

**TOWN OF HAMPTON  
COUNCIL MEETING  
February 25, 2010**

A special meeting of Council was held in the Council Chambers at 27 Centennial Road on February 25, 2010 commencing at 7:00 p.m.

**ATTENDANCE:**

Council:	Deputy Mayor Dwight Bond Councillor Peter Behr	Councillor Clara Lights Councillor Robert Doucet
Staff:	Richard Malone, Chief Administrative Officer Megan O'Brien Harrison, Town Clerk/Development Officer Richard King, Building Inspector/By-law Enforcement Officer	
Media:	Erin Dwyer, Telegraph-Journal	
Delegations:	Edward Baird and Dr. Hugh Baird, representing Hampton Real Estate Services Inc.	
Guests:	Jerry Arsenault, 312 Main Street Angela Davis, 131 Donlea Drive Cherie Davis, 244 Main Street Walter Davis, 14 Mott Street	Andy Lodge, 45 Meadow Avenue Shawn Price, 10 Neill Drive Melody Jones, 25 Ludlow Lane Kenneth Webb, 296 Main Street

**1. REGULAR SESSION – PUBLIC COUNCIL MEETING**

Deputy Mayor Bond called the Open Session to order at 7:00 p.m. Deputy Mayor Bond noted that Mayor Chorley has excused himself from all matters dealing with this application.

**2. PUBLIC PRESENTATION**

The Town Clerk was asked to present the draft Municipal Plan Amendment and the draft of the Zoning By-law Amendment.

She noted that the Town of Hampton has received a new application from Edward Baird and Dr. Hugh Baird of Hampton Real Estate Services Inc. to rezone 274 Main Street (PID 00193748) in order to allow for the establishment of a licensed restaurant and pub at that location. She stated that at the February 9<sup>th</sup>, 2010 meeting of Council, Council had passed a resolution, in accordance with Section 3.3 (f) of the Zoning By-law, that allows the new application to be heard without waiting a year from the date the first application was denied, in light of the fact that the applicants have presented a change in conditions.

The current land use designation for this property under the Municipal Plan is "Residential" and the current zoning for this property under the Zoning By-law is "Neighbourhood Commercial." The draft By-law #185-09 *A By-law to Amend the Municipal Plan By-law 159-04* would allow for the change in land use designation for PID 00193748 from "Residential" to "Town Centre." The draft By-law #186-10 *A By-law to Amend the Zoning By-law 160-04* would allow for the change in Zoning designation for PID 00193748 from "Neighbourhood Commercial" to "Town Centre."

### The Applicants

Edward Baird, on behalf of Hampton Real Estate Services Inc., stated that their business plan for the Shire Town Publicans licensed restaurant and pub at 274 Main Street is the same as was presented last summer. He stated that the changes in conditions were the significant design changes to the building and the fact that Dr. Baird was willing to grant an easement through his neighbouring property to allow for a second access to 274 Main Street.

Mr. Baird read into the record a letter from Eli Wolpin, the designer of the revised building. Mr. Wolpin's letter stated that he saw the development of this abandoned site as a great opportunity to refocus the growth of Hampton back to Main Street. He stated that the mass of the building had been modified so that it forms a significant frontage on Main Street and that the front of the building features a public fore court with significant landscaping and a large covered area at the entry. He stated that any noise generated by people gathering at the front of the property would be shielded from the neighbouring properties. He also proposed a garden berm covered with flowers, which would shield the main dining space from street noise. He stated that the wall assemblies will have a minimum Sound Transmission Class (STC) of 50 and will be achieved by using increased drywall thicknesses and absorptive insulation. He said the inspiration for the design came from the history of the English settlement of Hampton and the Baird's long history of raising horses.

In regards to traffic concerns for the area, Dr. Baird stated that he felt they were unwarranted. He pointed out that traffic passing the proposed site of the Shire Town Publicans would be travelling at the same speed as the traffic passing the restaurant located in Hammond River. He also noted that at 274 Main Street, there would be no one backing out into traffic.

Dr. Baird stated that in the summer of 2009, they hosted a corn boil fundraiser at 274 Main Street. The event included live music. He believed that none of the neighbouring property owners could hear the music.

Dr. Baird also stated that he did not believe that William Bell Drive would be the right spot for their proposal due to the presence of 18-wheelers twenty-four hours a day and the large hydro-lines running through one side of the street. He said that William Bell Drive is perfect for big box stores and industrial uses but not for small footprint type businesses like the proposed Shire Town Publicans.

At the conclusion of Hampton Real Estate Services Inc.'s presentation, Deputy Mayor Bond opened the floor to questions from the public.

### Ken Webb, 296 Main Street

Mr. Webb inquired as to whether there would be a second driveway and where it would be located and when it would be installed.

Dr. Baird stated that he had purchased the property next door (260 Main Street) and that he would be granting an easement to 274 Main Street for an access. The exact location of this second driveway had not yet been determined but in consultation with Town Staff it would be located somewhere between the property line and the existing driveway for the house at 260 Main Street. Dr. Baird stated that it would be installed within months.

Mr. Webb noted, in regards to Dr. Baird's comments regarding William Bell Drive, that many restaurants exist and thrive in non-residential areas. He provided the Hilltop Restaurant in Fredericton and Montana's in Saint John as examples.

Mr. Webb asked what an STC rating of 50 means? Edward Baird stated that STC stood for Sound Transmission Class. It was a way of establishing on average how much sound is stopped by the windows, doors, walls, etc. He said that they would be implementing various noise reduction products and building methods that would ensure an STC rating of a minimum of 50, though he predicted it would be much greater. Dr. Baird felt confident that the sound transmission at the property line would be zero.

