



Planning Advisory Committee Special Meeting
September 14, 2023 - 7:00 pm
Council Chambers
Minutes

A Special meeting of Planning Advisory Committee was held September 14, 2023, in Council Chambers commencing at 7:00 pm. A closed session of Planning Advisory Committee was held immediately preceding the Special Planning Advisory Committee meeting, commencing at 6:32 pm and adjourning at 6:49pm.

Attendees:

Murray Goodman
Mark Reid (Chair)
Phil Taber

Dave Henderson
Chris Rendell (Vice Chair)
Councillor Kim Tompkins

Luke Johnson
Art Roy
Jamie Mahoney

Town Staff:

Richard Malone	CAO
Arthur McCarthy, P.Eng.	PLED Director/Development Officer
Bailey Brogan	Assistant Planner/Development Officer
Marilyn Duplacey	Planning Coordinator
Jennifer Brown, MCIP, RPP	Planner, Dillon Consulting

Guests:

Chris Jones, applicant Via Teams
Earle & Wendy Branscombe – 49 Loyalist Drive, Hampton
Brian & Sharon Hoyt – 17 Tilley Street, Hampton
Rachel Knox – 776 Main Street, Hampton
Steven Tyler – 64 Kelti Avenue, Hampton
Wes Barton – 4555 Route 111, Upperton
Greg & Sandra Gray – 239 Lakeside Road, Hampton
Ron & Julie Stackhouse – 96 Villa Drive, Hampton
Rob & Joanne Beers – 441 Lakeside Road, Hampton
Darren Wilkins – 13 Dale Avenue, Hampton
Lorraine Moran & Don Webb – 753 Main Street, Hampton
Rachel & Andrew Stevens – 14 Upper Midland Road, Norton
Sarah & Raymond Smith – 28 Clover Court, Sussex
Amanda Pangborn – 87 Loyalist Drive, Hampton
Victoria Dufour – 12 Osburn Avenue, Hampton
Scott Folkins – 761 Main Street, Hampton
Myrna Smith – 71 Bloomfield Ridge South Road, Passekeag
Matthew Hanson – 9 Braun Crescent, Quispamsis
Nathan Ganong – 5 Burns Avenue, Rothesay
Scott McFarlane – 5 Kennebecasis River Road, Hampton
Aaden Gray – 11 Moran Lane, Hampton



Rhayelle Gray – 11 Moran Lane, Hampton
 Jeremy Salgado – 32 Raymond Street, Hampton
 Robert Doucet – 468 Kennebecasis River Road, Hampton

1. CLOSED SESSION

In accordance with Section 68(1) of the *Local Governance Act*, Chair Mark Reid called the closed session to order at 6:35 p.m. and adjourned the closed session at 6:49 p.m. During that time, several issues were discussed and the confidential information from such discussions was classified as follows:

Subsection of 68 (1)	Category	# of Items
a)	Information of which that confidentiality is protected by law	
b)	Personal information as defined by the <i>Right to Information and Protection of Privacy Act</i>	
c)	Information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract	
d)	The proposed or pending acquisition or disposition of land	
e)	Information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory	
f)	Information concerning legal opinions or advice provided to the local Government by its solicitor or privileged communications between solicitor and client in a matter of local government business	1
g)	Litigation or potential litigation affecting the local government or any corporation referred to in subsection 8(1), the local government's agencies, boards or commissions including a matter before an administrative tribunal	
h)	Access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government or access to or security of systems of the local government, including computer or communications systems	
i)	Information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information	
j)	Labour and employment matters, including the negotiation of collective agreements	

2. OPEN SESSION

1. Call to Order

Mark Reid, Chair, called the meeting to order at 7:00 pm. Mark gave a brief overview of the PAC meeting procedures.

2. Approval of Agenda

Moved by Councillor Tompkins and seconded by Jamie Mahoney to approve the agenda. Motion Carried

3. Disclosure of Conflict of Interest

None declared.

4. Old Business

- a) Temporary Approval – 771 Main Street, Hampton, NB

The Director of PLED went through the staff report presented at the August 29, 2023 meeting in detail and read



the feedback received in full to the committee, as there were many new members from the public present along with a committee member absent from the previous meeting. At the August 29, 2023 meeting, PAC tabled the application for further feedback from the public requesting notifications to be sent to a wider range of residents surrounding the subject property, increasing the circulation area from a 100 metre to 150 metre radius.

