



August 6, 2026

VIA EMAIL

jansgiles@hotmail.com

Janice Giles and Don Rainnie
66 South Melville Road
Crapaud, PEI C0A 1J0
Appellants

emlloyd@gov.pe.ca

Eugene Lloyd
Manager, Development Control
Department of Land and Environment
31 Gordon Drive
Charlottetown, PE C1A 6B8
Respondent

VIA REGISTERED MAIL

Glen & Gina Ferguson
96 South Melville Road
DeSable, PE C0A 1J0
Developers

RE: Appeal #LA26013 – Janice Giles and Don Rainnie v. Minister of Land and Environment

The Prince Edward Island Regulatory and Appeals Commission has received a Notice of Appeal from Janice Giles and Don Rainnie against a decision of the Minister of Land and Environment, dated July 15, 2026. The Notice of Appeal seeks to appeal the decision of the Minister to grant preliminary approval to subdivide and change the use of PID 1021047 (located at 96 South Melville Rd, Desable, PE) from residential to industrial for the purpose of an excavation pit. The Notice of Appeal and accompanying material is attached to this correspondence.

In order to ensure this matter proceeds in an orderly and timely manner, the Commission has set the following timelines. *The dates set out below may only be extended by approval of the Commission.*

1. Appeal Record. The Minister of Land and Environment is to forward a copy of all information in your file with respect to the above-noted decision to the Commission by **September 3, 2026**, in accordance with the attached [Practice Direction on Appeal Records](#).

On the same date, please file a written response to the Notice of Appeal. The written response may raise issues involving jurisdiction or preliminary matters in addition to a clear, but brief, response to the appeal.

2. The Developer may also provide a written response to the Notice of Appeal by **September 3, 2026**.

Information for the Developer

Enclosed please find all documentation received to-date by the Commission with respect to this Notice of Appeal.

Any construction or expenses, with regard to this proposal, incurred by the Developer or owner after this date will be at their peril.

3. Appellant Response. The Appellants are to provide a written submission by **September 17, 2026**. This submission is to:

- Respond to the Appeal Record
 - For example, you may respond to the documents provided by the Minister of Land and Environment and provide your position on why they may support your appeal. You may also request any documents that you note may be missing.
- Reply to the Submission of the Minister of Land and Environment.
 - The Submission from the Minister of Land and Environment provides their position with respect to the July 22, 2026, decisions under appeal. You have the opportunity to respond to this and provide the reasons why you are appealing these decisions and any areas in which you disagree with the Minister's position
- Particularize and clarify the grounds of appeal set out in the Notice of Appeal.
 - Based on your review of the Appeal Record you may want to clarify your grounds of appeal.

4. Conference call. Following receipt of the Appellant's written submission, Commission staff will schedule a call with the parties **within two (2) weeks**. The call will address the following:

- Whether the parties interested in mediation. Mediation is a without prejudice process facilitated by Commission staff to give the parties an opportunity to discuss the matters of concern and consider whether a negotiated resolution can be reached on all or some of the issues without the need to attend a public hearing. The Commission will only hold a mediation if all parties voluntarily agree to participate.
- Preparation for public hearing. The call will also address the steps necessary to proceed to an in-person public hearing before a panel of Commissioners, including:
 - Preliminary issues to be addressed before the hearing;
 - Hearing dates;
 - Filing deadlines;
 - Finalize Appeal Record, if necessary; and

- Other matters that may be raised by the parties.

Public Hearing

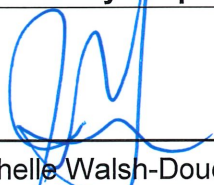
Please be advised that the Commission's appeal process is a public process and all information submitted to the Commission will be shared with all parties and posted to the Commission's website.

A hearing before the Commission is also public. The Commission's hearing room will be open to the public and the hearing will be streamed over the internet.

Legal Counsel

Parties may, but are not required to, retain legal counsel to assist in the conduct of this appeal. If any party wishes to retain legal counsel, the Commission strongly recommends they do so as soon as possible and advise the Commission. Until a party advises in writing that they have retained counsel, the party will be served with documents.

IMPORTANT NOTE: Any questions or concerns can be directed to Michelle Walsh-Doucette by telephone at 902-892-3501 or email at mwalshdoucette@irac.pe.ca.


