

Island Regulatory & Appeals Commission

Attention: Michelle Walsh

Via email

Re: LA25-011

December 15, 2025

Good afternoon,

I had been in communication with the City on numerous occasions regarding environmental concerns that I had, before I activated the appeal, with no definitive answers. (Tab # 18 Supplemental Record). The City did not consider the historical use of the infilled property as part of /adjacent to a working waterfront and did not produce any evidence to allay my concerns re: public health and safety by disturbing the soil.

The site was infilled in the past (~ 1950s). The area was part of a working waterfront from as early as or before 1843 to at least 1917 (see map history at in Appendix) and near the George Battery (potential for ammunition dumping). There appear to be no official records to review of those earlier times to say whether or not there could be any hazardous materials within the infill and whether digging could stir up any unsafe materials. Testing of the soil is indicated to ensure public safety and is the duty of the municipality to its residents.

My standing as an “aggrieved person” is based on a fundamentally flawed and unjust decision by the City. There has been crucial evidence included/excluded in the City Record where the city acknowledged errors and omissions were made on their behalf. This creates mistrust in the City’s handling of the reconsideration request and again undermines my faith in the City’s ability to execute the zoning and development bylaws correctly. I cannot reasonably enjoy where I live knowing that the City is being so cavalier about its own zoning and development bylaws. Public Safety is a key aspect of the services a City provides to its residents is the fostering of a safe environment (Reference Appeal LA11-01 Biovectra Inc vs City of Charlottetown , paragraph 68, June 16, 2010)

As the appellant, in **good faith** , I believe the decision will adversely affect the reasonable enjoyment of the property I occupy with the knowledge that the City has been derelict in its duty to protect myself and other residents on the property by ensuring the development is not a risk to myself, my residence or the general public e.g., by undertaking a thorough review of the property’s history and land use and failing to respond to my concerns. This dereliction of duty is evident in its lack of requiring any investigation BEFORE the permit was issued. All the City’s actions have been reactive in nature, not proactive and occurred AFTER my appeal was filed (in abeyance). I believe these points adequately address the concerns raised by counsel for the Developer (letter of Dec 3, 2025) regarding good faith belief.

Contrary to counsel for the developer's statement, my concerns are not merely speculative. The following is an extensive list of illuminating concerns already made in these earliest stages of the development.

- I. The City failed to ensure that any provincial permits were in place before issuing the Building and Development Permit. It is very clear that the City failed to recognize and act upon this this during the reconsideration request review process, even when I pointed it out. This in itself is concerning regarding the integrity of the City to review concerns filed officially.
- II. The City didn't confirm the location of the Buffer Zone location in relation to the proposed project before issuing permit #214-BLD-25.
- III. The City didn't ensure buffer zone permits were in place as required before issuing the development permit, further emphasized by Nov 25th permit provided in Supplemental Record #1
- IV. Land use survey as part of the Phase I Environmental Site Assessment (ESA) eventually provided in the Supplemental Record is clearly superficial, going only to 1959 maps and 1935 aerial photos, clearly excluding the historical use of area before the infill as working waterfront and near the historic Geroge Battery (please see detailed notes below and map references in Appendix, submitted separately)
- V. Surveyor's acknowledge there may be unknowns "If any conditions become apparent that differs significantly from our understanding of conditions as presented in this report, we request that we be notified immediately to reassess the conclusions provided herein."
- VI. There was a significant, old, unregistered, underground heating oil tank discovered and excavated at the former Prince Edward Home (near the Armoury area) in Charlottetown, leading to a large soil cleanup and environmental remediation effort around 2019-2020, with ongoing discussions about property redevelopment and costs. This incident highlights the history of buried tanks in the city . On PID 335018, Armoury, there is/was a 11350L underground petroleum storage tank. There are no records of removal or condition.
- VII. The City issued a development permit before ensuring the required buffer zone permits were in place. The City Supplemental Record #1 shows yet another permit that is required issued November 25th – once again after the actual work took place i.e., "landscaping" appears to be the word used to indicate the "site levelling" that was done. My concerns about proper procedure as defined in the Zoning and Development Bylaw even at the earliest permitting stage are real. I can not enjoy my residence knowing that the city is not following proper procedure. The appeal process provides me an opportunity to bring my concerns to the attention of the Commission for their review of the situation as is their role/duty.
- VIII. The City failed to request or access any environmental study on the site, as it was not included in any of the original documentation or correspondence, before issuing the development permit.

Given the history (evident in maps alone) of the site as being part of an active waterfront with wharves and adjacent to the George Battery (possibly utilizing materials of potential environmental concern) it is reasonable to assume there may be materials of potential environmental concern buried under the site that could be exposed. Any municipality would be prudent to ensure no such material is present before issuing a permit.

