



RECEIVED: August 22, 2025

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)

TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

NOTE:
Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the *Planning Act* or the Municipal Council of Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish, and North Rustico (name of City, Town or Community) on the 1st day of August, 2025, wherein the Minister/Community Council made a decision to deny an application for a Temporary Permit to allow a parking lot from September 13 - 15, 2025 at the Appellant's property located at 8808 Cavendish Road, Cavendish, PE, (PID 233080). A copy of the August 1, 2025 decision to deny the application is attached. (attach a copy of the decision).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, the grounds for this appeal are as follows: (use separate page(s) if necessary)
That Council for the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish, and North Rustico (the "Resort Municipality") failed to base its decision on sound planning principles in accordance with the Resort Municipality's Land Use Bylaw, and any further grounds as counsel may advise. (See attached page(s)).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, I/we seek the following relief: (use separate page(s) if necessary)
A hearing de novo, that the Commission allow the appeal, quash the decision to deny the Temporary Permit application to allow a parking lot at the Appellant's property located at 8808 Cavendish Road, Cavendish, PE (PID 233080) and substitute its own decision for the one appealed.

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Maggie J. Grimmer, Lawyer for the Appellant

Name(s) of Appellant(s): John Carroll Signature(s) of Appellant(s): 
Please Print

Mailing Address: 65 Queen Street City/Town: Charlottetown

Province: PE Postal Code: C1A 7L1

Email Address: mgrimmer@csmlaw.com Telephone: 902-892-4156

Dated this 22 day of August, 2025.
day month year

IMPORTANT

Under Section 28.(6) of the *Planning Act*, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the *Planning Act* and will be used by the Commission in processing this appeal.
For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

NOTICE OF APPEAL: (CONTINUED)

(Pursuant to Section 28 of the *Planning Act*)

Decision of Council:

1. Find attached a copy of the August 1, 2025, decision of Council for the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish, and North Rustico (the "Resort Municipality") denying the Appellant's application for a Temporary Permit to allow a parking lot from September 13-15, 2025, at the Appellant's property located at 8808 Cavendish Road, Cavendish, Prince Edward Island, and identified as PID 233080 (the "Property").

Grounds for this Appeal are as follows:

2. The Appellant, John Carroll (the "Appellant"), submitted a Temporary Permit Application to the Resort Municipality on April 17, 2025, seeking a temporary permit to use the Property as a parking lot for concert goers during the 2025 Cavendish Beach Music Festival (July 10-12, 2025) and the Sommo Festival (September 13-14, 2025). A copy of the Appellant's Application and supporting documentation is attached.
3. On August 1, 2025, Council for the Resort Municipality denied the Appellant's application for a Temporary Permit to allow a parking lot on the Property from September 13-15, 2025, during the Sommo Festival.
4. On the same day, August 1, 2025, Council for the Resort Municipality denied the Appellant's application for a Temporary Permit to allow a parking lot on the Property from July 10-12, 2025, during the Cavendish Beach Music Festival, which has already occurred.
5. The Appellant appeals the decision of Council for the Resort Municipality to deny the application for a Temporary Permit from September 13-15, 2025, during the Sommo Festival, as the Cavendish Beach Music Festival has already occurred.
6. Council for the Resort Municipality purports to have denied the Appellant's application for a Temporary Permit pursuant to subsection 4.29(6) of the Resort Municipality's Land Use Bylaw, which states as follows:

4.29 Temporary Uses, Buildings and Structures Permitted

(6) No Temporary Use permits shall be granted where in the opinion of Council:

- (a) parking facilities are not adequate;*
- (b) ingress or egress or both to the site would create excessive congestion or a traffic hazard;*
- (c) washroom facilities are not adequate;*
- (d) garbage collection and storage facilities are not adequate; or*
- (e) the use would create a conflict due to excessive noise, hours of operation, lighting or another nuisance.*

