property this day. Myself Marc Buske Dangerous and Unsightly premises administrator, Mr. Buell Cumberland building official, Miss Siddal Cumberland Intern building official and Cst Denville Amherst Police Department. We had to force the back door to gain access to the building. Pictures where taken and a report to follow.

Discussion

Mr. Buell's report indicated:

- 1- The roof and attic show signs of deterioration, rot, and exposure to the outside elements.
- 2- The front columns and support show signs of failure, including rot and collapse.
- 3- The sides of the porch roof show signs of collapse, pulling away from the main structure exposing the framework to the elements.
- 4- The front porch also shows signs of inadequate bracing and failure of same to properly support the continuing failures due to age and application.
- 5- The side round buttress shows sign of weakening, rot and structural failure.
- 6- The interior of the building shows signs of exposure to the outside elements, rot, structural failure and fatigue.
- 7- The interior is full of debris and clutter to the point of inhibiting passage safely and has several portable electrical heaters running which constitute a fire hazard.
- 8- Several windows are broken and despite efforts penetration of the structure by human and rodent occupants is apparent.
- 9- Signs of transient activity and signs of rodent occupancy (scat, nesting, etc.)

It is the opinion of this inspector that the building structure, specifically the front porch and side buttress window, is in a state of eventual collapse. The structure poses a serious health and fire risk and in its current state is not habitable. Possible restoration could be made with a considerable investment but until such a time the site should be secured against possible harm to the public. This would include but is not limited to; shutting off access to the interior, sealing openings in the roof and sides, and supporting those components that threaten the structures integrity. This building will further deteriorate to the point of imminent collapse if the process is not halted or reversed and as such threatens the safety of the public.

Recommendation

I am recommending the property at 23 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: February 7, 2019

CC:

RE: Site Inspection - 23 Spring Street, Amherst - PID# 25031659
Pictures attached

At the request of Amherst's Dangerous and Unsightly Official, an inspection was made of the above noted property. The on-site inspection was performed, and the following report filed by David Buell, Provincially certified Building Official and Fire Inspector. The site was visited at 9:30 am on the morning of February 7, 2019. The following was noted and photographed:

- The roof and attic show signs of deterioration, rot, and exposure to the outside elements.
- The front columns and support show signs of failure, including rot and collapse.
- The sides of the porch roof show signs of collapse, pulling away from the main structure exposing the framework to the elements.
- The front porch also shows signs of inadequate bracing and failure of same to properly support the continuing failures due to age and application.
- The side round buttress shows sign of weakening, rot and structural failure.
- The interior of the building shows signs of exposure to the outside elements, rot, structural failure and fatigue.
- The interior is full of debris and clutter to the point of inhibiting passage safely and has several heaters running which constitute a fire hazard.
- Several windows are broken and despite efforts penetration of the structure by human and rodent occupants is apparent.
- Signs of transient activity and signs of rodent occupancy (scat, nesting, etc.)

It is the opinion of this inspector that the building structure, specifically the front porch and side buttress window, is in a state of eventual collapse. The structure poses a serious health and fire risk and in its current state is not habitable. Possible restoration could be made with a considerable investment but until such a time the site should be secured against possible harm to the public. This would include but is not limited to; shutting off access to the interior, sealing openings in the roof and sides, and supporting those components that threaten the structures integrity. This building will further deteriorate to the point of imminent collapse if the process is not halted or reversed and as such threatens the safety of the public.

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