- IX. Knowing the historical use of the property in the 1800's and adjacent properties, the City may retrospectively be trying to rely on Phase I ESA that only searched records and use back to 1935. As the Goad Fire Insurance maps exist back to late 1800's that would show the working nature of the waterfront property now infilled, it seems the city has been derelict in its duty to:
 - a. first of all even require this information as part of a permit application assessment
 - b. apparently rely retrospectively on information that only goes back to 1935
- X. The expert opinion in the recently provided Phase I ESA also supports my position of environmental concern, underlying it is not speculative. First, the glossary indicates "Phase I ESA does not involve the investigative procedures of sampling, analyzing, and measuring .." and "Further intrusive investigation may reveal unforeseen issues that may influence our findings and recommendations" Given the rather cursory review of the history of the property (detailed below), it is not unreasonable to assume that a detailed review of the work done on the site and/or intrusive studies to actually examine the underlying material that could be dislodged may reveal unforeseen issues. This was a working waterfront – no speculation involved.

I also point out the following, non-speculative concerns with this report:

1 Introduction

"There have been no known developments on the site in the past and no buildings are known to have historically occupied the project area. A site location map has been included as Figure 1 in Appendix I."

While technically correct, lack of a building in the past (after 1935) does not mean that the area was not used for stuff – wharf, dumping area and could not reasonably contain materials of concern being an active waterfront and adjacent to a series of wharves and a hospital for many years.

Section 1.5 Limitations

“Further intrusive investigation may reveal unforeseen issues that may influence our findings and recommendations”

The Phase I ESA states its limitations and that there could be more to be found if it was investigated.

As a resident, I respect the (expert) opinion of the author of the report and so believe it is in mine and the public’s best interest to investigate further. This is even more important given the report only goes back to land use until 1935 (aerial photos) and Goad Insurance plans to 1956. Online versions of the Goad map back to 1903 exist and even earlier are available at the PEI Archives. The commonly used 1878 Panoramic map shows an active wharf on adjacent properties, as does the 1880 Meacham Map. The 1848 Bayfield map shows the George Battery in the area (see Appendix)

Section 3.0

“No environmental issues or concerns were identified during the excavation of any of the test pits or boreholes on the site, which were extended to a maximum depth of 6.41 meters. Groundwater was encountered in all of the boreholes and test pits at an approximate depth of 1.5 meters below the existing ground surface.”

This is misleading and misdirection because the Geotechnical report referred to did not look at or review environmental issues reviewed for a Phase I EPA report.

4.0 Interviews

“No persons with extensive knowledge were available to interview for this assessment. General information was obtained from Mr. Cain Arsenault of Pan-American Properties Inc. “

This is another example of a suboptimally reviewed report. There may have been someone familiar with the running of the hospital grounds to interview. They could have interviewed tenants in my building to learn about the dramatic and extensive flooding that has occurred in recent years .

The waterfront area, including the Culinary Institute, is susceptible to coastal flooding and sea surges during storms, which are significant concerns for the city’s infrastructure. A Major omission from this report is that it is in the high flood zone area CHIP report maps. Any flooding of a garage level risks leaking contaminants from vehicles into the water....

5.5 Ecologically Sensitive Areas

“No ecologically sensitive areas were identified within the project area.”

This statement is incorrect – The project area clearly enters the Provincial Buffer Zone which is a protected area. Shows, again, that the document is not as thoroughly researched as it could have been.

5.6 Land Use

“Current Land Use

The project area is currently vacant and undeveloped. A section of the project area was used as Historical Land Use. The project area was never known to have been developed. Based on the aerial photographs, the southwest end of the site extended into the tidal zone of the Charlottetown Harbour and was infilled at some point between 1958 and 1974. “

Again, the historical search on the prior use of the area is incomplete as it only goes back to maps from 1956 (Goad Fire Insurance Map) and aerial photos to 1935. Earlier maps show an active waterfront with the property adjacent to the George Battery . Ignoring the prior use of the now infilled area could be overlooking something significant. This is a cursory and incomplete report regarding historical use of the area.

- XI. The Benthic Survey study is from 2021 which predates some of the Hurricanes. The Benthic study is a survey only. Not interpreted by a fisheries officer. Note that the Hurricanes may have completely changed the aquatic environment and a new assessment is likely required post Hurricane Fiona and how it would be affected by construction given tides and other fishing grounds further away from the after water lot may also be affected, therefore consultation should take place with an expert that is knowledgeable with fisheries and tides to determine the extent of the potential impact.

Also of note, I had stated after receiving the City Record , that there was documentation missing.

