

Hanwell Working Group Meeting

June 19, 2007

Present:

Peter Michaud	Kristal Desjardins	Grant Goode	Chris Weadick
Tony Hetherington	Brain Connell	Serge Levesque	Reade Moore
Muriel Weadick	Chris Robbins	Colleen Adams	

Meeting start at 7:40 pm

Dallas began the meeting by stating a couple of emails were received: one was sent by Working Group member and Local Service District Advisory Committee Member, Detlef Rudolf, thanking the group for attending the meetings.

Another was received from a WG member who questioned the origin of 30% of floor area provision of a dwelling used as a home based business and highlighted its impact on types of home based businesses giving an example of how it may impact a daycare and special care homes.

Dallas stated that his understanding was that the WG did not want to limit those types of land uses and that the draft should provide exemptions for uses that cannot be expected to meet those provisions but would still be viewed as desirable in residential areas.

Dallas circulated a sheet of options for Class 1 home based business provisions coming from the last meetings discussion for the group to review.

“Proposed definitions for Class One and Class Two Home Based Businesses:

“Class 1 home-based business” means the use of a dwelling unit by a resident of the dwelling unit to conduct an activity for financial gain or reward or in the hope or expectation of financial gain or reward, and which is secondary to the main residential use and conducted entirely within the dwelling unit.

“class 2 home-based business” means the use of another building or structure on the same lot as a dwelling unit by a resident of the dwelling unit to conduct an activity for financial gain or reward or in the hope or expectation of financial gain or reward, and which is secondary to the main residential use on a lot;

Home-based Businesses

Where permitted, a class 1 home-based business may be conducted in a residential dwelling subject to the following conditions:

- (a) the home-based business shall be clearly secondary to the main residential use and there shall be no change to the outside appearance of the dwelling or premises or any visible evidence of conduct of a home-based business, except for a sign permitted under subsection (x);
- (b) with the exception of a daycare or music, dancing, or art instruction, no more than 30% of the floor area of the dwelling unit may be used for the home based business;

There was discussion about this with the group. Dallas said special care homes can be businesses in homes, but perhaps they are outside the scope of what we trying to focus on with “home based businesses” as related to the plan and something that should be defined, referred to and permitted as it’s own use, in residential zones, where it would not be subject to the provisions of home based businesses. The use itself is in essence a residential use with institutional tendencies and it’s hard to determine that it would be secondary to a single family dwelling or separate the fact that the owner/operators living quarters is somehow not related and inherent to operation of the special care home. The WG agreed with the idea. Dallas will draft the definitions and provisions.

A WG member suggested that dancing or art or music instruction depending on the size of class could generate a lot of traffic in the residential neighbourhoods – the group felt more comfortable leaving that to be subject to the 30% provision.

Through further discussion about the wording of exemptions of the 30% provision Dallas noted how many exemptions to what we have prepared a day care would need. We want class one HBB’s to be conducted entirely within a dwelling – may not be compatible with a day care – No visual evidence of the HBB’s - may not be compatible with a day care - usable area provisions - not compatible with a day care - outside storage of materials are not compatible with a day care - even noise provisions may be not be compatible with a daycare. Given that the group clearly wants to accommodate in-home daycares, perhaps we should treat it similar to how we discussed special care homes, where they are defined and referred to and permitted as it’s own use and not subject at all to the HBB requirements.

WG member noted that day cares that are licensed to accommodate many children and where the Day Care is the primary use of the building, they may generate a lot of traffic in the residential subdivisions. WG member

suggested looking at the legislation regarding daycare size and perhaps using that as a means to differentiate between small in home daycares larger day care centres that we may want to encourage to locate closer to the main road and out side of the residential areas. Dallas said he would look at the legislation regarding day care size and if the group felt comfortable with day cares of any size or day cares up to a certain size in the residential areas we could draft provisions to accommodate it. Dallas will bring something back to the group to review.

