

RECEIVED: January 14, 2026

File No. LA25016

BEFORE THE ISLAND REGULATORY AND APPEALS COMMISSION

IN THE MATTER OF an appeal pursuant to section 28 of the *Planning Act*, RSPEI 1988, c P-8, by Richard Schermerhon, Susan Schermerhorn, Peter Shankel, Mary Jane Shankel, Ed Peplinski, Margaret Balzun, Michael Rotsma, Amanda Rotsma, and Katherine Karakasis against the September 5, 2025 decision of the Minister of Housing, Land and Communities to approve a plan of subdivision of certain lands of Mary Jane Cassidy, pursuant to Bernard Land Surveys Plan No. 19-058 Master 2025V4 and bearing plan approval number 566775A

**RECORD OF DECISION PREPARED BY
THE MINISTER OF HOUSING, LAND AND COMMUNITIES**

Mitchell O'Shea
Legal Services
Justice and Public Safety
95 Rochford Street, PO Box 2000
Charlottetown, PE

**Lawyers for the Minister of
Housing, Land and Communities**

Geoff Gibson
Heritage Law
5 Prince Street
Charlottetown PE, C1A 4P4

Lawyer for the Appellants

Mike Cassidy
Developer

INDEX

<u>Tab</u>	<u>Description of Record</u>
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1.	Preliminary approval of Application to subdivide 12 Lots of PID 206524 for Residential (Single Unit Dwelling) Use only & 3 Lots from PID 206524 for Public Use, dated June 27, 2024
2.	Final approval of survey plan 56775A, surveyed by Bernard Land Surveys, dated September 5, 2025
3.	Notice of Appeal received by IRAC September 26, 2025
4.	Subdivision of Land and Change Use Application C-56775 and attached Preliminary Survey Plan received and paid June 9, 2023
5.	Pre-Development and Subdivision Inspection Report dated June 2024
6.	Memorandum from Shawn MacFarlane dated June 18, 2024
7.	Interdepartmental Communications: <ul style="list-style-type: none">A. Email Correspondence between Eugene Lloyd and Alan Aitken, dated November 22, 2023B. Email Correspondence between Eugene Lloyd and Shawn MacFarlane dated June 27, 2024, and attached preliminary approval letter
8.	External Communications: <ul style="list-style-type: none">A. Email correspondence among Eugene Lloyd, Mike Cassidy and Serge Bernard dated June 27, 2023 to June 28, 2023, and attached email correspondence among Alan Robinson, Mike Cassidy, Bernard Land Surveys Inc. and Morley Foy and George Zafiris, Compilation of previous test pit investigation results Email Correspondence among, George Zafiris, Mike Cassidy, Bernard Surveys and Peter Joostema dated June 28, 2023B. Email Correspondence among Alan Aitken, BJ Hickey, Stephen Yeo, Shawn MacFarlane and Eugene Lloyd, dated October 19, 2023 to November 1, 2023

TAB

1



Housing, Land and Communities

Logement, Terres et Communautés

120 Heather Moyse Drive
Summerside
Prince Edward Island
Canada C1N 5Y8



120, promenade Heather Moyse
Summerside
Île-du-Prince-Édouard
Canada C1N 5Y8

June 27, 2024

Mary Jane Cassidy
135 Pownal Street - Suite 507
Charlottetown, PE
C1A 3W7

Dear Applicant:

Re: Subdivision Case 56775, PID 206524, Hampton

This will confirm that the Department of Housing, Land & Communities has granted preliminary approval for your application to subdivide 12 Lots from of PID 206524 for Residential (Single Unit Dwelling) Use only & 3 Lots from PID 206524 for Public Utility Use.

Final approval will be subject to the following conditions:

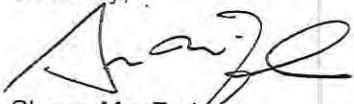
- 1) The lots being surveyed by a qualified surveyor and at least eight 8 copies of the survey plan being submitted to our Department for approval stamping. The proposed lot(s) must be outlined in red.
- 2) **Lots SM1-SM5, 27-28 & A-E** having a minimum frontage of 100 feet with a minimum area of 35,000 square feet with dimensions that will permit the lot to contain a 175-foot circle within its boundaries.
Category II with an assumed depth of permeable soil of at least 30 cm.
- 3) Any surface water or storm water from this subdivision must be properly addressed to ensure minimal detrimental impacts on adjacent lots, roadways, and environmentally sensitive areas.
- 4) All requirements of the Department of Transportation and Infrastructure.
- 5) All the requirements of the Department of Environment, Energy and Climate Action.
- 6) The Environmental Protection Act requires a minimum 15-meter buffer zone adjacent the watercourse located at/near the north boundary of this property. The applicant is advised that no development (including, but not limited to, the placement/construction of a building or other structure, the cutting of trees/shrubs, the operation of heavy equipment and any excavation/disturbance of the ground) is permitted in a watercourse, wetland or buffer zone without a Watercourse, Wetland and Buffer Zone (WWBZ) Activity Permit. For information on permitting requirements or for assistance in determining the location of a watercourse, wetland or buffer zone, the applicant should contact the Department of Environment, Energy and Climate Action at (902)368-5700.

Note: Under the Planning Act Subdivision & Development Regulations, this preliminary approval will expire 24 months from the date of this letter if you have not met the conditions listed.

Please be advised that any existing buildings must be shown on the survey plan and that the minimum building setback requirements to the new lot lines must comply with the Subdivision & Development Regulations.

If you have any questions regarding this preliminary approval, feel free to contact me at (902)432-2559 or smacfarlane@gov.pe.ca.

Sincerely,



Shawn MacFarlane
Senior Development Officer

Shawn MacFarlane

From: Shawn MacFarlane
Sent: Thursday, June 27, 2024 2:18 PM
To: Mike Cassidy
Cc: Eugene Lloyd
Subject: Case 56775 - PID 206524 - Hampton
Attachments: Case 56775 Preliminary Approval.pdf

Good Afternoon,

Please see the attached PDF of the Preliminary Approval Letter to subdivide 12 Lots for Residential (Single Unit Dwelling) Use and 3 Lots for Public Utility Use from PID 206524 in Hampton.

Let me know if you have any questions.

Thanks,
Shawn

Shawn MacFarlane
Senior Development Officer
Land Division – Development Control Section
Department of Housing, Land & Communities
120 Heather Moyse Drive
Summerside PE | C1N 5Y8 Canada
Phone (902) 432-2559 | Fax (902) 888-8059
smacfarlane@gov.pe.ca | www.princeedwardisland.ca

 Please consider the environment before printing this e-mail.

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120 Heather Moyse Drive
Summerside
Prince Edward Island
Canada C1N 5Y8

Housing, Land and Communities

Logement, Terres et Communautés



120, promenade Heather Moyse
Summerside
Île-du-Prince-Édouard
Canada C1N 5Y8

September 05, 2025

Mary Jane Cassidy
135 Pownal Street - Suite 507
Charlottetown, PE
C1A 3W7

Dear Mrs. Cassidy:

Re: Case #56775, Mike / Mary Jane Cassidy, Hampton, Property #206524

Please find attached the final approved plans for your records. This plan 56775A, surveyed by Bernard Land Surveys dated August 30, 2025 will be registered by the Department of Housing, Land and Communities.

Sincerely,

Shawn MacFarlane
Senior Development Officer

APPROVED

September 05, 2025

Dept. of Housing, Land & Communities

Per _____

Lots SM1 to SM5, A to E, 27 to 28 & MJ1 to MJ3 for Residential (Single Unit Dwelling) Use only.