- Email sent to Mayor of Charlottetown and Councillors et al Sept 9, 2025 requested by the Commission to be included in the Supplementary record on October 24, 2025
- Photos submitted that occurred August 8, 2025 of trees cut down and dozer in Buffer Zone where work took place before permit was approved. Work was done on the day they applied for the permit.
- Email dated July 24, 2025 - Formal call next week between City and the Provincial Dept of Environment, no documentation of what was discussed.
- City issued Building and Development permit 214-BLD-25 July 15, 2025
- Provincial Buffer Zone permit issued August 14, 2025 and second permit issued November 20, 2025.
- Response from Fisheries and Oceans Canada Ecosystems Management Fisheries Protection Program

- Status of the license agreement for the boardwalk in the affected property
- The Benthic Survey was prepared for the Developer and Fisheries and Oceans Canada, Ecosystem Management Fisheries Protection Program. Were the findings acceptable? Are the findings still relevant today? What is the adequacy of the survey given potential changes to Benthic environment due to storms since 2021, when the survey was completed, potential importance of the oyster stock in the area dealing with the recent outbreak of two diseases killing oysters in PEI (MSX and Dermo). What mitigation strategies are required to protect the silverside fishery from vibrations related to pile driving?

Failure to provide the still missing documentation, potentially puts myself and the Commission at a disadvantage not to have all the documents in place for me to make a case re: standing and possibly for the Commission to make a decision.

In conclusion, I feel that I have proven my standing as an aggrieved person both in good faith and with multiple examples that are not merely speculative to support my position.

I note that the City has not taken a position regarding my standing, therefore, as the City is the actual respondent, and if they aren't challenging my right to appeal, I would respectfully request that the Commission recognise my standing as an aggrieved person in this appeal.

Sincerely,

Louise Aalders

Attachments: Appendix LA25_011 Dec 15_2025

APPENDIX:

Changes to the Waterfront near the Culinary Institute from 1843 – 2025



1843



Section of the **Charlottetown harbour surveyed by Captn. H.W. Bayfield R.N** with annotations.

From Legend: I = Barracks; J = Jail; G = Government House

The George Battery is on land that will later contain Haviland St, Union St., and for a time Dundas Esplanade.

Part of Connaught (Pownal) Square contains the old Jail.