Michelle Walsh-Doucette
Commission Clerk
mwalshdoucette@irac.pe.ca

Enclosure

cc. Mitchell O'Shea, Director of Legal and Legislative Services – mxoshea@gov.pe.ca



RECEIVED: August 05, 2026

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 DeSable (name of City, Town or Community) on the 10 day of July, 2026, wherein the Minister/Community Council made a decision to preliminary approval to subdivide and change of use of PID#1021047 from residential to industrial for the intended use of making an excavation pit.

(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)
Please see attached pdf document which outlines the grounds for this appeal and the timeline of events.

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)
Please see attached pdf document.

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

Name(s) of
Appellant(s): Janice Giles, Donald Rainnie
Please Print

Signature(s) of
Appellant(s):

Janice Giles, Donald Rainnie

Mailing Address: 66 South Melville Road

City/Town: Crapaud

Province: PEI

Postal Code: C0A1J0

Email Address: jansgiles@hotmail.com

Telephone: 902-658-2409

Dated this 5 day of August, 2026
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.

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:

Grounds for appeal concerning the PID#1021047 preliminary approval to subdivide and change of use from residential to industrial for the intended use of making an excavation pit.

We wish to appeal the decision to approve the application for PID#1021047 to subdivide and change of use from residential to industrial for the intended use of making an excavation pit.

Under the Planning Act section 27.1, we fit the definition of "aggrieved person" in respect of a decision of the Minister under subsection 28(1) or the council of a municipality under subsection 28(1.1),

- (d) an individual who in good faith believes the decision will adversely affect the reasonable enjoyment of the individual's property or property occupied by the individual;
- (i) the quality of life of persons residing in the neighbourhood affected by the decision,
- (ii) the natural environment in the community affected by the decision, or
- (iii) features, structures or sites having significant cultural or recreational value in the community affected by the decision;

We have many concerns regarding the application by Glen Ferguson to change the use of the property from residential to industrial in preparation for use as an excavation pit.

1. DeSable is a rural residential community with a mixture of farms, woodlots and private homes. Our property is at 66 South Melville Road, property number 573311 on the property information map provided, and is adjacent to the Ferguson property, including his current excavation pit.
2. The application notice letter states only property owners within 100 metres of the subject property will receive a letter for comments. A proposal of this scale will affect more than just property owners within this limit, and the community needs to be informed of this proposal as it will affect quality of life and potentially property value. The current excavation pit already has resulted in increased truck traffic on South Melville Road and the seasonal, unpaved road, the Todd road.
 - a. In addition, was the 100 metre measurement done and where is the documentation to prove that no other neighbouring properties fall within 100m at any point from PID#1021047?
 - b. Was the PID#1021047 surveyed prior to this application and where is a copy of that document?
3. Was the property surveyed for watersheds and endangered species?

4. The request is for subdividing and rezoning. Is this whole section on the map one subdivision or will it be further subdivided? If so, is the entire section to be a pit or are there other industrial uses planned? If there is a change in ownership, does this approval process apply to any new owner(s) or will the new owner(s) be required to make a new submission?
5. Many of our concerns arise from the current excavation pit on this property. We did not receive advance notice for the current pit and the pit has negatively affected our property. This includes:
 - a. No buffer zone between the current pit and our woodlot has resulted in loss of a large number of trees during heavy winds. The wood in this section of the woodlot was to be used for lumber on our property.
 - b. Local pathways in this area were destroyed, affecting the use and enjoyment of nature and fitness. We have neighbours who use these pathways year round for personal enjoyment and fitness.
 - c. No fencing or gateways or safety zones marked to secure the area of the pit.
 - d. Heavy equipment is used but no fire equipment has been observed in the area.
 - e. No conversation with home owners prior to excavation.
 - f. Property lines are not well marked and maintained. We did not receive any notice that a survey was done.
 - g. No evidence of maintenance of the roadway being used, namely the seasonal, unpaved road, the Todd Road.
 - h. No evidence of protection against watershed damage.
 - i. No barrier to prevent spill over of material to our property, such as rocks and boulders.
 - j. No evidence of a regeneration plan.
 - k. The current pit began as a sewage pit which was adjacent to our property and the Todd Road. We were not provided with any environmental impact data if any was even done.
6. In addition, we are very frustrated with the process involved. We have included a timeline that clearly indicates that our concerns were not taken into consideration before preliminary approval was granted. See notes below:

June 9, 2026: We received a letter from Sarah MacVarish, Senior Development Officer, PEI Land and Environment. The letter was dated June 4, 2026. The letter stated we had 14 days to respond in writing with any concerns.