Lots UL1 to UL3 for Utility

Subject To:

1. The sewage disposal system for SM1 to SM5, A to E, 27 to 28 & MJ1 to MJ3 to be designed and installed to meet the Category II requirements of the Sewage Disposal Systems Regulations, with as assumed permeable soil depth of at least 30 centimetres.
2. The *Planning Act* Subdivision and Development Regulations require a minimum buffer zone of 60 feet adjacent to the watercourse/ wetland, along with a 75-foot building and sewage disposal system setback, measured from the top of bank and/or edge of the watercourse/ wetland. Also, the *Environmental Protection Act* requires a 15-meter buffer zone adjacent to the watercourse/ wetland whereby activities within 15 meters of the top of the bank and/or the edge of the watercourse/wetland may require a permit from this Department. For information on any activities that may occur within the 15-meter buffer zone, contact 902-368-5049.
3. All development shall be undertaken to ensure proper surface water drainage is designed as to not adversely affect the neighboring parcels.
4. Parcels R1 to R7 are not approved as separate lots.
5. Every deed of conveyance of every lot providing for each lot owner to have a right of way from the lot to the public road, as shown on the plan.
6. Rights of way shown on the plan remaining private, approval of this plan in no way implies that the Province of Prince Edward Island accepts responsibility for construction or maintenance of roadways or associated drainage facilities.
7. Construction and maintenance of roadways and associated drainage facilities within the bounds of the private rights of way shown on this plan being the responsibility of the rights of way owners.

Notes:

1. This plan supersedes Sub.Plan 54683D, 54683E & Lot 27 from Sub.Plan 53520B.
2. Utility easements are not addressed by this approval.
3. The subdivision approval granted herein is permission to divide land. Subdivision approval should not be interpreted as including approval of the location of structures that are currently on the property.
4. Issuance of this subdivision approval / development permit does not imply any warranty against damages related to weather and / or climate change, including, but not limited to, coastal erosion and flooding. Government shall not be liable for any claims, demands, losses, costs, damages, actions, suits or proceedings of every nature and kind whatsoever arising out of or resulting from the issuance of this subdivision approval / development permit or which may occur to this subdivision / development as a result of damages related to weather and / or climate change.
5. Properties located near a watercourse and/or coastline may be subject to erosion and flood hazards. For these properties, a Coastal Hazard Assessment is included as part of the development permit review process. The information contained in the Coastal Hazard Assessment should be taken into consideration in the design of the proposed subdivision/development.
6. All rights of way serving the approved subdivision meet the requirements of the Planning Act Subdivision and Development Regulations. Subdivision approval does not include or provide any actual legal right of way from the approved subdivision lot(s) to the public road. The provision of any such right of way is the responsibility of the rights of way owner(s).
7. This subdivision approval has been issued in a geographic area which does not have land zoning. The area may include existing or future residential, commercial, agricultural, forestry, fishing, aquaculture, tourism, industrial or institutional uses which may influence the use of the site for which the approval has been issued.

#56775A

APPROVED

September 05, 2025

Dept. of Housing, Land & Communities

Per _____

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7. This subdivision approval has been issued in a geographic area which does not have land zoning. The area may include existing or future residential, commercial, agricultural, forestry, fishing, aquaculture, tourism, industrial or institutional uses which may influence the use of the site for which the approval has been issued.

#56775A

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RECEIVED: September 26, 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.

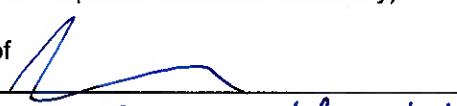
TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of _____ (name of City, Town or Community) on the 5th day of September, 2025, wherein the Minister/Community Council made a decision to approve a plan of subdivision of certain lands of Mary Jane Cassidy, pursuant to Bernard Land Surveys Plan No: 19-058 Master 2025V4, and bearing plan approval number 566775A. _____ (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)
The Minister failed to: 1. comply with the principles, objectives and purposes of the Planning Act;
2. properly consider and apply sound planning principles;
3. have regard to the provisions of 2.1(1)(g) of the Planning Act; and
such other reasons as the Appellants may advise prior to the hearing of the within appeal.

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)
The Commission should allow the appeal and quash the September 5, 2025 plan approval (number 566775A).

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

Name(s) of
Appellant(s): See attached Schedule A
Please Print

Signature(s) of
Appellant(s): 

Mailing Address: c/o Heritage Law, 5 Prince Street

City/Town: Charlottetown

Province: PE

Postal Code: C1A 4P4

Email Address: ggibson@heritagelawpei.com

Telephone: 902 330 7772

Dated this 26 day of September, 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.

SCHEDULE "A"

Names of Appellants

Richard Schermerhorn

Susan Schermerhorn

Peter Shankel

Mary Jane Shankel

Ed Peplinski

Margaret Balzun

Michael Rotsma

Amanda Rotsma

Katherine Karakasis

All of the named appellants own real property within the subdivision shown in the subject Plan.

Agent and counsel for Appellants

Geoff Gibson – Heritage Law

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Subdivision of Land and Change of Use Application

CASE 56775



This application is to be used for any of the following:

- subdivide a parcel of land into smaller lots
- change the current use of a parcel of land
- change the use of an approved subdivision
- consolidate multiple lots into one
- appendage to a parcel/lot

PAID

JUN 09 2023

Amount \$330.00
Receipt # 3801

Office Use Only	
Sub. Case File #:	
Permit #:	
PID#:	
Permit Fee:	
Received:	
PIC Verified:	<input type="checkbox"/>

Property Information:

Property Tax Number:	<u>206524</u>	Lot Number - if applicable:	<u>-</u>
Civic Address Number:	<u>275</u>	Street Name:	<u>REDCRAIFFE ROAD</u>
Route No:	<u>-</u>	Community:	<u>HAMPTON, PEF</u>

Property Owner Information:

Full Legal Name:	<u>MARY JANE CASSIDY</u>		
Company Name:	<u>NIA</u>		
Street Address:	<u>135 Pownall ST Suite 507</u>		
Community:	<u>CHARLOTTETOWN</u>	Province:	<u>PEI</u>
Email:	<u>CIO MIKE CASSIDY MIKECASSIDY.GROUP.CA</u>		
	<u>Phone: CIO MIKE CASSIDY 902-893-0139</u>		

Applicant Information if different from Owner:

Full Legal Name:			
Company Name:	<u>NIA</u>		
Street Address:			
Community:		Province:	
Email:			
	<u>Phone:</u>		

What is the property currently used for? VACATION HOME RESIDENTIAL

Residential (Single-unit) Residential (Duplex) Residential (Multi-unit) Rental accommodation
 Commercial Industrial Institutional Agricultural Aquaculture/Fisheries Forestry
 Recreational Resource Home-Based Business Other: _____

Proposed use of the land: TO SUBDIVIDE 6 LOTS, MOVE 7 PREVIOUSLY APPROVED AND A CONSOLIDATED 10 LOTS UNDER PHASE 2 OF A PRE-2009 CONCEPTUAL PLAN AND A 1992 LEWP FOR VACATION HOME DEVELOPMENT. (PHASE 1 HAD 8 LOTS APPROVED)
THE ATTACHED DEVELOPMENT PLANS SHOW A BLEND OF RESIDENTIAL HOMES, SOME AGRICULTURE RESOURCE LOTS, CENTRAL WELL & SEPTIC IN SOME CASES, DAY SITE IN OTHER CASES, A DECOMMISSIONED LAGOON AND AN UP TO DATE SURVEY OF THE ENTIRE PROPERTY.