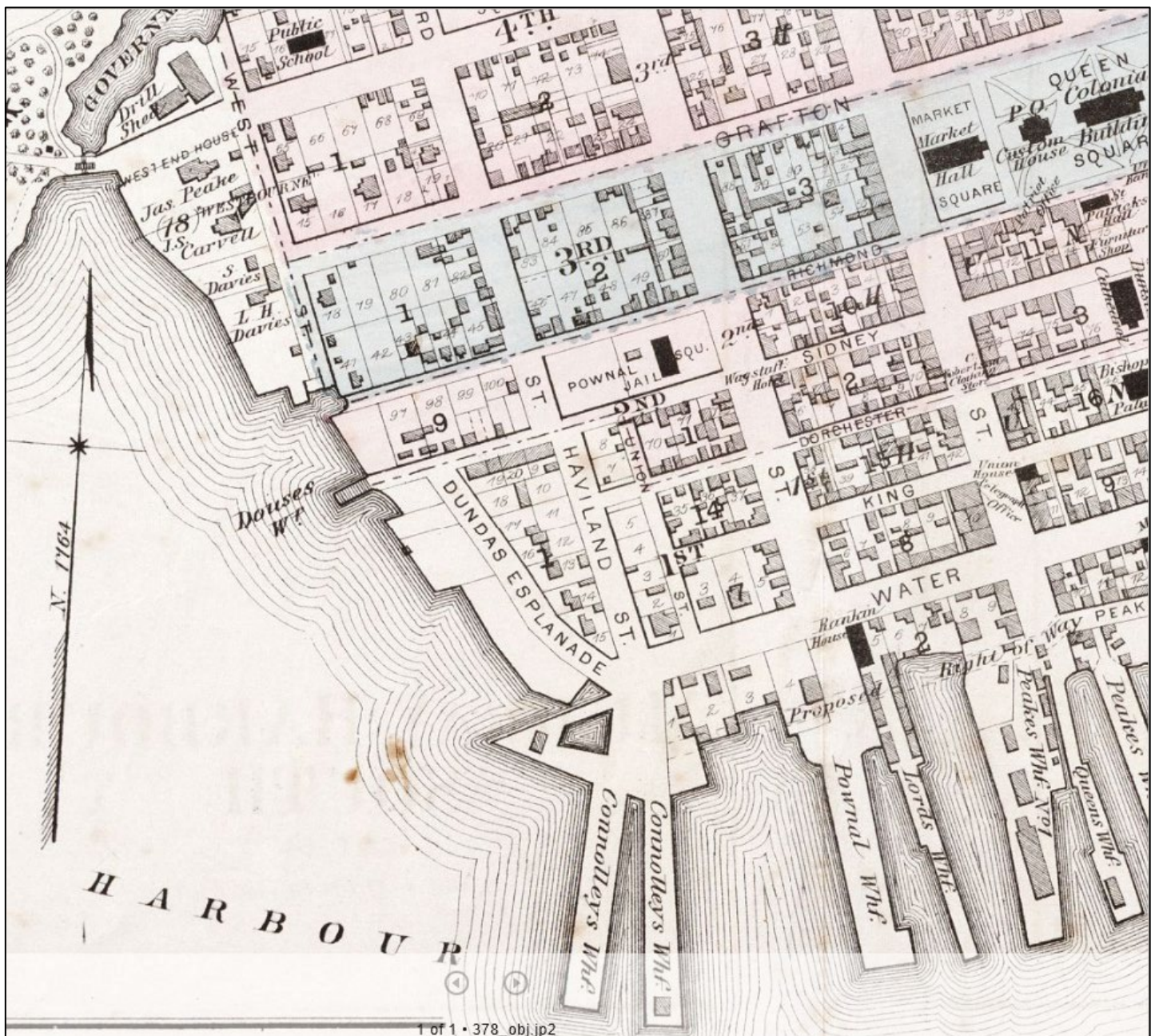
1878



Excerpt of the **1878 Panorama Map**.

George Battery replaced with housing and creation of Haviland St. to Water St. and Dundas Esplanade from Water St. to the west. Wharves being built up below Water St. and off of Sydney St.

1880



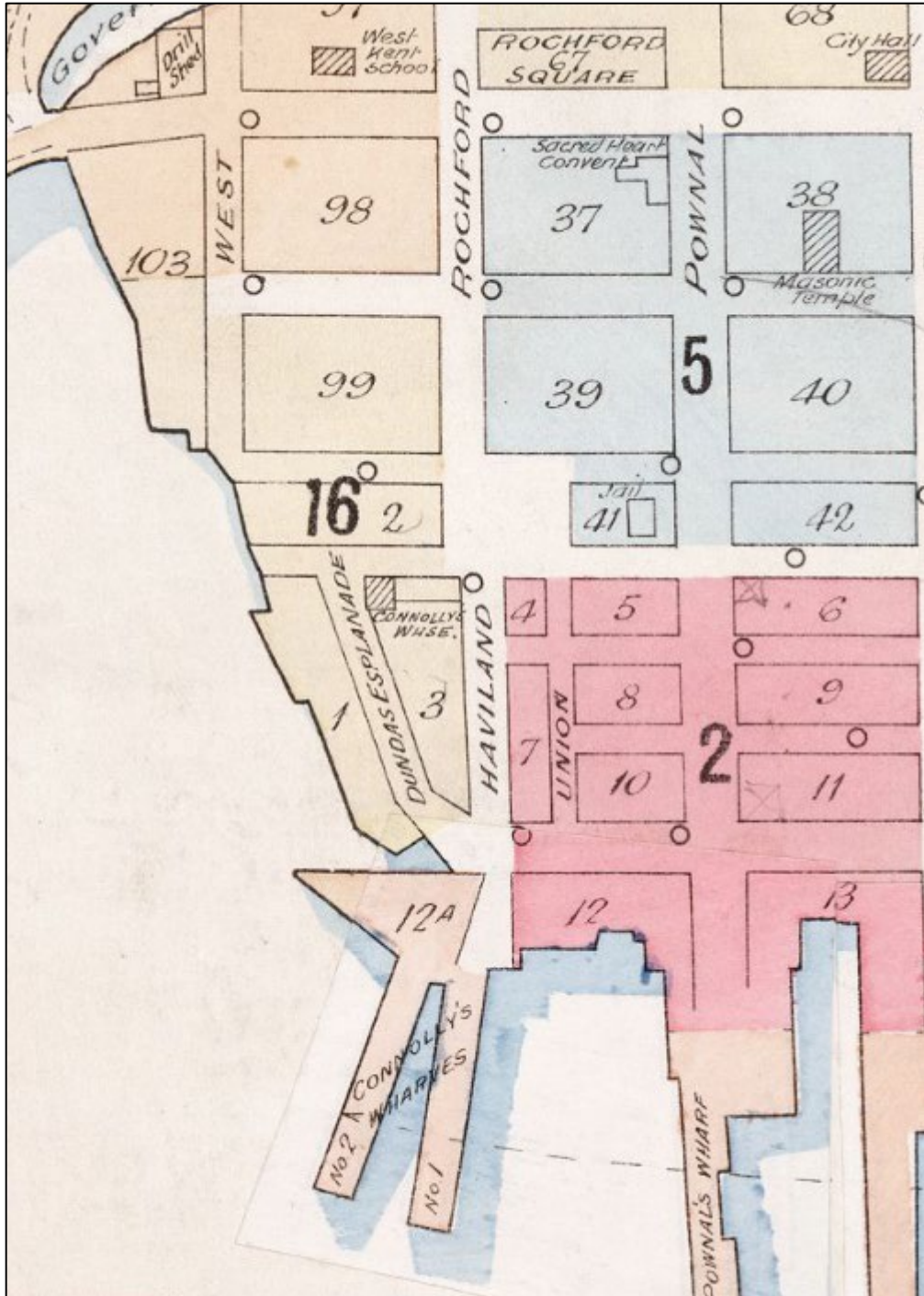
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Excerpt from **1880 Meacham Map**.