7. With respect to washroom access, the Appellant owns another property, which is directly adjacent to the Property, which has a restaurant (Just Johnny's) that has public washroom access. Additionally, the Appellant has no issue obtaining Port-a-Potty's for the Property if directed to do so by the Resort Municipality.
8. With respect to garbage collection, the Appellant owns another property, which is directly adjacent to the Property, which has a restaurant (Just Johnny's) that has garbage access. Additionally, the Appellant has no issue obtaining additional garbage receptacles if directed to do so by the Resort Municipality.
9. With respect to lighting, the proposed temporary parking lot is located directly adjacent to lit pedestrian crossing access following the Sommo Festival, and is directly adjacent to the Appellant's other property which has a restaurant (Just Johnny's) and additional lighting. Additionally, the Appellant has no issue obtaining additional lighting for the Property if directed to do so by the Resort Municipality.
10. The adjacent property and business, Just Johnny's restaurant, which is also owned by the Appellant has available washrooms and security are present during the Cavendish Beach Music Festival and Sommo Festival. The Appellant has successfully completed four years hosting concert-goers at Just Johnny's after the concerts end.
11. With respect to concerns regarding excessive noise or other nuisance, the Temporary Permit Application is solely for a *temporary* permit to use the Property as a parking lot during the heavily populated Sommo Festival. The uses of the lands surrounding the Property are primarily commercial in nature, and the entirety of the Cavendish Resort

Municipality experiences increased noise during the Sommo Festival. It is the Appellant's position that the Temporary Permit would not, in fact, result in excessive noise or nuisance beyond the noise or nuisance already taking place within the Resort Municipality during the Sommo Festival.

12. With respect to concerns regarding ingress and egress to the Property, the Resort Municipality states that ingress or egress to the site would create excessive congestion or a traffic hazard. The Resort Municipality relies on the following comments from Sergeant Nick Doyle, Queens District Commander for Queens County RCMP, and Brett Wallace, Manager of Traffic Data Collection and Analysis Engineer with Department of Transportation, in support of its position that ingress or egress to the site would create excessive congestion or a traffic hazard:

"Hi Brenda,

No there was no consultation with the RCMP from DOT regarding parking at Just Johnny's. As you know this parking lot is in the middle of the section of road with shut down for pedestrian crossings at the end of the night.

If parking is allowed there, they will be the last ones to leave at the end of the night. So people will be in their vehicles for a couple hours with no where to go. It will cause some angry people I would say.

Thanks, Nick"

"Hi Brenda,

*I had a call with Nick Doyle of the RCMP today regarding the proposed temporary parking at John Carroll's property along Route 6. **Although both Nick and I don't oppose the approval of this additional parking,** we acknowledge that this location is within the central event area, and that once the exit plan comes into effect after 10pm, any vehicles looking to leave this parking lot will be given last priority.*

I personally have no experience with this event,** but Nick noted that vehicles leaving this parking lot after 10pm **may** end up waiting several hours while all other higher priority movements are accommodated first. Based on this, **we anticipate** that those using this parking lot **may become very frustrated** with having to wait so long, so **if the Municipality decides to approve this additional parking area, we recommend that users are made aware that this parking lot will be given last priority during the exit plan, and that users should be expected to wait 2 to 3 hours before being released.

*Regards, Brett A. Wallace, P.Eng. Acting Traffic Operations Engineer,
Transportation and Infrastructure”*


(emphasis added)