THIS REQUEST AND APPROVAL WILL BE SUBJECT TO AN EXISTING 2010 APPEAL BEING WITHDRAWN Page | 1

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THEATRE

ACT FOURTH

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THEATRE

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THEATRE

THEATRE

June 6, 2023

REDCLIFFE DEVELOPMENT PLAN

HELLO EUGENE,

1. THE APPELANTS ARE FINE WITH A CONDITIONAL APPROVAL OF THIS PLAN --- MEANING THE APPEAL MUST BE WITHDRAWN BEFORE FINAL APPROVAL.
2. I AM HOPIING TO SEE THIS "BARRY WIMM'S LEGACY" AND THE OUTSTANDING 8 YEAR APPEAL PUT TO "REST" SO ALL PARTIES ARE SATISFIED:
 - WE SOLD THE CENTRAL WELL TO THE HOD FOR #1.
 - WE PROVIDED A BACK UP WELL LOCATION.
 - WE PROVIDED A 1 ACRE CENTRAL Septic SITE.
 - WE WILL HAVE A DECOMMISSIONED LAGOON.
 - WE HAD SEARGE SURVEY PROPER LOCATION OF ROADWAYS TO ENSURE CORRECT GRANTING OF ROW'S.
 - WE ACCOMMODATED A NEW MARITIME ELECTRIC POLE INFRASTRUCTURE ELECTRICAL LINE.
 - WE INVESTED \$ 17,000 OF OUR MONEY FOR ROAD UPGRADES.
3. OUR PROPOSED USE OF THE LAND IN OUR APPLICATION IS A WELL PLANNED CONCERN WITH A COMMON SENSE APPROACH.
4. WE RESPECT TRI'S (ALLAN HICKIE) POSITION ON TCH #1 INGRESS EGRESS SAFETY. AS WE ALL WORK TOWARDS AN ACCESS SOLUTION TO ACCOMMODATE FUTURE DEVELOPMENT, ^{NOT} WE ASK THAT OUR PRR 2009 CONCEPT AND HICKIE'S PRR 2009 LOT CONCEPT ARE TREATED IN THE SAME MANNER.

THANKS MIKE

A. CHANGE OF USE SECTION:

Are you looking to change the current use of the land to a new use? (i.e. Residential to Commercial)

Yes No, please move onto B) SUBDIVISION OF LAND SECTION below

If Yes, what would the new use of the property be?

Residential (Single-unit) Residential (Duplex) Residential (Multi-unit) Rental accommodation
 Commercial Industrial Institutional Agricultural Aquaculture/Fisheries Forestry
 Recreational Resource Home-Based Business Other: _____

If you selected Industrial, Commercial, Industrial or Recreational please answer:

- What will be the hours of operation? _____
- How many staff are you intending on having at his location? _____
- Will there be onsite parking for staff? Yes No N/A
- Will there be shipping and/or receiving operations? Yes No N/A

Please describe the business operations you will be undertaking on this site:

B. SUBDIVISION OF LAND SECTION:

Are you looking to subdivide the parcel of land into multiple lots? Yes No

If yes, how many new lots are you looking to create?

If 1 to 5 lots - please see detailed Additional Requirements listed in Section 1 on the next page
 If 6 or More lots - please see detailed Additional Requirements listed in Section 2 on the next page

Will the proposed subdivision require the creation of a new driveway or the relocation of an existing driveway to the road/highway? Yes No *USING RADCLIFFE ROAD
ONLY TO TCH #1*

How will the proposed subdivision receive sewer service?

New on-site septic Existing on-site system
 Municipal wastewater treatment Private Central Wastewater Treatment

How will the proposed subdivision receive its water supply?

New on-site well Existing on-site well Municipal water Private Central water system

Are there Environmentally sensitive features located on the proposed lot(s)? i.e. Wetland, watercourse, sand dune, other: 60' SHORE BUFFER Yes No *SOAK WETLAND,*

Is this property identified under the PEI Lands Protection Act? Yes No

SUBDIVISION OF LAND – REQUIREMENTS

1) Five (5) Lots or Less - (1 to 5 lots)

With the completed application the following is required:

a. Completed sketch of the property as outlined on page 5 showing the true shape and dimensions of the property being subdivided. The lot(s) must be indicated on the map, outlined in red and displaying the dimensions of the lot(s) and size of the lot(s) in acres or square feet. All proposed access roads or rights-of-way to the lot(s) must be shown on the map.

SEE ATTACHED SURVEY PLAN

2) More than five (5) lots - (6 or more lots)

With the completed application the following is required:

a. Preliminary Survey plan completed by a surveyor. Ensure the surveyor shows the following information in their Preliminary Survey Plan:

- the true shape and dimensions of the property being subdivided and the proposed lots
- all proposed access roads or rights-of-way to the lots
- a key plan indicating the general location of the proposed subdivision
- a North point indicator and the scale of the plan
- the location of all existing buildings or structures on the lots being proposed, or within 100 feet (30.4 metres) of the proposed subdivision
- existing and proposed services, including central or municipal waste treatment systems, and central or municipal water supply systems
- proposed or existing private right-of-ways or easements, and proposed or existing entranceways to a highway
- land proposed for buffers, walkways, open space, recreation areas, parks, or other public use
- watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas, or conservation zones on, or adjacent to, the proposed subdivision
- elevation contours and the drainage pattern within the proposed lots, and within 300 feet (91.4 m) of the boundaries of the proposed subdivision
- the proposed use of the lots
- proposed stormwater drainage patterns for water within and leaving the subdivision

Please Note: Your application will be considered incomplete and will be returned if any of the requirements outlined are missing, unclear, illegible, or if fees have not been paid

For applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies before contacting the applicant to advise the status and required next steps. Staff may also carry out a site inspection to complete their application review.

Declaration

I, MARY JANE CASSIDY hereby certify that I am (select one)

the registered owner of the land proposed for development authorized to act on behalf of the registered owner of the land proposed for development

and hereby declare that all statements contained within this application are complete and true.

Signatures

Registered Owner(s):

or

Written confirmation from the current property owner(s) allowing this Subdivision of Land and Change of Use Application to proceed. This documented proof must be supplied at time of application.

m. j. Cassidy

JUNE 5, 2023

Applicant:

Submit Applications To:

- Land Division – 31 Gordon Drive, Charlottetown, PE
- Access PEI O’Leary – 45 East Dr, O’Leary, PE
- Access PEI Summerside – 120 Heather Moyse Dr, Summerside, PE
- Access PEI Montague – 41 Wood Islands Rd, Montague, PE

Office Use Only

SUBDIVISION & CHANGE OF USE FEES

5 lots

Subdivision of Land (\$110 for the first lot).....	= <i>\$110.00</i>
Additional Lots (\$55 for each additional lot)..... <i>xx</i>	= <i>\$220.00</i>
Change of Use (\$110 for the first lot).....	= <i></i>
Change of Use for Additional Lots (\$55 for each additional lot).....	= <i></i>
Total _____	= <i>\$330.00</i>

Personal Information on this form is collected under section 8 (1)(d) of the Planning Act. If you have any questions about the collection of personal information, you may contact landsdivision@gov.pe.ca for more information.

Subdivision of Land Application Sketch – 5 Lots or Less

Pursuant to the Planning Act

The sketch below needs to show the true shape of the property and include all existing or proposed:

- Property lines with their lengths (in ft)
- Lot boundaries, including the size of proposed lots
- Road(s), including their name(s)
- All Buildings with their sizes listed (in ft)
- Distance from centre of road to buildings (in ft)
- Distance from buildings to property lines (in ft)
- Distance from septic tank/field to property lines (in ft)
- Distance from well to building (in ft)
- Distance between well and septic system (in ft)
- All land proposed to be use for open space, parks, recreation or other common areas
- Right-of-ways on or adjacent to property
- Show any watercourse, wetlands, top of bank, or sand dune located on the property
- Distances from watercourse, top of bank, or sand dune to any structures (building or septic) (in ft)
- Arrow showing the natural slope of the land
- Proposed stormwater drainage patterns for water within and leaving the subdivision
- Location of driveway(s)
- Distance from the centre of driveway(s) to the nearest neighbouring property line (in ft)

PLAOSO SEE PRELIMINARY SURVEY PLAN

COMPLETED BY BERNARD SURVEYING

JUNE 1, 2023.