- (c) with the exception of **play equipment used by a day care home and vehicles designed and used primarily for travel on public highways**, there shall be no outdoor storage of goods, equipment or materials associated with the home-based business;

Proceeding on the basis of day care's not being what we refer to as home based businesses - we can strike the exception reference included above.

Also vehicles were mentioned by a WG member as perhaps something we should look at and Dallas said he would look at it for the next meeting. Dallas said we had already looked at examples of HBB provisions that referenced vehicles. One example stated that: "Parking of commercial vehicles on or about the site is not permitted". Dallas stated that he felt that it was too restrictive, as a typical vehicle may have advertising on it for a HBB, or work vehicles and with work vehicles for other who do not have HBB's it could be seen as unfair. So it may not be a good idea for us. The Working Group Agreed.

Dallas said we also reviewed one that dealt with the vehicle size: "No more than one business related vehicle with a gross vehicle weight of no more than 5,000 kg and a total length of no more than 6.0 metres may be stored on or in the vicinity of the site;" Dallas asked the group what they thought about the size and weight restriction. WG member thought it should, if used, be not more the than x weight "or" x length as opposed to "and" if used. WG member asked about "on or in the vicinity of the site." Dallas said we would likely not use that wording but what does the group feel about the weight and dimensions and the idea behind it? Dallas said that with us exempting vehicles in above we may need some other provision to draw a distinction between Class One HBB's and a Contractor's yard. The Group will consider this further.

- (d) the premises shall not be used for auto repair, **painting or washing**, machinery repair or rental, welding or any other industrial use, a convenience store, restaurant, tanning centre, laundry services, sharpening services or any rental or retail operation except where retail is

accessory to the production of goods or crafts or the provision of a service; and,

WG member suggested adding detailing with car washing.

WG member asked why Sharpening was in the list. Dallas said noise but if the group prefers we can add or remove items to the list. WG member asked would that really go on in a dwelling, it was stated that a person may look to do it in a basement or garage. WG member, who asked, said they just wanted to know why it was there.

- (e) the home occupation shall not produce any smoke, fumes, obnoxious odours, noise, vibration, heat, humidity, glare or electronic interference so as to be easily observed beyond the limits of the property in which the home-based business is conducted.”

At the last meeting a WG member asked about the possibility to add a provision dealing with not allowing HBB's to receive parcels from large vehicles and if we could limit them to regular mail and picking up their own goods so that large delivery trucks are not in the neighbourhoods. Dallas stated that he understood the intent of dealing with traffic but that he didn't think a rural plan, under the *Community Planning Act* could address how items get delivered to an HBB or anyone else. It could look to discourage things that tend to have to receive large shipments and can regulate loading areas if the group was so inclined.

WG member asked about the possibility of more than one home based business in a dwelling. WG member said if a husband and wife both had a home office why not. Dallas we could look at the wording to ensure that possibility is accounted for in the wording and subject, collectively, to the appropriate requirements.

WG member asked about the possibility of a policy to require that people who decide to open a HBB notify the planning commission first. Dallas said often they ask first but if they don't require a physical building or development permit there is nothing that says they need to contact us to change from one legal use to another, or face any penalty. WG member said it would be a good idea if they did, Dallas said he did not believe that through this plan we can set up new processes and structures. Dallas said a decision to implement that type of thing should apply to our entire planning commission and all planning offices in NB. The idea is good and a Dallas will look into it, but not sure if it can accomplished by the rural plan.

Dallas talked to the group about the Open House – said WG member should feel free to drop by and participate as they wish, but they won't have "duties". Dallas said he would distribute our draft objectives, policies and proposals and well as explain the groups stated intentions such as limiting subdivisions to the residential areas, looking at respecting environmental features like watercourses and wetlands etc. We will also note the current issue we are discussing such as garden suites and homes based business and try and to get feedback from the attendees.

Dallas said the group would look to meet once a month over the summer and we will discuss the open house at the next meeting.

Meeting adjourned at 10:00 pm.