The Battery is gone, replaced by Haviland and Union St., Dundas Esplanade and housing. Construction of Connolly's wharves below Water St. and Douses (?) Wharf at the end of Sidney St. The Jail is still in Pownal (Connaught) Square.

<https://m.islandimagined.ca/islandora/object/imagined%3A208437>

1917



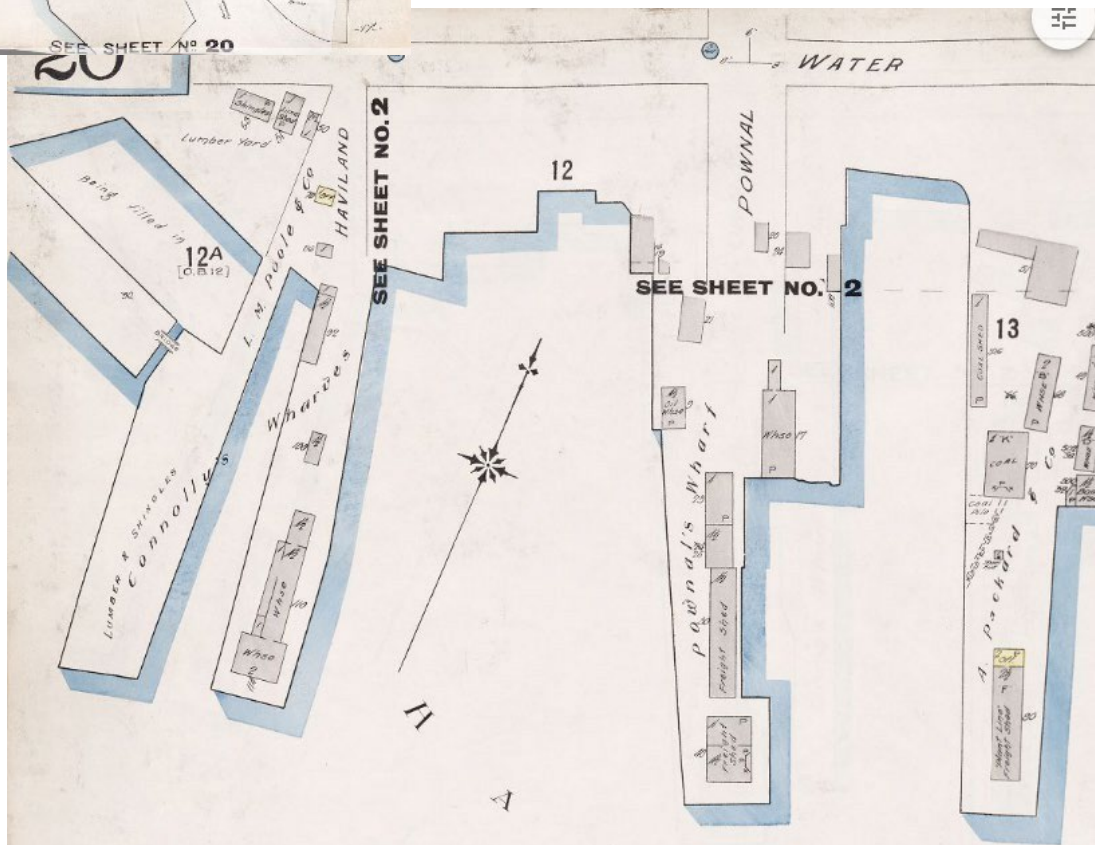
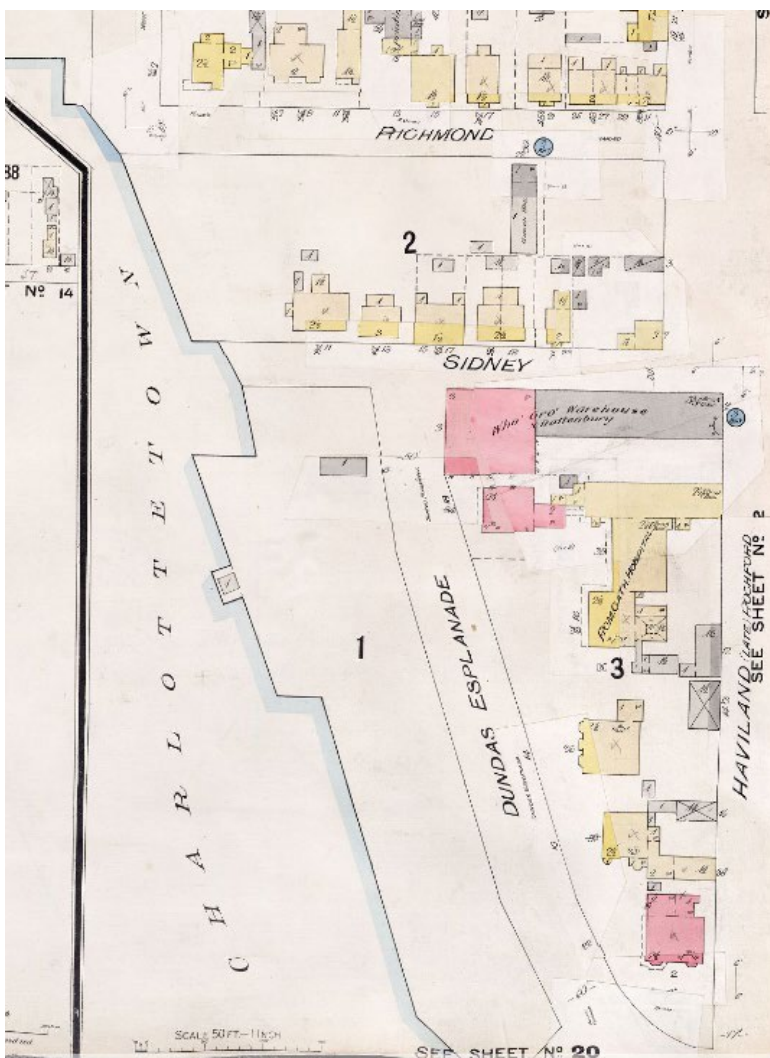
Excerpt from **Goad Fire Insurance Map, 1903 – 1917**