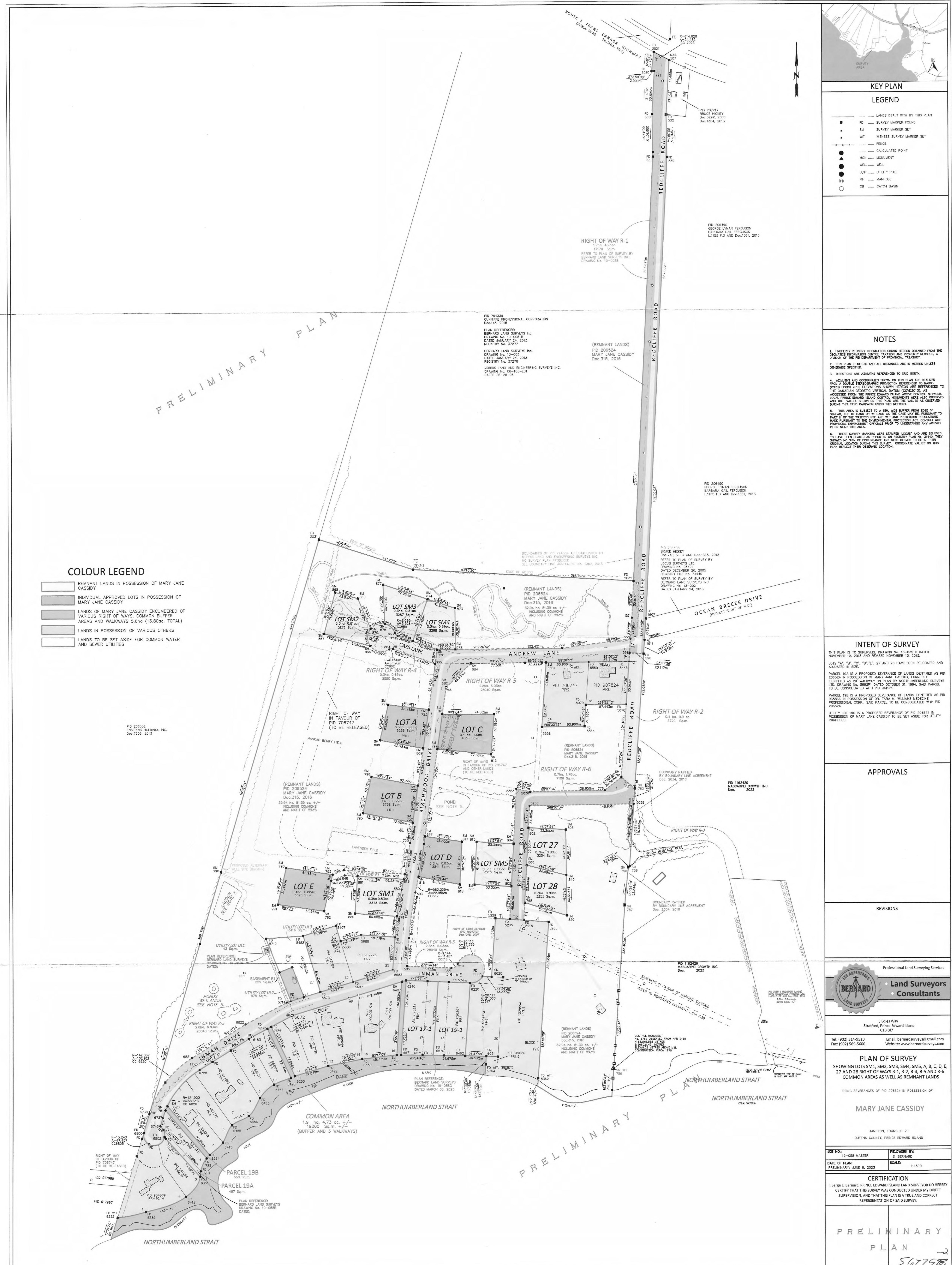


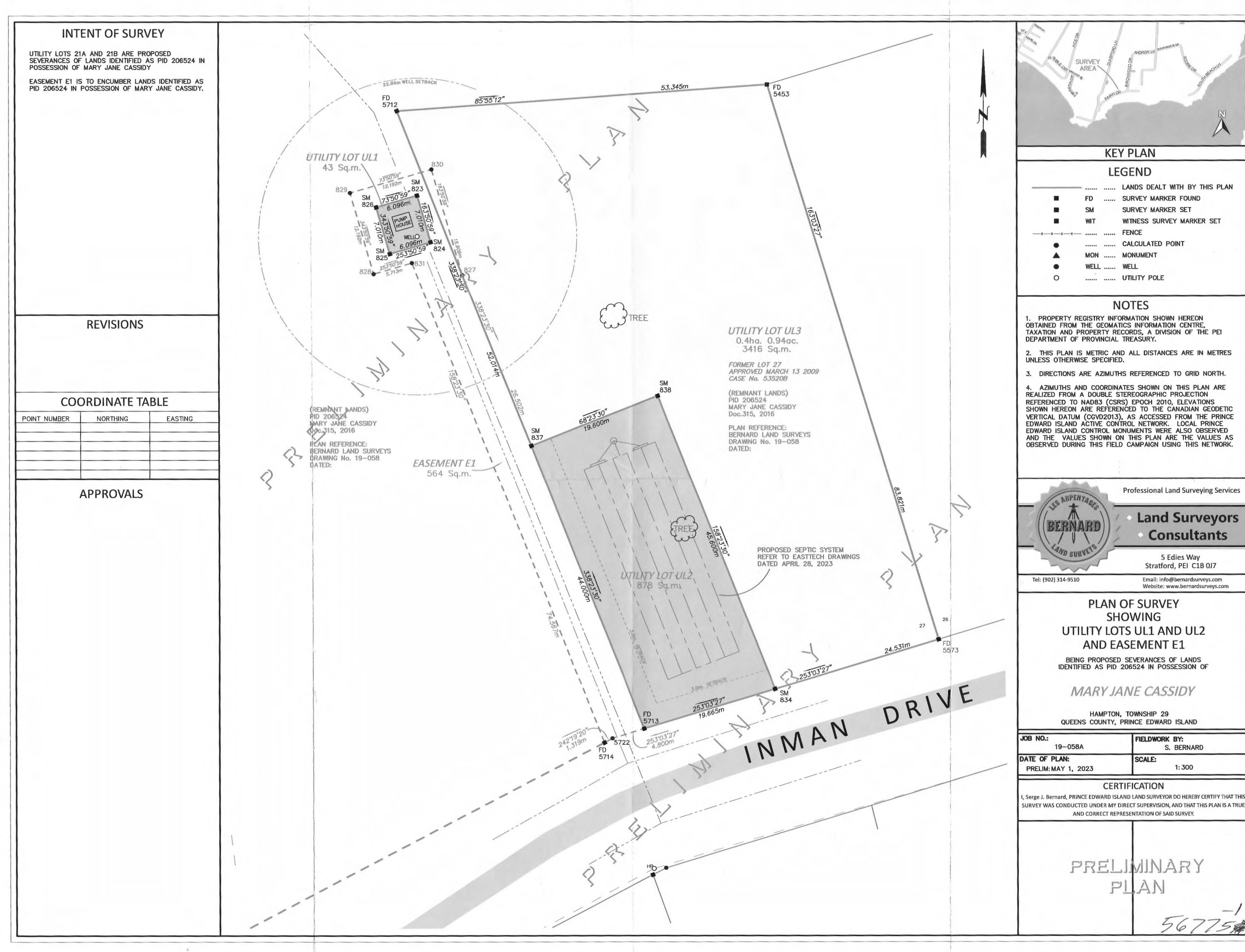
m.j. Cassidy

Property Owner's Signature or Applicant

JUNE 5, 2023

Date





TAB

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PRE-DEVELOPMENT AND SUBDIVISION INSPECTION REPORT

Section 1 – General Information

APPLICANT: Cassidy
 SUBDIVISION CASE # 56775
 PROPERTY # 206524

LOCATION: Hampton
 DEVELOPMENT PERMIT # 1
 DATE OF INSPECTION JUNE 2024

Section 2 – Property Information - FLEXVIEW

1. Is the property identified? Attach confirmation. IRAC No Yes – EC Order: _____
2. Is the property in a Special Planning Area?
 a. Is the property considered existing in that SPA (before 1994)? No Yes
3. Is the property in a municipality with its own No Yes – Municipality: _____ official plans and bylaws?
4. The property has a: stream wetland watercourse pond
 primary sand dune secondary sand dune Other: _____
5. Does the property have poorly or imperfectly drained soils? No Yes ** NOT IN AREA OF PROPOSED LOTS*
6. Are there any existing structures on the property? No Yes
7. Existing land use VACANT Proposed land use Residential (SFO)
8. Is the lot existing? (created before 1979)
 a. If no, First Lot Off (1979 to 1993 to 2002) No Yes
 b. If no, Over 10 Acres (1979 to 2002) No Yes
9. Was the lot approved previously?
 Case # _____ Lot # _____ Approved Use _____
10. Is a Coastal Hazard Assessment required? No Yes N/A
 Average Erosion Rate _____ Calculated Setback Distance _____
11. Reference Cases: _____