13. The comments from RCMP and Department of Transportation do not raise concerns with respect to ingress or egress to the Property, or that the site would create excessive congestion or a traffic hazard.
14. The comments from RCMP and Department of Transportation regarding public perception of the parking area are speculative, and no safety or traffic hazard issues are raised in their comments.
15. Brett A. Wallace, of the Department of Transportation, specifically states that neither the Department of Transportation nor the RCMP opposed the approval of the Temporary Permit. Mr. Wallace did recommend that the Municipality could place parameters on the permit, by requiring the Appellant to advise users of the parking lot to expect to be released last during the exit plan. It is well known that there is significant traffic congestion when leaving the Sommo Festival, regardless of where attendees decide to park; however, the Appellant has no issue advising prospective parking lot users that they would be given last priority to leave the lot.
16. Pursuant to the Appellant's Temporary Permit application, Department of Transportation Supervisor, Alex Collier, who is retired, and who managed traffic control at the location for the past three years will be supervising parking at the Property, should the application be granted. Mr. Collier's years of experience working with RCMP and Department of Transportation will assure a safe and well managed parking option for concert goers, should the application be granted.
17. Finally, the Appellant disagrees with the decision of Council for the Resort Municipality that because the Property is vacant land and does not have a current use, that it is disqualified from being allowed to be designated as a Temporary Use for parking under the Land Use Bylaw.
18. The Appellant submits that based on the reasons provided by the Resort Municipality, the decision to deny the Temporary Permit application was not based on sound planning principles within the field of land use planning.

Relief Sought

19. The Appellant requests that the Commission allow this appeal, quash the decision made by Council for the Resort Municipality on August 1, 2025 to deny the Temporary Permit application to allow a parking lot at the Property, and substitute its own decision for the one appealed.

DATE OF ISSUE: August 22, 2025



MAGGIE J. GRIMMER
Carr, Stevenson & MacKay
65 Queen Street
Charlottetown, PE C1A 7L1
Lawyer for the Appellant
John Carroll



7591 Cawnpore Lane
Cavendish, PE
COA INO

Phone: (902)963-2698

August 1, 2025

John Carroll
59 Landing Drive
Cavendish, PE
COA INO

Dear John:

Re: Property Located at 8808 Cavendish Road, Cavendish, PE- Provincial
Parcel Number: 233080

At its July 21, 2025 meeting, the Council of the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico (the "Resort Municipality") reviewed your Temporary Permit Application (the "Application") to allow a parking lot from September 13 - 15, 2025, at your property located at 8808 Cavendish Road, Cavendish, Prince Edward Island, identified as provincial parcel number 233080 (the "Property").

The Application had to be reviewed by the necessary authorities in order to determine whether (and if so, how) the proposed temporary parking on PID 233080 could be incorporated into the existing traffic plan for the Sommo Festival. Section 4.29 of the Resort Municipality's Land Use Bylaw also requires Council to consider whether ingress or egress to the proposed parking area would create excessive congestion or a traffic hazard. Council relies on input from both the RCMP and the Department of Transportation and Infrastructure ("DOT") in order to assess these criteria.

Section 4.29 of the Resort Municipality's Land Use Bylaw (the "Bylaw") sets out the requirements for Temporary Uses permits. Council has to assess an application for a Temporary Use permit against the criteria listed in subsection 4.29(6):

4.29 TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

(6) No Temporary Use permits shall be granted where in the opinion of Council:

- (a) parking facilities are not adequate;*
- (b) ingress or egress or both to the site would create excessive congestion or a traffic hazard;*
- (c) washroom facilities are not adequate;*
- (d) garbage collection and storage facilities are not adequate; or*

...2/

Fax: (902) 963-2932 / e-mail: resortmunicipal@eastlink.ca

- (e) *the Use would create a conflict due to excessive noise, hours or operation, lighting or another nuisance.*

In order to evaluate these criteria, the Resort Municipality consulted Sergeant Nick Doyle, the Queens District Commander for Queens County RCMP. Sergeant Doyle offered the following comments:

"Hi Brenda,

No there was no consultation with the RCMP from DOT regarding parking at Just Johnny's. As you know this parking lot is in the middle of the section of road with shut down for pedestrian crossings at the end of the night.

If parking is allowed there, they will be the last ones to leave at the end of the night. So people will be in their vehicles for a couple hours with no where to go. It will cause some angry people I would say."

Thanks, Nick

The Resort Municipality also sought input from Brett Wallace, Manager of Traffic Data Collection and Analysis Engineer with DOT, specifically with respect to the requirement in clause 4.29(6)(b) of the Bylaw. Mr. Wallace provided the following comments on the application:

"Hi Brenda,

I had a call with Nick Doyle of the RCMP today regarding the proposed temporary parking at John Carroll's property along Route 6. Although both Nick and I don't oppose the approval of this additional parking, we acknowledge that this location is within the central event area, and that once the exit plan comes into effect after 10pm, any vehicles looking to leave this parking lot will be given last priority.