Shows Dundas Esplanade, and Connolley's wharves. Douse Wharf is gone.

1917

Goad Fire Insurance Map, 1903 – 1917

Details of panels 16 and 20.
Shows location of Roman Catholic hospital buildings, homes, buildings on the wharf and an area (12a) "being filled in"



1952



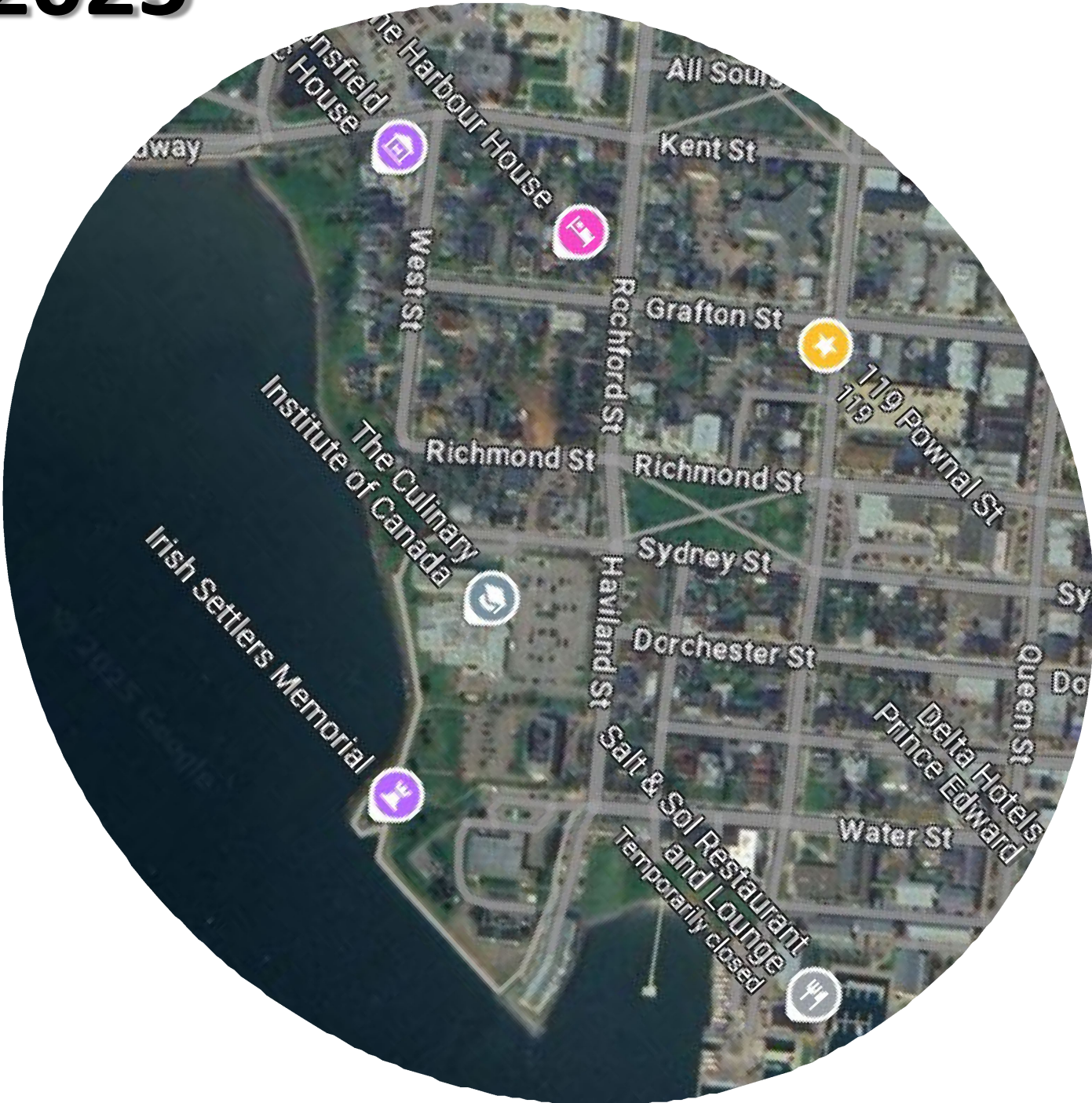
Water Street curves into Dundas Esplanade and there is an extension to the shore. The Connolly Wharves seen in the 1917 maps have been filled in (barrack buildings on the site?)