Section 3 – Soil & Septic Information - ENVIRO

- a) What is the soil categorization? Cat II Permit # _____
- b) Previously Assessed? yes Case # 56775 Assumed Permeable Soil AT LEAST 30cm.
 Assessor G. ZAFIEIS Registered Document # N/A
- c) If multi-lot subdivision, has an SSA been submitted for each lot? No Yes N/A
- d) Is there an existing septic system on site? No Yes N/A
- e) Has a Sewage Disposal Form been submitted? No Yes N/A
- f) Does the existing septic exceed 1500 gallons / day? No Yes N/A

Section 4 – Road Information - DTI MAP

- a) Name of highway ROCLIFFE Rdn Route # _____
- b) Highway classification Arterial Arterial 2 Seasonal Collector
 C1 C2 C3 Subdivision
 Heritage Private Infilling Other:
- c) Is an EWP required? (Seasonal/Arterial) No Yes
- d) Is the proposal to access a new private road?
 a. If yes: Has the road name been approved by 911? No Yes
 i. Road Name: ROCLIFFE Rdn
- e) # of lots approved of private road since 2009?
 a. If over 5 lots – Road upgrade may be required.
- f) Highway access (culvert) new culvert required existing entrance
 relocate existing entrance

Notes:

*Proposed Being # OF LOTS UP TO AMOUNT PREVIOUSLY APPROVED
 NO OBJECTION FROM A CITIZEN - SPKE 06-25-24!*

Section 5 – Building Information

a) Will the proposal meet the minimum building setbacks? No Yes
b) Will a variance be required? No Yes

Section 6 – Comments

Was the subdivision proposal sent out to corresponding departments? – See Department Comment Sheet

a. Coastal Properties No Yes N/A Notes:

b. Fire Marshal's Office No Yes N/A Notes:

c. Environment No Yes N/A Notes:

d. Environmental Health No Yes N/A Notes:

e. Transportation No Yes N/A Notes: *06-24 06-25-24 ACTION - NO OBS, OUTSTANDING*

f. Planning No Yes N/A Notes:

g. Building Code No Yes N/A Notes:

h. Water Quality No Yes N/A Notes: *Central water system.*

i. Other: _____ No Yes N/A Notes:

Section 6 – Additional Information

a) Does the proposal exceed 2 lots since 1993?
a. If yes, has the proposal been circulated to the Hydrogeologist? No Yes *2024-06-25-24*
 No Yes *Hydrogeologist*
 No Yes

b) Does the proposal exceed 5 lots since 1993?
a. If yes, there may be requirements for incremental subdivision. Open Space, etc.

c) Is a survey plan required? No Over 10 acres Yes

d) Will this plan supersede or supplement a previously approved file? No Yes Plan: _____

Notes:

*Proposed LOTS = Lots A-E, 27-28, 30 & 31-35.
UL1 - UL3.
R-O.VS = RT R-1 to R-6, E-6
Easements = E1*

Section 7 – Decision and Sign Off

a) Immediately prior to final approval, has the identification status been confirmed? Yes
b) Decision: Approve Deny

a. If Denied: Please indicate which sections of PASDRs:

Officer

Date

TAB
6

MEMORANDUM

To: Case 56775

From: Shawn MacFarlane

Date: June 18th, 2024

Subject: PID 206534 – Cassidy Hampton File

Based on the old letters and documents (specially a letter from John Pickard to Albert MacDonald dated November 10th, 1994), that this area was proposed and approved in principle for a larger subdivision of potentially 120-135 lots for cottage use.

Through multiple iterations, phases and realignments of the previously approved lots (via consolidation and appendage), the applicant has proposed a total of 35 lots for Residential (Single Unit Dwelling) Use to be created from this parent parcel. This total includes the originally approved lots – which would leave the creation of 15 additional lots to be created at this time. (12 now – 3 later when DTI agreement is finalized)

Due to the historical context and previous approvals on this parcel, it was felt that this is a significant reduction in the number of lots proposed and therefore, a significant reduction in the potential detrimental impact of the development.

Considerations with respect to Section 13 of the *Planning Act* Subdivision and Development Regulations:

13. Principles

Subdivision designs shall be based on sound planning, engineering, and environmental principles, and shall demonstrate that the proposed subdivision is suited to the intended use, having due regard for

(a) compatibility with surrounding uses;

- the subject parcel is already significantly developed and built up with residential and cottage properties – with the general area being made up of large cottage or residential developments all along the coast. The introduction of these lots would not appear to introduce premature development in this area.

(b) the topography of the site;

- subject parcel is relatively flat with minimal topographic features that may limit the proposed development

- (c) surface drainage on the site and its impact on adjacent parcels of land;
 - surface drainage on the property has not been an issue and should remain to be minimal*
- (d) traffic generation onto adjacent highways;
 - applicant is engaged with the Department of Transportation and Infrastructure regarding a significant upgrade to the access onto the Arterial Highway – which would minimize the current risk to the travelling public. Further, DTI is in the process of establishing a suitable numbers of lots that may utilize this intersection*
- (e) availability, adequacy and the economical provision of utilities and services;
 - provisions such as electricity already existing through the subject parcel*
- (f) the ability to further subdivide the land or adjoining land;
 - not considered*
- (g) the provision of lots suitable for the intended use;
 - all proposed lots must be designed to be in accordance with the appropriate sizes as set out in Section 23 of the Planning Act Subdivision and Development Regulations*
- (h) waste water management;
 - see above – on-site sewage disposal systems to be utilized for these proposed lots*
- (i) water supply; and
 - see above - on-site wells to be utilized for these proposed lots*
- (j) natural features. (EC693/00)
 - there are no significant natural features that would impact the proposed development – a pond / low area was recognized and included in the proposed lot layout*

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7

TAB
A

Eugene Lloyd

From: Eugene Lloyd
Sent: Wednesday, November 22, 2023 2:01 PM
To: Alan Aitken
Subject: Mike Cassidy, Hampton Case 56775, PID 206524

Good day,

Are there any issues with proceeding with Mike's application for an additional 5 lots from a highway access perspective?

The goal was to not have more lots than what was previous and as some of the original lots have been consolidated or turned into utility lots for central servicing, the number of lots would have remained the same. However, he wants a few more now as well. I think they'll be an additional 4 or 5 lots beyond the original number.

Based on recent discussions on the requirement for a left turning lane and some potential cost sharing with the adjoining property owner, are there any issues with proceeding with approval of this small number of additional lots right now or should something formal be in place with DTI for the access to the TCH?

Thank you

Eugene Lloyd
Manager (Acting) of Development Control
31 Gordon Drive
Charlottetown, PE C1A 7N8
(ph) 902-368-4465

TAB

B

Shawn MacFarlane

From: Shawn MacFarlane
Sent: Thursday, June 27, 2024 1:30 PM
To: Eugene Lloyd
Subject: FW: Case 56775 - PID 206524 - Hampton - Cassidy
Attachments: 20240627130258241.pdf; Case 56775 Cassidy Preliminary.docx

Hey Eugene,

I just got off the phone with Mike Cassidy. Please see the following summary of our conversation and see the attached survey for reference.