Staff read the PAC Memo dated September 14, 2023, which provided an update on the responses from notice to properties with 150 metres:

- a) 761 Main Street (PID 00192153) – Scott Folkins – Not in support
- b) 38 Moran Lane (PID 300044394) – Lorraine Moran – Not in support
- c) 753 Main Street (PID 00190256) – Lorraine Moran – Not in support
- d) 776 Main Street (PID 00193219) – Pastor Greg Grey – Not in support
- e) 11 Moran Lane (PID 00439562) – Lorraine Moran & Scott Folkins – Not in support
- f) 29 Moran Lane (PID 30004386) – Jill Folkins – Not in support
- g) Unsolicited – Alana Sheppard – Not in support

The Director of PLED also provided the update on the additional community feedback which included concerns with the proximity of the proposed use to schools, and with the proximity of children recreating and living nearby. The proposed use is outside of the 150 m buffer from schools outlined by the regulator, Cannabis NB. Under the *Cannabis Retailers Licensing Act (2022)*, no person under the age of 19 shall have access to the retail outlet, nor purchase cannabis or cannabis accessories. Cannabis products sold are to be in accordance with the *Cannabis Act S.C. 2018, c. 16*, legislated by the Government of Canada, and must be packaged in plain, child-resistant packaging, and not contain any labelling that could be appealing to young persons. Signage may not contain information that promotes the usage or communicates pricing of cannabis, may not be used to promote a way of life or to be done so in a manner that could be appealing to young people including testimonials, brands, and depicting people, cartoons, characters or animals. Staff recommended that the committee approve the proposed temporary approval with six listed conditions.

The committee asked staff whether a reply was received by any residents from Birch Grove Manor (3 Birch Grove Court – PID 00077834 & 00116178). Councillor Tompkins made note that she had contacted the residents, and provided comment that a general response was supportive. Luke Johnson noted that some residents may use cannabis medicinally.

The applicant, Chris Jones made a presentation via teams. Mr. Jones operates 13 stores in Ontario, and one in Grand Bay-Westfield, New Brunswick. He won a bid in early 2023 to open private cannabis retail stores in ten municipalities in New Brunswick, and chose three towns (St. Andrews, Grand Bay-Westfield, and Hampton). Mr. Jones has been seeking retail spaces to lease in Hampton since he was awarded the licence and has been unsuccessful due to the lack of available space and the requirement to operate 150 m away from schools, which eliminated the available space that won his contract, which was in the Hampton Mall, as this was 138 m from Hampton High School. On June 15, he opened a store in Grand Bay-Westfield in a Mixed-Use Zone. The operation is located in a residential area and has received approval for a required change of use. Feedback from this retail location has been positive, and he has hired five employees from the area. He also noted that he has been operating successfully in Ontario in small towns with approximately 2-3 thousand residents. The stores have not received any penalties from regulatory bodies in Ontario. The estimated number of customers at the Hampton store would be approximately 25 people per day.



Mr. Jones argued that there is no perfect place for this store in any town. The entire town is full of children and it will be difficult to find an area to open a store where children are not nearby. All of the windows will be covered and products will not be visible from outside, and no-one under the age of 19 are permitted to enter the store. A cannabis store is regulated, could reduce the number of people purchasing cannabis illegally and reduces the distance people in Hampton need to travel to purchase cannabis. Based on the number of people that wrote letters compared to the number that did not write to voice opposition, more people were in agreement with the operation than opposed. In closing, he stated that his experience makes him the best candidate to open a store in Hampton.

Some members of the committee disagreed whether a lack of response to the notice sent to neighbouring properties are viewed as support. Staff read the section of the notice that refers to this two times. This notice was also posted on Hampton's website 10 days prior to each meeting.

The Chair invited members of the public to speak:

Pastor Greg Gray of Hampton Baptist Church, 776 Main Street approached the mic.

Pastor Gray stated that he received first letter late and did not respond. He did not understand that a non-response was supportive of the application, and compared this to an election, where a lack of votes are not considered as support. The letters went out to property owners but not residents who rent some of the locations. Some residents may not have been notified by their landlords. Pastor Gray objected to the operation of the cannabis store due to its location in proximity to Hampton Elementary & Middle Schools, the rink, after school program and the church as this area is centralized with young people. This area has a concentration of children that would be exposed to cannabis signage. The church works with individuals with substance abuse issues, and are instructed to avoid any triggers, which will be difficult with a cannabis store in the proximity to the church and may cause people to not be able to attend this church. There are people in New Brunswick that have trying to find a place to rent for longer than a year, and Hampton should consider looking for a location that is zoned for business that is not in the centre of an area that is for children.