~1968



New Nurse's Residence for the Catholic Hospital is in left foreground with rest of hospital buildings behind. Sacred Heart Home has been built (centre) and Armoury building is in place. Dundas Esplanade is gone. The waterfront between the Nurse's Residence and old wharves has been filled in.

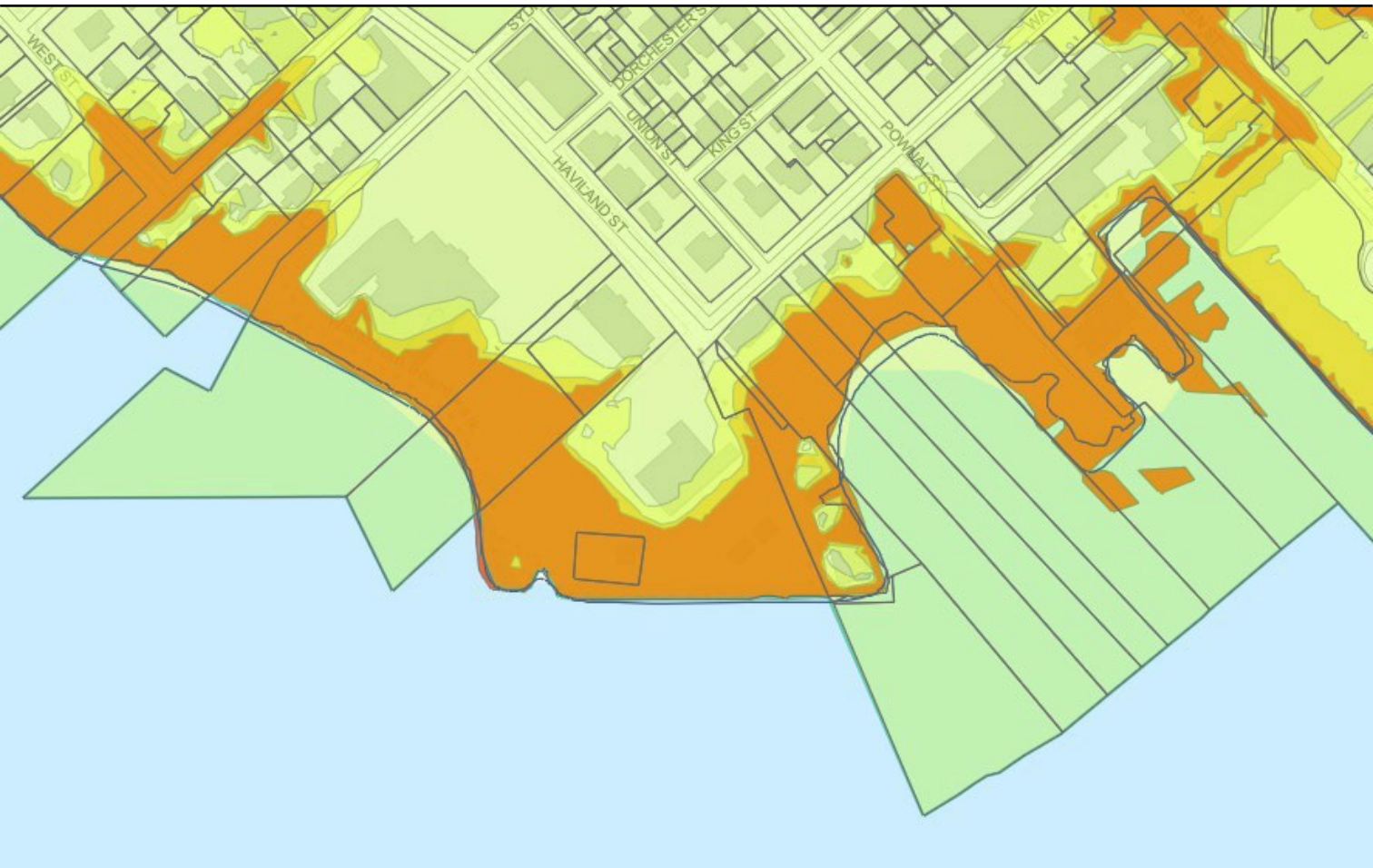
2025



Satellite view of area today

PEI Coastal Hazards Information Platform (CHIP)