- **2 LOTS** Lot 27 & 28 – originally approved via Sub.Plan 53520B
 - Lot 27 is being allocated / superseded as Utility Lots EL2 & EL3
 - Lot 28 is being relocated and reconfigured
- **5 LOTS** Lots A-E – these are the five lots that were approved in 2015 but appealed
- **5 LOTS** Lots SM1-SM5 – these are a result of consolidations
 - a. Lot 1&2 consolidated as Lot 08-1 via Sub.Plan 53238B
 - b. Lot 7&8 consolidated via Sub.Plan 54687A
 - c. Lot 13&14 consolidated via Sub.Plan 11062H
 - d. *Lot 15&16 not consolidated – house built on boundary line*
 - e. Lot 18 split and appended to both Lot 17 & Lot 19 via Sub.Plan 25260A

It would appear, based on the above information and explanation provided by Mike, that all lots other than 1 (Lot 15&16) can be accounted for in this equation. However, based on the issuance of the development permit for this structure in its current location – we have, by association, consented to this consolidation.

We could add a condition to the preliminary approval letter that Lots 15&16 need to be consolidated, but that may complicate this overall situation. Alternatively, we could engage the owners of this property separately and seek compliance.

I have attached the draft preliminary approval letter that I am prepared to issue for this subdivision. Please let me know what you think.

Let me know if you have any questions or need any additional information.

Thanks,
Shawn

From: Mike Cassidy <mike@cassidygroup.ca>
Sent: Thursday, June 27, 2024 12:19 PM
To: Eugene Lloyd <EMLOYD@gov.pe.ca>
Cc: Shawn MacFarlane <smacfarlane@gov.pe.ca>
Subject: Re: Hampton Lots

Can you call me Shawn...902-393-0139....just like to talk it out and have you explain the utility lots..

On Thu, Jun 27, 2024 at 9:57 AM Eugene Lloyd <EMLOYD@gov.pe.ca> wrote:

Good morning Mike,

As we are now in the final stages of having the preliminary approval issued, we want to ensure we're all on the same page. Shawn has counted a total of 12 residential lots and 3 utility lots being proposed, is that correct? As well, based on my understanding of all the lots is as per the following:

- Reapproval of the 5 lots approved in 2015 to make them smaller
- 5 new lots, as you state that at least 5 lots were consolidated in the original subdivision thus allowing 5 new lots to take the place of the previous individual lots pre consolidation?
- 2 new lots to replace 2 lots being changed to utility lots?
- 1 new utility lot?

Shawn may be able to dive in here if I made some errors in my understanding!

The issue we have right now is where the 5 lots are coming from that were consolidated. Can you respond to Shawn as to which 5 lots were consolidated so we ensure we are doing this correctly?

Thank you

Eugene Lloyd
Manager of Development Control
31 Gordon Drive
Charlottetown, PE C1A 7N8
(ph) 902-368-4465



Mike Cassidy, FCPA, FCA
Cassidy Group
c. 902.393.0139
a. 7 Mount Edward Rd, Charlottetown, PE, C1A 5R7



Housing, Land and Communities

Logement, Terres et Communautés

120 Heather Moyse Drive
Summerside
Prince Edward Island
Canada C1N 5Y8



120, promenade Heather Moyse
Summerside
Île-du-Prince-Édouard
Canada C1N 5Y8

June 27, 2024

Mary Jane Cassidy
135 Pownal Street - Suite 507
Charlottetown, PE
C1A 3W7

Dear Applicant:

Re: Subdivision Case 56775, PID 206524, Hampton

This will confirm that the Department of Housing, Land & Communities has granted preliminary approval for your application to subdivide ~~12 lots~~ from of PID 206524 for Residential (Single Unit Dwelling) Use only & ~~3 lots~~ from PID 206524 for Public Utility Use.

Final approval will be subject to the following conditions:

- 1) The lots being surveyed by a qualified surveyor and at least eight 8 copies of the survey plan being submitted to our Department for approval stamping. The proposed lot(s) must be outlined in red.
- 2) **Lots SM1-SM5, 27-28 & A-E** having a minimum frontage of 100 feet with a minimum area of 35,000 square feet with dimensions that will permit the lot to contain a 175-foot circle within its boundaries. *Category II with an assumed depth of permeable soil of at least 30 cm.*
- 3) Any surface water or storm water from this subdivision must be properly addressed to ensure minimal detrimental impacts on adjacent lots, roadways, and environmentally sensitive areas.
- 4) All requirements of the Department of Transportation and Infrastructure.
- 5) All the requirements of the Department of Environment, Energy and Climate Action.
- 6) The Environmental Protection Act requires a minimum 15-meter buffer zone adjacent the watercourse located at/near the north boundary of this property. The applicant is advised that no development (including, but not limited to, the placement/construction of a building or other structure, the cutting of trees/shrubs, the operation of heavy equipment and any excavation/disturbance of the ground) is permitted in a watercourse, wetland or buffer zone without a Watercourse, Wetland and Buffer Zone (WWBZ) Activity Permit. For information on permitting requirements or for assistance in determining the location of a watercourse, wetland or buffer zone, the applicant should contact the Department of Environment, Energy and Climate Action at (902)368-5700.

Note: Under the Planning Act Subdivision & Development Regulations, this preliminary approval will expire 24 months from the date of this letter if you have not met the conditions listed.

Please be advised that any existing buildings must be shown on the survey plan and that the minimum building setback requirements to the new lot lines must comply with the Subdivision & Development Regulations.

If you have any questions regarding this preliminary approval, feel free to contact me at (902)432-2559 or smacfarlane@gov.pe.ca.

Sincerely,

Shawn MacFarlane
Senior Development Officer

Shawn MacFarlane

From: Eugene Lloyd
Sent: Thursday, June 27, 2024 1:52 PM
To: Shawn MacFarlane
Subject: RE: Case 56775 - PID 206524 - Hampton - Cassidy

Thanks Shawn. It seems to be a reasonable explanation as to the number of lots being proposed and as for old lots 15 & 16, we have not been asked to address this under this application nor is Mike the owner of those lots so for now, we should concentrate on what was applied for.

Once the applied for lots get sorted out and the preliminary approval letter is issued, perhaps we can start the process of ensuring compliance with our setback regulations and look into the structure over the property line on lots 15 & 16.

Thank you

Eugene Lloyd
Manager of Development Control
31 Gordon Drive
Charlottetown, PE C1A 7N8
(ph) 902-368-4465

From: Shawn MacFarlane <smacfarlane@gov.pe.ca>
Sent: Thursday, June 27, 2024 1:30 PM
To: Eugene Lloyd <EMLOYD@gov.pe.ca>
Subject: FW: Case 56775 - PID 206524 - Hampton - Cassidy

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Thanks,
Shawn

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Cc: Shawn MacFarlane <smacfarlane@gov.pe.ca>
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- 1 new utility lot?

