



**Planning Advisory Committee Meeting
August 29, 2023 - 7:00 pm
Council Chambers
Minutes**

Attendees:

Murray Goodman	Luke Johnson	Jamie Mahoney	Mark Reid (Chair)
Chris Rendell (Vice Chair)	Art Roy	Phil Taber	Councillor Kim Tompkins

Regrets:

Dave Henderson

Guests:

Chris Jones, applicant Via Teams
Lorraine Moran – 753 Main Street
Don Webb – 753 Main Street
Jennifer Brown – Planner, Dillon Consulting

Town Staff:

Richard Malone	CAO
Arthur McCarthy	PLED Director/Development Officer
Marilyn Duplacey	Planning Coordinator

1. Call to Order

Mark Reid, Chair, called the meeting to order at 7:01pm.

2. Approval of Agenda

**Moved by Councillor Tompkins and seconded by Murray Goodman to approve the agenda.
Motion Carried**

3. Disclosure of Conflict of Interest

None declared.

7:05 pm - Chris Rendell entered the meeting

4. Approval of Minutes July 25, 2023

**Moved by Jamie Mahoney and seconded by Murray Goodman to approve the minutes of July 25, 2023 be approved as presented.
Motion Carried**

5. Building Reports July 2023

**Moved by Phil Taber and seconded by Luke Johnson to accept the building reports for July 2023 as presented.
Motion Carried**

Committee would like to see 2019 figures for Ward 2 for end of year.



6. New Business

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

Arthur McCarthy, Director of Planning, Development and Engineering went through the staff report in detail and read the feedback received in full to the committee. The application is to establish a cannabis retail sales use, licensed by the Province of New Brunswick, at 771 Main Street, Hampton. The proposed use is located in the Mixed-Use Zone of the Hampton Zoning By-law which does not permit cannabis retail sales. The applicant is applying for a temporary approval which would allow the establishment of the business for a period of one year while Hampton updates their Municipal Plan and Zoning By-law. A temporary approval can be extended for an additional year (two years total), should the updates to the Municipal Plan and Zoning By-law not accommodate cannabis retail sales in the future zoning by-law. Cannabis retail sales are a licensed and regulated use under the Province's *Cannabis Retailers Licensing Act*.

As part of the report, Staff provided the feedback received from the community (five solicited letters from properties notified within 100 m and two unsolicited letters) regarding the proposed cannabis retail use to the committee, summarized as follows:

D Moran – 17 Birch Grove Court	- Not in support
J Moran – 17 Birch Grove Court	- Not in support
S Folkins – 761 Main Street	- Not in support
L Moran – 753 Main Street	- Not in support
S & H Beyea – 752 Main Street	- Not in support
P Bolton – 104 Viola Avenue	- Not in support
L Beyea – 16-54 Demille Court	- Not in support

Chris Jones, the applicant, was then given the opportunity to make a presentation. He provided the committee with some background regarding operating/owning 13 Cannabis stores in Ontario, and that he applied for NB Cannabis licenses in fall of 2022 to operate in NB and was awarded all 10 licenses, but was only granted 30% of the market and had selected Hampton, Grand-Bay/Westfield and St Andrews. Further, he added that he opened the first store in Grand Bay/Westfield and that the rules set out by Cannabis NB are very strict. The first location he looked in Hampton, which was included as part of the winning license proposal, was the empty retail space in the mall, beside the Liquor Store. However, he added that this location is 138 m from the high school (property line to property line), hence would not be approved by Cannabis NB. As such, he expressed the location at 771 Main is further than 150 m from any school and explained customers would drive into the back of the building and enter the store from the back door, with the front door used only an emergency exit, and estimates that daily business activity to be approximately between 5 and 30 customers per day entering the store.

8:10 pm. Lorraine Moran and Don Webb entered the meeting.

At 8:10 pm, Lorraine Moran and Don Webb entered the meeting and were given the opportunity to speak. Lorraine Moran advised that she is very much opposed to this location as it is too close to schools, the community center, the after-school program at the Church, and there are many families with young children living in the area. She stated that Cannabis stores must be 300 m from a school and that it should be located beside the liquor store. Further, Lorraine made note to the committee that many years ago, they were not allowed to sell cars on her property and was taken to court by the Town over this situation, and was surprised that this type of retail was permitted in this area. Again, she stated that there are many children in the area who would pass this store on their way to and from school every day. Additionally, she made



note that a relative lives next door and his three (3) adopted children all come from families with a history of drug abuse. She questions whether this area should be commercial at all but should be only residential.

Following comments from the public, the applicant was provided with the opportunity to address the concerns of the members of the public. The applicant provided similar information as presented at the start of the meeting, which included background, various locations that have been explored to date, and a brief overview of the business plan. The Chair, then opened the floor to any further comments and then proceeded to discussion by the committee. The committee discussed various aspects of the application, including location, anticipated customer/traffic impacts, signage, feedback received from the notices, provincial separation distance in the RFQ document, proximity to community recreation areas (parks and arena), other uses in the area, and preferred locations by committee members. After considerable discussion by the committee regarding the location, the following motion was made.

Moved by Phil Taber and seconded by Chris Rendell to deny the requested temporary approval to establish Cannabis Retail Sales at the property identified as PID 00192336, located at 771 Main Street, Hampton, as presented, due to the following:

1. **The proposed land use is in significant conflict with surrounding properties, as evidenced by the many letters received in opposition; and**
2. **The proposed use (an age restricted business) is inappropriate for the location, given the nearby educational facilities, and also given extensive child and youth programming within a 150 m radius.**

Voted for: Mark Reid, Phil Taber, Jamie Mahoney, and Chris Rendell
Contrary Minded: Murray Goodman, Art Roy, Councillor Kim Tompkins, and Luke Johnson
Tie Vote: Motion Denied

Moved by Murray and Goodman and seconded by Art Roy to approve the requested temporary approval to establish Cannabis Retail Sales at the property identified as PID 00192336, located at 771 Main Street, Hampton, as the proposed use is deemed desirable for the development of the property, 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.**

Voted for: Murray Goodman, Art Roy, Councillor Kim Tompkins, and Luke Johnson
Contrary Minded: Mark Reid, Phil Taber, Jamie Mahoney and Chris Rendell
Tie Vote: Motion Denied

8:26 pm. Jennifer Brown signed on via Teams
8:35 pm Jennifer Brown signed off (lost connection)

Following the motions, Staff requested from committee members what further information could be provided by the applicant and/or staff that would assist with the decision. As such, the committee made the following motion:

Moved by Mark Reid and seconded by Luke Johnson to table the requested temporary approval to establish Cannabis Retail Sales at the property identified as PID 00192336, located at 771 Main Street, Hampton, as presented, and request



the following information be provided to this committee for review at a Special Meeting to be held on Thursday September 14, 2023 at 7:00 pm in the Council Chambers:

1. Extend the notice radius from 100 m to 150 m

Voted for: Mark Reid, Phil Taber, Jamie Mahoney, Chris Rendell, Councillor Kim Tompkins and Luke Johnson.

Contrary Minded: Murray Goodman, Art Roy

Motion Carried

7. Next Regular Meeting – Scheduled for September 26, 2023
8. Moved by Chris Rendell to adjourn at 9:55 pm.

Mark Reid – Chair

Marilyn Duplacey – Planning Coordinator