High Flood Hazard: This area is defined by the current (2020) coastal floodplain. The coastal floodplain is the area of land next to the shoreline that may be affected by a coastal flooding event that has a 1% chance of happening annually. This is often referred to as the 1-in-100-year flood. Over time, the land in the High Flood Hazard area will be impacted by coastal flooding during storm events more often because of sea level rise. A portion of the land in this area will become permanently flooded during regular high tides



Legend

Planning Jurisdiction

Authority

 Municipal

 Provincial

High Flood Hazard (2020)

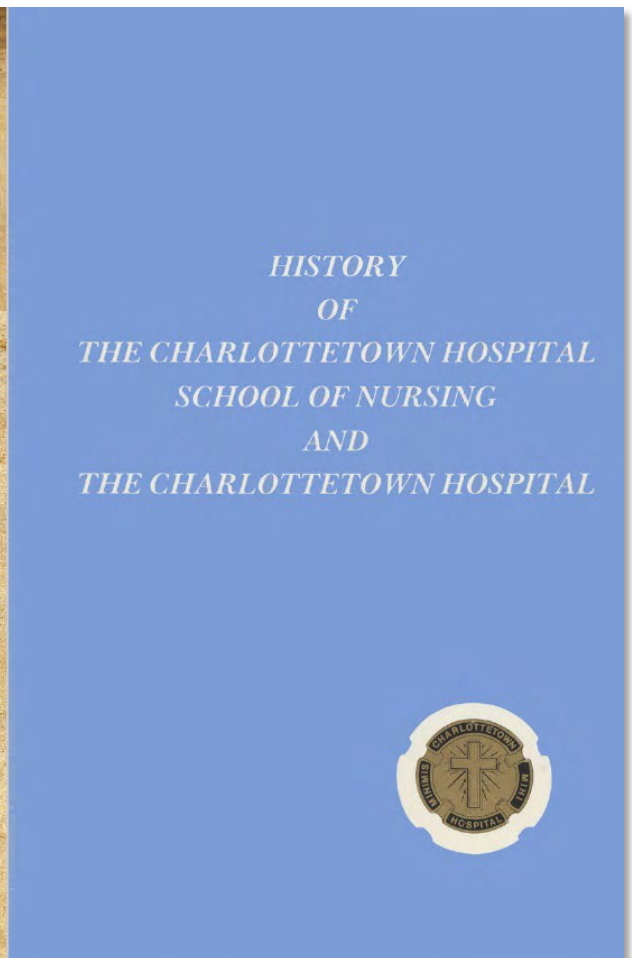
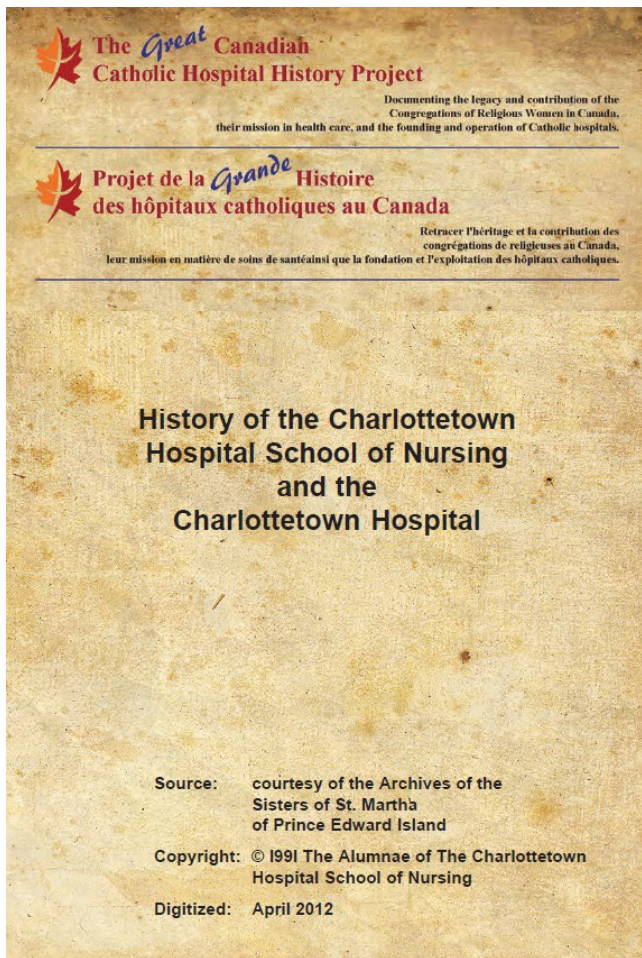


Moderate-High Flood Hazard (2050)



Moderate-Low Hazard (2100)





The book provides a great summary of the history of the Roman Catholic Hospital and associated buildings with photos (available online). Most buildings were demolished when the hospital was closed. The Culinary Centre, includes the Nurses Residence, and a parking lot are now on the site.



The 1925 hospital. Courtesy of Martha MacIsaac