Sarah Smith of 28 Clover Court, Sussex, N.B. approached the mic.

Ms. Smith is a co director of the Seed after-school program which has been operating for 13 years. Approximately 30-40 children between the ages of 5 – 12 attend the program. Many students walk from the Elementary and Middle Schools to the church at 3 different times each afternoon. Approximately 42 buses leave the schools between 2 – 4 pm which is when after work customers would be visiting cannabis store. The services surrounding schools should be residential and recreational, and a cannabis store is not the type of business that should be in this area. The school zone is protected with reduced speed and crossing guards because it is a children's place. Hampton should promote healthy things for children, such as nearby trails and walking paths and cannabis does not support this. Advertising will expose children to drugs and the community should delay introduction of drugs to youth as they will be less likely to be incarcerated, use drugs, and drop out of schools. Ms. Smith shared statistics from WHO stating that 1 in 7 people or 13% have mental health disorders and the 4th leading cause of death is suicide. She concluded that reducing drug use will support mental health.

Steve Tyler of 64 Kelti Avenue approached the mic.

Mr. Tyler is a member of Hampton Baptist Church and spoke about how influence affects us all, the influence that advertising has on youth and the effects of drug and alcohol use. He was not in support of the business location, as it is close to hundreds of children and the church.



Robert Doucet of 468 Kennebecasis River Road approached the mic.

Mr. Doucet stated that this is “touchy” situation no matter the outcome; people are fine with it but not in their back yard. He uses medical marijuana and must travel a distance to get it. Residents of Birch Grove would also have easier access to cannabis required for medical purposes. The operation is legal, and the doors and windows are covered. Mr. Doucet was in support of the proposed use.

Pastor Greg Gray of Hampton Baptist Church, 776 Main Street approached the mic.

Pastor Grey acknowledged that he does not have issue with cannabis being used for medical issues and that the location will not sell to minors, but minors already use it in Hampton. He believes that if it is kept out of the area longer, the longer it will take for minors to use it.

Scott Folkins of 761 Main Street approached the mic.

Mr. Folkins lives next door and objected to the store being visible to his children, the daycare across the street and the hundreds of kids aged 4-14 passing by on bicycles to and from school. The cenotaph is located nearby and is a place where hundreds of people gather on Remembrance Day. He showed photo of the Grand Bay store with cannabis leaf design on window coverings. He worries about being able to use his backyard and whether there will be a smell from the store. The second driveway is on a blind corner and is unsafe.

Rachel Knox of 776 Main

Ms. Knox is a Co-Director of the Seed after-school program. She stated that the applicant should consider purchasing property on William Bell Drive in the commercial area, as the proposed location is within the school walking zone (which extends to the traffic circle). Those who can't take a school bus are walking by twice a day, adding up to 200 times over 9 years which is a lot of exposure. The power of suggestion is real, hence the advertising industry, and advertising will be real for Seed students.

Aaden Gray of 11 Moran Lane approached the mic.

Mr. Grey rents at 11 Moran Lane and did not receive a notice. He was not in support of the proposed use.

Sandy Gray of 239 Lakeside Road approached the mic.

Ms. Gray stated that there are varied opinions about cannabis. She has a prescription for it and orders it online, and receives in the mail and suggested that residents that do no wish to travel to purchase cannabis could do the same. She asked that if a cannabis retail store is going to come to Hampton, why not have it in an area with less conflict.

Lorraine Moran of 753 Main Street approached the mic.

Ms. Moran tried to open a business in the area 20 years ago and was denied because it was a residential area. A former resident of 771 Main Street also tried to open a business there and was denied. She suggested other commercial areas that would be more suitable for a cannabis store such as Kit 'N Kaboodle, beside Snows Ice Cream, and across from Five Son's, and suggested the applicant wait until a more suitable location was found. Many classes go to the community centre for swimming and skating and walk by to access the walking trails and



ice cream stores. The property is open and visible and opens at 10 so children would walk and drive by during business hours.

Ronald Stackhouse of 96 Villa Drive approached the mic.

