

Town of Amherst

Planning Advisory Committee

Minutes

Date of Meeting: Monday, November 5, 2018
Location: Council Chambers, Town Hall

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

Staff Present: Manager of Planning and Strategic
Priorities, Andrew Fisher
Unsightly Premises Administrator, Marc
Buske
Municipal Clerk Kimberlee Jones
Admin Assistant Emily Wainwright

1. Call to Order

Vice-Chair called the meeting to order at 5:00 p.m.

1.1. Approval of Agenda

Moved By: Deputy Mayor Christie
Seconded By: Citizen Appointee Goodwin
That the agenda be approved.

Motion Carried

1.2. Approval of Minutes

Moved By: Deputy Mayor Christie
Seconded By: Citizen Appointee Goodwin
That the minutes of the October 1, 2018 PAC meeting be approved.

Motion Carried

2. Public Participation Opportunity – Amendments to the Land Use Bylaw for Cannabis-related Land Uses

2.1 Staff Report Presentation

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

2.2 Committee Questions

Deputy Mayor Christie asked if there could be set backs for school zones. Even though highway commercial and retail zones have been identified, is there anything further in other land use bylaws that would provide setbacks from school zones. Mr. Fisher responded that for the most part regulations in other municipalities have either not been adopted yet, or they are in the process of being adopted. Currently the use is not permitted so there is no need to establish minimum setbacks at this point in time. When, and if, the provincial regulations allow private retail, the town would have an opportunity to consider setbacks before they are permitted at the municipal level.

Citizen Appointee Goodwin asked if individuals can buy cannabis and stand in tobacco regulated areas. Mr. Fisher responded saying that that is correct, but public consumption is being dealt with by Council's consideration of a nuisance bylaw.

Citizen Appointee Wilson asked where the other forms of the consumption of cannabis fall into this regulation. Mr. Fisher replied that currently legislation does not permit the retail sale of edibles, but within a cannabis lounge I believe that means any type of consumption.

Citizen Appointee Goodwin asked if the Town of Amherst will be following the same rules as HRM. Mr. Fisher responded that the general policy approach that Amherst is considering follows the HRM approach.

Deputy Mayor Christie asked how our bylaws would differ between medical marijuana and this. Mr. Fisher replied that the regulations for medical marijuana facilities are replaced by the Cannabis Act. Deputy Mayor Christie then stated that Truro recently had something open, so they must have made an application well in advance, and asked if other municipalities are going through this at the same time. Mr. Fisher responded that those facilities would have been regulated under the medical marijuana regulations [Access to Cannabis for Medical Purposes Regulations], so Health Canada would have issued licences for those facilities.

Citizen Appointee Goodwin asked if the town has had any applications for production facilities. Mr. Fisher replied no.

Being no further speakers, the Public Participation Opportunity closed.

3. Motion to Conclude the Public Participation Opportunity and Return to the Regular Planning Advisory Committee Meeting

Moved By: Citizen Appointee Wilson

Seconded By: Citizen Appointee Goodwin

That the Committee conclude the Public Participation Opportunity and return to the regular meeting.

Motion Carried

4. 196 East Victoria Street - Demolition

4.1 Mr. Macdonald reviewed his report as included as part of the agenda package

4.2 Committee Questions

Citizen Appointee Wilson asked if just the residence would be demolished, or if there will be out buildings as well. Mr. MacDonald replied that yes, there are structural failures to the garage as well so that is recommended to be demolished as well.

Citizen Appointee Goodwin asked if there was anyone living at the residence. Mr. MacDonald replied that yes, it is believed that Mr. Wells resides in the house.

Deputy Mayor Christie asked if there has been any non-compliance fines or penalties placed on the property owner. Mr. MacDonald replied that in the past, up until a couple of weeks ago, no one could issue a fine, but now Mr. Buske has received his Special Officer certificate. He said that the Town has issued many fines, but the courts have a history of not upholding multiple fines.

Citizen Appointee Goodwin asked in the last inspection was done in January of 2018, then why is someone still living there. Mr. MacDonald responded that they have to give every opportunity for the house to be fixed.

4.3 Owner Questions & Comments

Karmen Wells spoke on behalf of his father, Walter Wells. I didn't know anything about this until today, but this is already done deal isn't it. That's what it seems like, he has 30 days to leave. Mr. Macdonald responded that the staff recommendation is to order the property owner to demolish the building. If this Committee passes the motion, he would have 30 days from that date to do it. Now if he didn't agree with it, he could appeal the decision within 7 days, then it would go to Town Council. So, it is not a done deal. Karmen Wells asked, if he were to go to an engineer, like a structural engineer, and they came in and made a list of things that needed to be done, and he started working on them, would that suffice. Mr. MacDonald replied that that would be up to the Committee, but we have given him lists many of times though many years, and they have never been completed. Karmen replied that yes, he understands that, and that he just called today about it and this has all come on him, and I am telling him he needs

to see a structural engineer and he will tell you what you need to do, and that he has to follow through. I just talked to him for an hour here. Citizen Appointee Goodwin stated that there seems to be lists of things that need to be done to improve the property to make it habitable and safe, and these lists have been going on since 2013. Karmen stated that he didn't know, because he does not stay in contact with him, he calls if he gets into trouble with something. I do contract work, and he calls me, and I see what I can do to help him out, but it is always on the final hour. You can't just go and get all of this stuff done, it takes time, and then are you serious enough to go and do it, and we've run into this on another house he owns. So, I just got the call today, and I've been talking to him about it and that the first one sets a precedence, then the rest get easier. But I don't know what to do with it. So, that is why I was asking if it is too late. I haven't been in the house since the day he bought it, other than an auction, and I haven't been in the house since. But, I already know what's in there. Citizen Goodwin stated that the last thing this Committee wants, is to find out that someone has passed away in there, because of the heating, plumbing, and wiring. That is our biggest concern. Karmen Wells stated that he agrees. Personally, he does not believe that is the place for his father to be. But I'm not able to tell him that.

Walter Wells, property owner, stated that he does not know what to tell the Committee. Personally, I think it's a nice old home that should be fixed up. I don't know what to do. There is an old furnace, but one radiator is broken. There's a gas line that is put into it, but I don't want to have the gas hooked up because there have been too many break-and-enters. The pillars are bad, but they can be fixed or removed. I could have an engineer go up and have their opinion. I used to be the biggest landlord in Amherst, and we haven't had any fires. I owned the Windsor building on Hickman. We have never had a fire. I am willing to fix up the house. I was sick this summer but am willing to fix the house up.

Citizen Appointee Goodwin asked when the date of the last notification would be, that the 30 day period starts. Mr. MacDonald said it would be the day after the motion is made to demolish by the Committee.

5. Adjournment

Deputy Mayor Christie motioned to adjourn the meeting at 5:52p.m

Motion Carried

Kimberlee Jones, Municipal Clerk

Vice Chairman Terry Rhindress