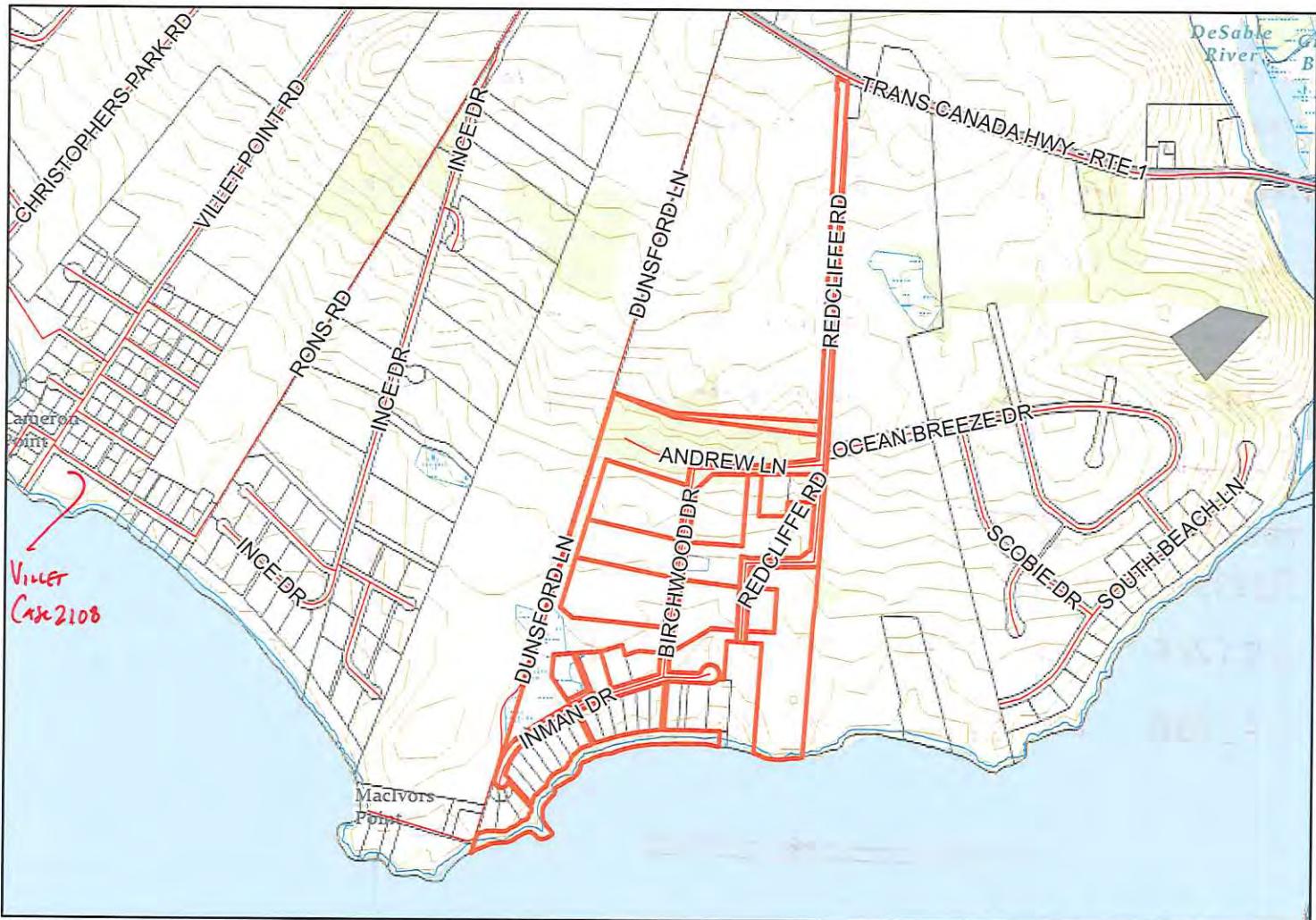
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Thank you

Eugene Lloyd
Manager of Development Control
31 Gordon Drive
Charlottetown, PE C1A 7N8
(ph) 902-368-4465

PROPERTY INFORMATION



CREATED ON 2024-06-26 2:22 PM

PARCEL NUMBER

206524

SCALE

1:14,627

ACREAGE

96.62

OWNER

MARY JANE CASSIDY

ADDRESS

275 REDCLIFFE RD, HAMPTON



0 0.23 0.45 km

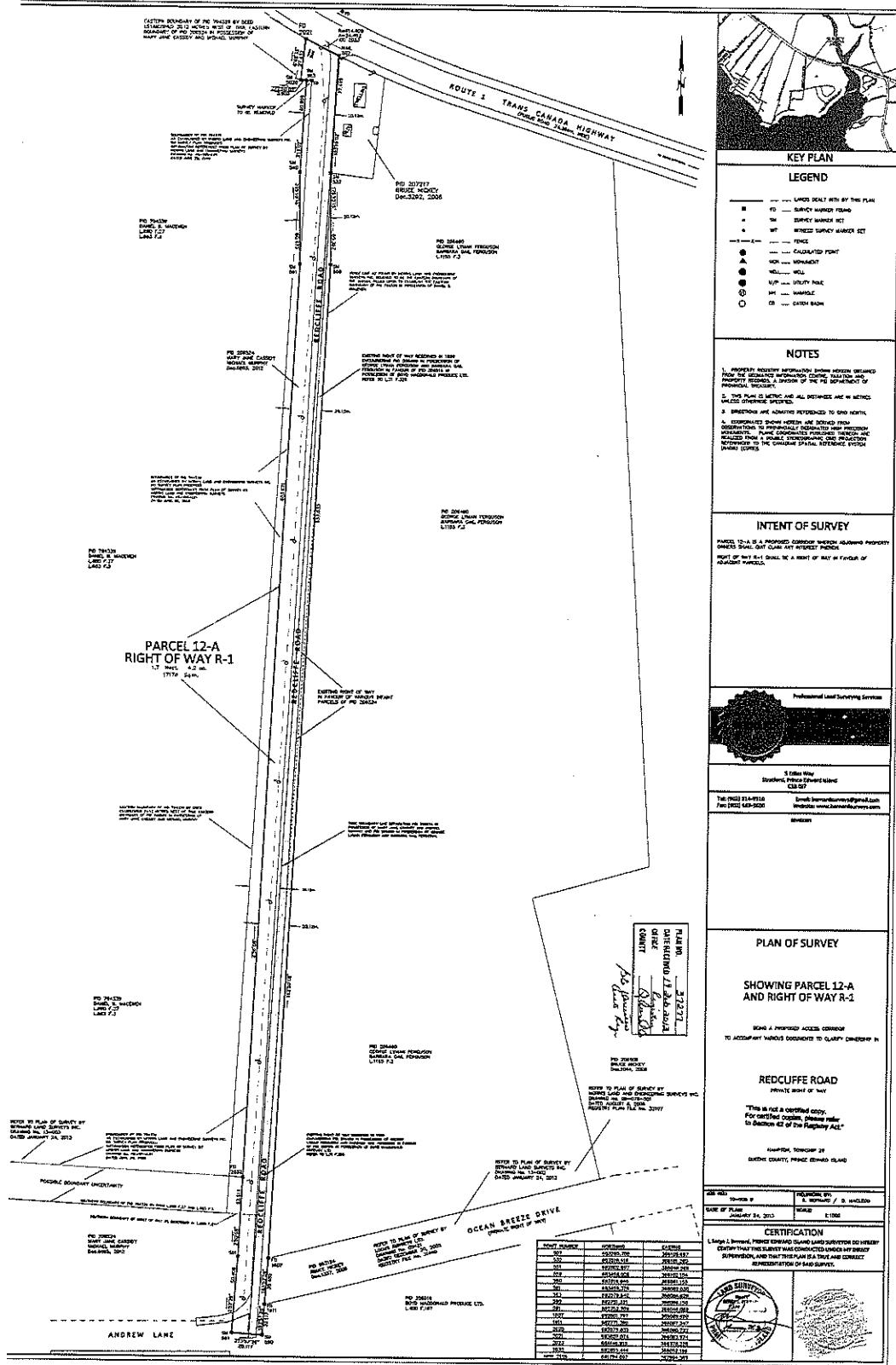
DISCLAIMER: Care has been taken to provide high quality information from the data available to the Department. However, the user is cautioned that data may have been obtained from third party sources and it may be incomplete or inaccurate. Conditions may also have changed since the collection of the data.

**GOVERNMENT OF PRINCE EDWARD ISLAND
DEPARTMENT OF FINANCE
TAXATION AND PROPERTY RECORDS DIVISION**

95 Rochford Street
1st Floor Shaw Building - South
Charlottetown, PE C1A 7N8

Office: (902) 368-4070
Fax: (902) 368-6164
taxandland@gov.pe.ca

This is not a certified copy. For certified copies please refer to section 42 of the Registry Act.



TAB

8

TAB
A

Eugene Lloyd

From: Mike Cassidy <mike@cassidygroup.ca>
Sent: Wednesday, June 28, 2023 9:23 AM
To: Eugene Lloyd
Cc: Serge Bernard
Subject: Re: Proposed 5-Lot Subdivision, Hampton

On it ...left a voice message this morning for the engineer to call back.....any updates from your Transportation meeting would be greatly appreciated.

