

**Formal Objection to Proposed Amendments to Zoning By-law re:  
Supportive Housing and Rezoning of PID 30150395**

Name\_\_\_\_\_

Street

Address\_\_\_\_\_

Postal Code\_\_\_\_\_

Date: \_\_\_\_\_

To:

Town of Hampton Council

648 Main Street

Hampton, NB E5N 6E1

planning@hampton.ca

Subject: Formal Objection to Proposed Amendments to Zoning By-law re: Supportive Housing and Rezoning of PID 30150395

Dear Mayor and Members of Council,

I am writing to formally object to the proposed amendments to the Hampton Zoning By-law, particularly those redefining Supportive Housing and rezoning of PID 30150395. These amendments are scheduled for public hearing on November 12, 2025, and I respectfully request that this letter be entered into the public record.

**1. APAT Decision: Misapplication and Undue Hardship**

The Assessment and Planning Appeal Tribunal (APAT), in its June 10, 2025, decision, **unanimously** found that the **Town of Hampton had misapplied its own Zoning By-law** when it approved the development permit for the proposed facility on PID 30150395. The Tribunal concluded:

In addition to the misapplication, the Tribunal also upheld the appeal on the grounds of **special or unreasonable hardship** under Section 120(1)(b)(ii) of the Act. The Appellants—residents living adjacent to the proposed site—demonstrated that the development would cause direct harm to their land, buildings, and structures. The Tribunal cited expert evidence and literature, including the Journal of Substantial Real Estate, which concluded that Drug & Alcohol abuse treatment centers adversely impact the price of neighboring homes.

Issue	Details
<b>Supportive Housing Definition</b>	Does not meet Section 4.31 of Hampton Zoning By-law
Facility Licensing	Town failed to ensure licensing or approval by government agency
Compliance Claims	Relied on unverified claims of Canada Health Act and professional licensing bodies
Tribunal Action	Ordered revocation of permit under Section 120(1)(b)(i) of Community Planning Act
<b>Appeal Grounds</b>	Special or unreasonable hardship under Section 120(1)(b)(ii)
Proximity to Homes	Facility steps from family homes, and where children play.
Exposure Concerns	Residents exposed to individuals with unpredictable backgrounds and behaviors
Privacy	Direct lines of sight into neighboring homes
Property Value	Development would devalue properties, make them unsellable, lead to financial loss
Academic, Expert Evidence	Journal of Substantial Real Estate: substance abuse treatment centers adversely impact neighboring home prices

The Tribunal found that these impacts met the legal threshold for “special or unreasonable hardship,” defined as “some trial, oppression or need or something hard to bear, different from that which is usual or ordinary or that is not based on or in accordance with reason or sound judgment.”

***The Town’s current attempt to amend the by-law to accommodate the same proposal previously rejected by APAT is deeply concerning as this circumvention undermines the integrity of both the Tribunal’s authority, the community planning process and public trust.***

## **2. Public Safety and Absence of Regulatory Oversight**

The proposed facility—a private (for profit) drug and alcohol rehabilitation center—would be the first of its kind in New Brunswick. Critically, there is no provincial licensing or regulatory framework governing the operation of such facilities.

The Department of Health does not license or oversee private rehabilitation centers, resulting in a **complete lack of oversight** regarding:

- Staff qualifications and background checks
- Security protocols and emergency response plans
- Oversight of treatment practices and resident conduct

**This lack of regulatory oversight poses a serious and unmitigated public safety risk. Without enforceable standards, the **Town cannot guarantee the safety of residents**, nor**

the integrity of the proposed operation. **Approval of this facility under such conditions would be reckless and irresponsible.**

### **Regulatory Standards in Other Canadian Jurisdictions**

Unlike New Brunswick, other Canadian provinces have developed explicit licensing and regulatory oversight requirements for private (for profit) drug and alcohol rehabilitation facilities.

**This regulatory gap in New Brunswick—combined with the facility’s proposed location in a quiet residential area—makes the risk to public safety even more acute. It also places Hampton out of step with national standards for zoning and oversight of drug and alcohol rehabilitation centers.**

### **3. Property Value Impact**

The APAT decision also acknowledged the negative effect on property values that such a facility would have on the surrounding neighborhood. The introduction of an **unregulated drug and alcohol** rehabilitation center in a quiet residential area will:

- Deter potential homebuyers, reducing demand and marketability.
- Depress property values for existing homeowners.
- Create uncertainty that undermines long-term investment in the community.

These impacts are not speculative—they are grounded in the Tribunal’s findings and supported by the lived experience of residents who have already seen the reputational and financial risks associated with this proposal.

Importantly, the Tribunal accepted expert evidence and academic research submitted by the Appellants, including an article from the Journal of Substantial Real Estate (Exhibit A-8, page 247), which concluded:

“ Substance Abuse Treatment Centers adversely impact the price of neighboring homes.”

This research was cited directly in the APAT Decision and formed part of the basis for the Tribunal’s finding of special or unreasonable hardship under Section 120(1)(b)(ii) of the Community Planning Act.

#### **4. Zoning Incompatibility**

The proposed rezoning and redefinition of supportive housing appear to be crafted specifically to enable this development, rather than reflect a thoughtful, community-based planning strategy.

#### **5. Dangerous Precedent and Threat to Hampton's Character and Reputation**

The proposed amendment to the Hampton Zoning By-law sets a deeply troubling precedent that extends far beyond the immediate impact of a single development. By attempting to circumvent a unanimous decision of the Assessment and Planning Appeal Tribunal (APAT)—which found both misapplication of the by-law and special or unreasonable hardship—the Town risks undermining the very foundations of fair and transparent governance.

#### **6. Procedural Fairness and Community Trust**

The proposed amendments erode public trust in the planning process. They disregard the APAT's findings, ignore the absence of regulatory safeguards, and prioritize a single developer's interests over the well-being of the community. This sets a dangerous precedent for future zoning decisions and undermines the credibility of Hampton's municipal governance.

For these reasons, I strongly urge Council to reject the proposed amendments and uphold the integrity of the Hampton Zoning By-law and the APAT Decision(s).

Thank you for your attention to this matter.

Sincerely,

Name \_\_\_\_\_