Mr. Stackhouse stated that we all live in Hampton and know there are many kids in the area. He listed other programs that are hosted at the Hampton Baptist church throughout the week that have children attending. He noted that the driveway is sloped and may not be able to be used in the winter; if not, then customers will park at the church. Children are constantly walking by to go to the playground, pool, and rink. He and his wife have to travel outside of Hampton to see their doctor, and it wouldn't be different to travel to purchase cannabis. It would be a poor investment to open a cannabis store at 771 Main and that there are better ways to bring money to Hampton. He is not against medicinal use of cannabis but knows people who have been on drugs and young lives have been ruined. The church works with people who have addiction problems and the proximity to the proposed store would be detrimental.

End of presentations from the public.

The Chair thanked members of the public for speaking and gave the applicant the opportunity to respond to the public's remarks. The applicant thanked the members of the public for sharing their views and that he appreciates hearing people's concerns so any issues can be addressed. He noted that the notice sent to those living nearby states that if you are not in support to send letters of objection, if you are in support then no need to write in. Based on this, a large portion chose not to respond as they are accepting of the proposed use or are indifferent. Hampton has a population of four thousand and thirty came to the meeting, which should represent support for this application. He stated that this is an opportunity to educate children about cannabis, so they can make informed decisions and that if you hide something from a child, they will want it more. Children are living all over Hampton and this location has entrance from rear which makes the store less visible, unlike a plaza where children will be visiting during shopping. People that are currently using cannabis in Hampton are either buying it illegally, online or travelling to purchase. Many new customers are seniors and are of legal age. There are deadlines from Cannabis New Brunswick on when he needs to open and restrictions on where he can operate. If this store doesn't open, there will still be cannabis products in Hampton.

The committee asked for more information on how window coverings would look. The store is required to follow regulations that no one from outside has any visibility from outside. Windows will have frosting or covering on ground floor windows and can be clear, white, or black. Second floor windows would not be covered but this area will not be used. Windows in Grand Bay had their logo on window coverings, but the logo can be omitted this from the design for the Hampton location.

The committee asked if the applicant has assessed the viability of constructing a new building and whether he would be able to receive an extension from Cannabis New Brunswick. The cost to purchase land and build a retail space would be four times more than leasing or purchasing a building and would exceed the amount of time set by Cannabis New Brunswick to open. The store must be opened 60 days from approval of zoning. The applicant has already received one extension from Cannabis New Brunswick, and it was very difficult to obtain, so another extension would likely not be granted. Mr. Jones stated that a store will be opened in Hampton regardless, and could be by someone else who is much less knowledgeable or experienced.

The committee asked if there are any financial penalties for missing deadlines. There are no financial penalties from Cannabis New Brunswick if the store does not open but the applicant has lost time and money travelling to



Hampton searching for a location, and faces financial loss as he could have opened a store successfully in another town. Hampton will also lose job opportunities for those that would be hired to operate the store.

The Chair asked for the committee to make a motion:

MOVED BY MURRAY GOODMAN AND SECONDED BY LUKE JOHNSON TO APPROVE THE REQUESTED TEMPORARY APPROVAL TO ESTABLISH A CANNABIS RETAIL SALES AT THE PROPERTY IDENTIFIED AS PID 00192336, LOCATED AT 771 MAIN STREET, HAMPTON, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- i. The temporary use is approved for one calendar year from the date of the Planning Advisory Committee's motion.
- ii. Should the proposed use not be in conformity with Hampton's Zoning By-Law by August 2024, the applicant be required to submit an application to amend the Zoning By-Law to bring the use into conformity and apply to renew the temporary approval for an additional year.
- iii. The applicant must provide Hampton with a copy of a License to Operate.
- iv. The applicant must maintain the prescribed setbacks laid out in the License to Operate.
- v. A building permit is obtained for any proposed renovations.
- vi. A sign permit is obtained for any signage displayed.

Moved by Luke Johnson and seconded by Murray Goodman to amend the motion to add an additional condition: "Window signage is prohibited at this building location and signage is limited to a single sign at the front of the building."

Following the motion being made and seconded, several members of the committee provided their comments as follows:

- Location is inappropriate as this is a "kids zone" due to the proximity of schools and the community centre,
- The proposed use in a high traffic area,
- It is inconsistent with how Hampton should develop, and
- The feedback from residents that have written and are in attendance represents a "unanimous no" from people in the area.

In Favour: Councillor Tompkins, Murray Goodman, Luke Johnson, and Art Roy

Contrary Minded: Mark Reid, Phil Tabor, Jamie Mahoney, Chris Rendell and Dave Henderson

Motion Denied

5. Moved by Councillor Tompkins to adjourn at 9:45 pm.

Mark Reid – Chair

Marilyn Duplacey – Planning Coordinator