Thanks for your help Eugene....be glad to have this one behind us.

On Wed, Jun 28, 2023 at 9:18 AM Eugene Lloyd <EMLLOYD@gov.pe.ca> wrote:

I'd do it as soon as you can. I suspect Transportation may take some time to review all this but I am meeting with them tomorrow morning.

Thank you

Eugene Lloyd

Manager (Acting) of Development Control

31 Gordon Drive

Charlottetown, PE C1A 7N8

(ph) 902-368-4465

From: Mike Cassidy <mike@cassidygroup.ca>
Sent: Wednesday, June 28, 2023 8:47 AM
To: Eugene Lloyd <EMLLOYD@gov.pe.ca>; Serge Bernard <bernardsurveys@gmail.com>
Subject: Fwd: Proposed 5-Lot Subdivision, Hampton

Good morning Eugene,,,Just got off the phone with Serge...have a better understanding of getting an updated engineer's report...will reach out to an engineer to review the new lot sizes and locations and provide a professional opinion...

Do I request this work now or wait until you have looked at what else you may need and after your Highways meeting...?

----- Forwarded message -----

From: Mike Cassidy <mike@cassidygroup.ca>
Date: Tue, Jun 27, 2023 at 2:27 PM
Subject: Re: Proposed 5-Lot Subdivision, Hampton
To: Eugene Lloyd <EMLOYD@gov.pe.ca>
Cc: Serge Bernard <bernardsurveys@gmail.com>

Understand Eugene... when I look at the attachments sent in the previous email Lots C SM 2-3-4 are covered in the JW#71990 report I believe.

... the Stantec report #3414 is close to lots 27 and 28.

..... the JW#2464 report spills into the field area where Lot D and SM5 will be located.

At the time George Zafaris said and stated in his covering letter it was safe to assume Category 2....

Is this sufficient evidence I'm hoping...?

On Tue, Jun 27, 2023 at 12:53 PM Eugene Lloyd <EMLOYD@gov.pe.ca> wrote:

Thanks Mike. What we typically suggest in situations where an engineer has performed the site suitability assessments, is for the client to reach out to the engineering company to review the location of the proposed lots and provide us with confirmation/assurance that each lot could be considered a cat 1 or 2. If they do not have sufficient evidence or information to suggest that, then they may recommend having more test pits done.

As per section 26 of the *Planning Act* Subdivision and Development Regulations, we cannot issue even a preliminary approval until we know what the soils category of each lot will be. Hopefully Stantec can provide some guidance or

assurance very soon. Especially for lots C, D, 27, 28, SM2, SM3, SM4 & SM5. We may already have sufficient information for Lots A, B, E, UL2 and SM1

Thank you

Eugene Lloyd

Manager (Acting) of Development Control

31 Gordon Drive

Charlottetown, PE C1A 7N8

(ph) 902-368-4465

From: Mike Cassidy <mike@cassidygroup.ca>

Sent: Tuesday, June 27, 2023 12:24 PM

To: Eugene Lloyd <EMLOYD@gov.pe.ca>; Serge Bernard <bernardsurveys@gmail.com>

Subject: Fwd: Proposed 5-Lot Subdivision, Hampton

When I reviewed this email it would appear we would be category 2....the lots for approval are very close to where the 2015 Plan lots were positionedthe lots in the woods SM2..SM3..SM4 could be category 1 according to one of the test site attachments but I would suggest keeping everything at category 2 for our sizing of lots.

Is this sufficient evidence Eugeneyour last conditions on the 2015 Plan state a 175 foot diameter circle is necessary....the engineering consultant states category 2....with the requirement that further soils testing be done when the exact location of any new septic system is determined.

----- Forwarded message -----

From: Zafiris, George <George.Zafiris@stantec.com>

Date: Fri, Oct 25, 2013 at 2:13 PM

Subject: Proposed 5-Lot Subdivision, Hampton

To: Lloyd, Eugene (EMLOYD@gov.pe.ca) <EMLOYD@gov.pe.ca>

Cc: Alan Robison (amrobison@gov.pe.ca) <amrobison@gov.pe.ca>, mmfoy@gov.pe.ca <mmfoy@gov.pe.ca>, mcassidy@upei.ca <mcassidy@upei.ca>, Bernard Land Surveys Inc. (bernardsurveys@gmail.com) <bernardsurveys@gmail.com>

Hello Eugene, as requested, we have compiled the results of the previous test pit investigations carried out by our firm in the vicinity of the presently proposed five lot subdivision in Hampton. The attached site plan shows the proposed five lots, designated Block A to E inclusive, and the locations of the previous test pits

corresponding with the our previous soils investigations. Also attached for reference purposes are copies of the previous soils reports in their entirety. A review of the previous soils reports indicates the following:

- JW Report No. 71990 (2004) - Category I conditions were encountered
- JW Report No. 2464 (2006) - Category II conditions were encountered
- Stantec No. 3162 (2010) - Category II conditions were encountered
- Stantec No. 3414 (2012) - Category II conditions were encountered

A review of the available soils mapping (also shown on the attached plan) shows Charlottetown (Ch) soils are present throughout the area of the proposed five lots. The proposed lots vary in size from 3.5 to 9.7 acres.

In view of the results of our previous investigations, the available soils mapping, and the relatively large size of the proposed lots, it is our opinion that the lots would at least satisfy the requirements for a Category II classification (i.e., at least 12 in. of permeable soil and a depth to bedrock/depth to groundwater of 4 ft. or more). Rather than testing the lots at this time, it may be therefore be more beneficial to delay such testing until development plans for each lot are finalized. This would permit testing of the actual area selected for the disposal system on each lot.

If this is acceptable, we would suggest that the lot configuration could be approved as proposed at this time based on Category II conditions with the requirement that further confirmation testing would be undertaken at a later date for each lot in conjunction with system design and installation.

Please call/email should you have any questions or require any additional information.

Regards,

George

George Zafiris, P.Eng.

Senior Associate – Geotechnical Engineering

Stantec Consulting Ltd.

165 Maple Hills Avenue

TAB

B

Eugene Lloyd

From: Alan Aitken
Sent: Wednesday, November 1, 2023 3:16 PM
To: BJ Hickey
Cc: Stephen Yeo; Shawn MacFarlane; Eugene Lloyd
Subject: RE: Hampton Left turn Lane

Bruce.

I've discussed with the Chief Engineer and we have estimated that the cost of providing a dedicated left turn to Redcliffe Road on the Trans-Canada Highway in Desable would be in the order of \$200,000 dollars.

The Department is of the opinion that a 50 percent share of that cost is a reasonable and appropriate contribution by you, and/or others who would benefit from the construction of the left turn lane as it would allow for further subdivision of property served off Redcliffe Road. Scheduling of this work will need to be discussed/determined.

I hope this suffices for now.

Alan A. Aitken
Traffic Operations Engineer,
and Registrar of Signs
aaaitken@gov.pe.ca
902-368-5006

From: BJ Hickey <bruce@bjhickey.com>
Sent: Thursday, October 19, 2023 3:55 PM
To: Alan Aitken <AAAITKEN@gov.pe.ca>
Subject: Hampton Left turn Lane

You don't often get email from bruce@bjhickey.com. [Learn why this is important](#)

Good Afternoon Alan:

Thank you for meeting with us with regards to my Hampton Project. At that meeting you mentioned that Mr Yeo was away and after he returned you and he would revisit the estimate for the proposed left turn lane at the Redcliffe Road - TCH intersection . Would the updated estimate be available now for my review? If not, any timeline on when I could expect to get a copy. I have spoken to all relevant parties on my side and have approval to get an agreement in place to cost share the construction of the left turn lane. I would like to have my next set of lots approved and ready to market over the winter months to hopefully generate some sales that can close early in the spring. Currently we are adding 6 inches of Class A 3/4 minus gravel to the Redcliffe Road so it should be in good shape for the winter and spring. Looking forward to hearing from you. Thank you

Bruce

BJ Hickey