I personally have no experience with this event, but Nick noted that vehicles looking to leave this parking lot after 10pm may end up waiting several hours while all other higher priority movements are accommodated first. Based on this, we anticipate that those using this parking lot may become very frustrated with having to wait so long, so if the Municipality decides to approve this additional parking area, we recommend that users are made aware that this parking lot will be given last priority during the exit plan, and that users should be expected to wait 2 to 3 hours before being released."

Regards, Brett A. Wallace, P.Eng. Acting Traffic Operations Engineer, Transportation & Infrastructure

After reviewing the application, the Bylaw requirements, and the comments from RCMP and DOT officials, the Council decided to deny your Application as, in Council's opinion, the Application does not satisfy the requirements in subsection 4.29 of the Bylaw. Specifically, Council denied the Application for the following reasons:

1. The parking facilities are not adequate. Council agreed with the concern raised by both the RCMP and DOT that the members of the public using the parking area would have to wait too long to exit the property with no washrooms, lighting, security or garbage collection being provided.

2. Ingress or egress or both to the site would create excessive congestion or a traffic hazard. Those using the parking lot would not be able to exit for an estimated 2-3 hours after the conclusion of the event.
3. No washrooms facilities are being provided, which may be necessary if parking lot users cannot exit for 2-3 hours.
4. No garbage collection and storage facilities are being provided.
5. The Use would create a conflict due to excessive noise, hours of operation, lighting or another nuisance. The RCMP and DOT comments indicate that the parking lot users would be held on the Property for hours, with no washrooms, lighting, security or garbage collection. In Council's opinion, this Use would create excessive noise and/or nuisance to adjacent properties (given the extended time required for users to exit the site) and would create safety issues with people waiting on the Property with no lighting, or security services available.

Council also considered whether a parking lot is a permitted use on the Property. The Property is located in the Resort Commercial Zone (C1). The permitted uses in the C1 Zone are listed in Section 7.2 of the Bylaw and Special Permit Uses are listed in Section 7.3:

7.2 PERMITTED USES

(1) *The following are Permitted Uses in the C1 Zone:*

- (a) *Apartment Dwellings;*
- (b) *art galleries;*
- (c) *bakeries;*
- (d) *banks and financial institutions;*
- (e) *Business Offices or Professional Offices;*
- (f) *Campground and RV Parks or RV Sites;*
- (g) *Community Care Facilities;*
- (h) *Craft Breweries;*
- (h) *Craft Workshops;*
- (i) *Cultural Centres;*
- (j) *Duplex Dwellings;*

- (k) *Early Learning and Child Care Centres*
- (l) *Entertainment Establishments;*
- (m) *farm markets;*
- (n) *Historic Sites;*
- (o) *Personal Service Shops;*
- (p) *Restaurants and Lounges;*
- (q) *Retail Stores;*
- (s) *Single-Detached Dwelling;*
- (t) *Semi-Detached Dwellings;*
- (u) *Service Shops;*
- (v) *Studios;*
- (w) *taxi and bus terminals;*
- (x) *Tourism Establishments;*
- (y) *Tourist Attractions;*
- (z) *Townhouse Dwellings;*
- (aa) *Veterinary Clinics.*

(2) *The following are permitted as Accessory or Secondary Uses in the C1 Zone:*

- (a) *Accessory Buildings;*
- (b) *Dormitories;*
- (c) *Dwelling Units in a commercial building; and*
- (d) *Home Occupations.*

7.3 SPECIAL PERMIT USES

(1) *Notwithstanding section 7.2 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:*

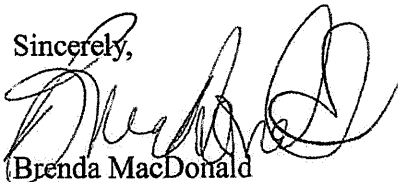
- a) *Automobile Service Stations;*
- b) *Automobile Washing Establishments;*
- c) *Clustered Housing;*
- d) *Light Industrial Uses;*
- e) *Nursing Homes; and*
- f) *Senior Citizen Homes.*

Based on the Bylaw and the Application submitted, Council determined that there is currently no permitted use operating on the Property (as it is vacant land) and a parking lot is not a permitted use under either Section 7.2 or 7.3 of the Bylaw.