Mr. Webb noted that the redesign and the additional access were a great improvement. He wondered if that meant that he would have an increase in property values and increased taxes as a result.

Dr. Baird stated that he would guarantee an increase in property values of the adjacent properties. He said that Main Street property values are destined to increase. He said that the Town should be thinking about protecting people's homes by freezing property taxes for current owners. He said this is done elsewhere and Council should give consideration to this.

Mr. Webb inquired as to plans for an outdoor venue. Edward Baird stated that there would be a fore court at the front of the building and that they would be constructing a garden berm to handle noise pollution in this area. Dr. Baird pointed out that the existing noise in the front of the property from Main Street is a far greater concern to the restaurant than any potential noise from the fore court would be to the neighbours.

Mr. Webb stated that as a resident he was not in favour of the project. Deputy Mayor Bond reminded him that the time for public opinion on the project would be at the public hearing.

Walter Davis, 14 Mott Street

Mr. Davis said residents residing in that area objected to the idea of a restaurant at 274 Main Street. It was the additional late hours of operation and the addition of the outdoor area that had residents concerned. He wondered if the outside area was necessary and if Mr. Baird would consider backing his proposed hours of operation up so that they closed at midnight. He also wondered if they would be serving alcohol outside.

Dr. Baird stated that they would not consider reducing their hours.

Mr. Baird stated that the outside area was necessary. He said that many patrons would enjoy sitting outside on a beautiful summer night and this would also serve as a wonderful gathering place for pedestrians walking by. Dr. Baird stated that they would be serving alcohol in the outdoor seating area.

It was noted that the Noise By-law could possibly limit the hours of the outdoor seating area. As the Noise By-law states that no person shall make or permit to be made any noise within the Town between the hours of twelve midnight and seven a.m.

Melody Jones, 25 Ludlow Lane

Mrs. Jones asked whether they still planned to have the original entrance/exit to the property? Mr. Baird stated that it would be narrowed but there would be both in and out accesses at the front of the property. Mrs. Jones stated that she was concerned about access to her property if that was the case. She said that on the day of the corn boil people parked on Ludlow Lane and it limited her ability to exit her property. She also noted that she did hear considerable noise on the day of the corn boil but did not complain because she knew that it was a fundraiser and would only be one day.

Mr. Baird stated that the corn boil was an outdoor event that took up most of the parking lot so that parking on Ludlow Lane would not be an issue when the restaurant/pub opened. He also noted that the point of the corn boil was to create noise and a ruckus (as well as be a fundraiser). He said it was a test of sorts.

Mrs. Jones inquired as to the plans for the adjacent property. Dr. Baird stated that there were no formalized plans yet.

Mrs. Jones stated that her concerns remain the same. She said that she would be submitting her written comments to Council and asked the applicant not to follow-up with a visit to her home this time.

Walter Davis, 14 Mott Street

Mr. Davis wondered if the newly acquired property was amalgamated or would be amalgamated with 274 Main Street. Dr. Baird stated that it was not and that he would simply be granting an easement from 260 Main Street to 274 Main Street to allow for a second access. The revised plot plan has not been completed and will be subject to determining the best location for the second driveway.

Mr. Davis inquired as to seating capacity and parking. Mr. Baird stated that he would have the potential for 120 patrons but felt that 60-85 was a reasonable amount to expect. He stated that he would have the required parking spaces as per the Zoning By-law.

At the conclusion of the public's questions, Deputy Mayor Bond opened the floor to questions from the Council.

Councillor Lights

Councillor Lights clarified that an STC rating of 50 would be the minimum standard that the building would be built to. Mr. Baird confirmed this stating that the designer felt the building would mostly exceed this rating.

Councillor Behr

Councillor Behr inquired as to how the ratings worked and whether the rating was established with the doors and windows closed? Mr. Baird stated that it was.

Councillor Behr inquired as to what the shaded rectangle on the plot plan was. Mr. Baird stated that in his former application that rectangle represented a proposed beach volleyball court. He stated that he no longer intended to have a beach volleyball court as part of the proposal.

Councillor Behr noted that they would not be able to control outside noise. Dr. Baird stated that although the outside noise could not be controlled, the behaviour of patrons would hopefully be kept in check by the installation of a video surveillance system.

Deputy Mayor Bond

Deputy Mayor Bond stated that he had three areas of concerns: the entrance to the property, noise concerns, and whether the Town Centre zone should be extended. He believes that the second entrance from 260 Main Street will assist with potential traffic problems due to the knoll. He said that an STC rating of 50 sounds like a high rating but that is something that the Town engineer will have to check out and make a recommendation on.

Councillor Doucet

Councillor Doucet stated that he had no concerns with the proposal.

The Clerk stated that there were copies of the draft By-laws and application available at the Town office, on the Town website and available at the meeting.

She stated that the public now has an opportunity to submit their comments in writing to the Town Office, with the deadline for submissions being 4:30 p.m., on Tuesday, March 30th. Council has set the Public Hearing for the application for Thursday, April 1<sup>st</sup> at 7:00 p.m. in Council Chambers at which time the written comments will be considered and the public will be provided an opportunity to speak on the proposed amendments.

**6. ADJOURNMENT**

As there was no further business the meeting of Council was adjourned at 8:10 p.m.

**Moved by Councillor Behr that the Public Presentation Council Meeting of February 25, 2010 be adjourned.**

**MOTION CARRIED**

APPROVED:

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Dwight Bond, Deputy Mayor

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Megan O'Brien Harrison, Clerk