June 10, 2026: I emailed Ms. MacVarish stating we did have concerns about the application and our concern about the tight timeline to respond.

June 10, 2026: Ms. MacVarish response:

To: Jan Giles <jansgiles@hotmail.com>

Subject: Re: Letter regarding subdivision in DeSable

Good morning,

Please send your letter here, do not worry about the two week timeline.

Thanks,

Sarah MacVarish, BCD

June 28, 2026: I emailed our concerns to Ms. MacVarish and received an out of office response for until July 13, 2026.

July 6, 2026: As we had no way of knowing if our emailed had been received, we reached out to our local constituency office and were put in touch with the Office Manager Susan Williams. At this time we were out of province for a month and had

limited access to wifi, so our son, Nathan Rainnie, was acting as our contact with Ms. Williams.

July 8, 2026: Ms. Williams emailed Kim Munro, Director of Planning and Development.

July 15, 2026: Ms. Williams emailed us Kim Munro's response, confirming they received our concerns. In addition, we were informed that approval of the application was made on June 10, prior to the deadline for submission of concerns. We were informed that this was done in error and was corrected to say preliminary approval, and we could appeal the preliminary approval to IRAC.

7. Considering the concerns about the current pit, we are very upset that there is a proposal to expand it, increasing the environmental damage and affecting the community members' enjoyment of the area.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the Planning Act, I/we seek the following relief:

Based on our past experience, we request the decision to approve the application for PID#1021047 to subdivide and change of use from residential to industrial for the intended use of making an excavation pit to be denied.

If approval is given, we request that certain conditions be met before final approval is granted.

1. All community members of DeSable are notified of the intended use of the property as it will affect the nature of the rural setting, potentially property values and the usage of the Todd Road.
 - a. Under the Planning Act section 27.1, the community fits in the definition of "aggrieved person", namely (d) an individual who in good faith believes the decision will adversely affect the reasonable enjoyment of the individual's property or property occupied by the individual; (i) the quality of life of persons residing in the neighbourhood affected by the decision, (ii) the natural environment in the community affected by the decision, or (iii) features, structures or sites having significant cultural or recreational value in the community affected by the decision.
2. Buffer zones are in place on all property fronts; recommend 100 m as this is the metric used for property owner notification by the Department of Land and Environment.
3. The property be surveyed and copy of the survey made available to adjacent property owners.
4. Fencing around property lines.
5. Hazard signage in place and clearly visible.
6. Detailed road maintenance plan for the Todd Road to prevent degradation of the quality of the road. Although the Todd Road is not an officially recognized heritage road by the PEI government, and is classified as a seasonal road, it is a community accessed road during all four seasons for recreational purposes and has a history of folklore.

7. Permit to access the Todd Road for industrial purposes.
8. Limited hours of operation, such as no later than 5 pm, closed on Sundays.
9. Conditions are for the lifetime of the property zoned industrial, not just for the current owner.

Sincerely,

A handwritten signature in blue ink that reads "Janice Giles". The signature is fluid and cursive.

Janice Giles, BSc, MSc, BEd

A handwritten signature in blue ink that reads "Donald Rainnie". The signature is fluid and cursive.

Donald Rainnie, BSc, MSc, PhD, DVM, MVSc

Showing results 1-1 of 1

PID	Address, Community	Application Type	Application Details	Nature of Decision	Appeal By Date
1021047	96 South Melville Rd, DESABLE	Subdivision	Excavation Pit	Preliminary Approval	2026-08- 06

Showing results 1-1 of 1

First	Previous	1	Next	Last
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Feedback



Land and
Environment

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Environnement



31 Gordon Drive
P.O. Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

31, promenade Gordon
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

July 15, 2026

Glen & Gina Fergeson
96 South Melville Road
De Sable, PEI C0A 1J0

Re: CU-2026-036, Property # 1021047, located in Desable

Dear Mr. & Mrs. Fergeson:

This will confirm that the Department of Land and Environment has granted preliminary approval for your application to subdivide 1 lot for Industrial (excavation pit) use from property #1021047. Final approval will be subject to the following conditions:

- 1) The lot having a minimum frontage of 100 feet and a minimum area of 25,000 square feet with dimensions that will permit the lot to contain a 150 foot diameter circle within its boundaries.
- 2) The lot 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.

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 in regards to this preliminary approval, feel free to contact me at (902)838-0650.

Sincerely,

Sarah MacVarish
Senior Development Officer