Pursuant to Section 28 of the *Planning Act*, any person who is dissatisfied with the decision of Council in respect to the administration of regulations or bylaws made under the Act, may appeal within twenty-one (21) days to the Island Regulatory and Appeals Commission.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Brenda MacDonald
CAO,
Resort Municipality

/bm

Encl.

Brenda MacDonald

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: Thursday, April 24, 2025 3:28 PM
To: 'Doyle, Nick (RCMP/GRC)'
Subject: RE: Applications - Temporary permit - John Carroll

Thanks Nick.

No decision has been made yet on the parking. We are just in the early review stage of the application.

Thanks.

Brenda MacDonald, CAO
7591 Cawnpore Lane
Cavendish, PE
C0A 1N0
Phone: 902-963-2698
Fax: 902-963-2932
e-mail: resortmunicipal@eastlink.ca
webmail: resortmunicipalitypei.com

From: Doyle, Nick (RCMP/GRC) <Nicholas.Doyle@rcmp-grc.gc.ca>
Sent: Thursday, April 24, 2025 3:07 PM
To: resortmunicipal@eastlink.ca
Subject: RE: Applications - Temporary permit - John Carroll

Hi Brenda,

No there was no consultation with the RCMP from DOT regarding parking at Just Johnny's. As you know this parking lot is in the middle of the section of road with shut down for pedestrian crossings at the end of the night. If parking is allowed there, they will be the last ones to leave at the end of the night. So people will be in their vehicles for a couple hours with no where to go. It will cause some angry people I would say.

Thanks,

Nick

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: April 24, 2025 11:18 AM
To: Doyle, Nick (RCMP/GRC) <Nicholas.Doyle@rcmp-grc.gc.ca>
Subject: Applications - Temporary permit - John Carroll

Nick,

Please see attached paperwork for a temporary permit for parking at the vacant lot adjacent to Just Johnny's at the entrance by Avonlea Village.

Brenda MacDonald

From: Brett Wallace <bawallace@gov.pe.ca>
Sent: Thursday, July 3, 2025 4:35 PM
To: resortmunicipal@eastlink.ca
Subject: RE: Applications - Temporary permit - John Carroll

Hi Brenda,

I had a call with Nick Doyle of the RCMP today regarding the proposed temporary parking at John Carroll's property along Route 6. Although both Nick and I don't oppose the approval of this additional parking, we acknowledge that this location is within the central event area, and that once the exit plan comes into effect after 10pm, any vehicles looking to leave this parking lot will be given last priority.

I personally have no experience with this event, but Nick noted that vehicles looking to leave this parking lot after 10pm may end up waiting several hours while all other higher priority movements are accommodated first. Based on this, we anticipate that those using this parking lot may become very frustrated with having to wait so long, so if the Municipality decides to approve this additional parking area, we recommend that users are made aware that this parking lot will be given last priority during the exit plan, and that users should be expected to wait 2 to 3 hours before being released.

Regards,

Brett A. Wallace, P.Eng.
Acting Traffic Operations Engineer
Transportation & Infrastructure

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: Thursday, July 3, 2025 9:37 AM
To: Brett Wallace <bawallace@gov.pe.ca>
Subject: RE: Applications - Temporary permit - John Carroll

Brett,

Nick can be reached at the main office number for the RCMP at 902-368-9300.

His e-mail was on the information that I provided as well. Doyle, Nick (RCMP/GRC) Nicholas.Doyle@rcmp-grc.gc.ca

Thanks.

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