

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 Janice Giles and Donald Rainnie against the July 15, 2026 decision of the Minister of Land and Environment to grant a 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.

**RECORD OF DECISION PREPARED BY
THE MINISTER OF LAND AND ENVIRONMENT**

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

**Lawyers for the Minister of
Land and Environment**

Janice Giles and Donald Rainnie
66 South Melville Road
Crapaud PE C0A 1J0

Appellants

Glen and Gina Ferguson
96 South Melville Road
De Sable, PE C0A 1J0

Developers

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| 6. | List of property owners to be consulted and SSO Map dated June 4, 2026 <ul style="list-style-type: none">a. Letter to nearby property owners re: Change of Use Application from Sarah MacVarish dated June 4, 2026 |
| 7. | External Communications: <ul style="list-style-type: none">a. Letter from Rosie MacFarlane to Sarah MacVarish dated July 5, 2026 |
| 8. | Other: <ul style="list-style-type: none">a. Geomatics – property information sheets generated on May 27, 2026b. SSO Maps generated on May 27 and 28, 2026c. Environment Map generated on May 28, 2026d. LIS Databank Search Results – Identified Land dated May 28, 2026 |

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

Land and
Environment

Terres et
Environnement



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

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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

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Subdivision of Land And Change of Use Application



Please select the following that applies to your proposal:

- ☒ 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
MAY 27 2026
Amount \$110.00
Receipt # 13,566

Office Use Only	
Sub. Case File #:	
Permit #:	
PID #:	
Permit Fee:	\$110.00
Received:	May 27/26
PIC Reviewed:	☒ May 28/26 UT

Property Information:

Property Tax Number: 1021047-000	Community Name: DeSable
Civic Address Number: 96	Street Name: South Melville Road
Route No: 246	Lot Number— if applicable:

Property Owner Information:

Full Legal Name: Glen C. + Gina Ferguson		
Company Name:		
Street Address: 96 South Melville Road		
Community: DeSable	Province: PE	Postal Code: C0A1J0
Email:	Phone: 902 940-7872	

Applicant Information if different from Owner:

Full Legal Name:		
Company Name:		
Street Address:		
Community:	Province:	Postal Code:
Email:	Phone:	

What is the property currently used for?

- ☒ Residential (Single-unit) ☐ Residential (Duplex) ☐ Residential (Multi-unit) ☐ Rental Accommodation
- ☐ Commercial ☐ Industrial ☐ Institutional ☐ Agriculture ☐ Aquaculture/Fisheries ☐ Forestry
- ☐ Recreational ☐ Resource ☐ Home-Based Business ☐ Vacant ☐ Other: _____

Proposed use of the land:

Portion being sold is an excavation Pit.
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CU-2026-036

A. SUBDIVISION OF LAND SECTION:

How many lots are you looking to create? 1

If 1 to 5 lots—please see detailed Additional Requirements listed in Section 1 on the next page

If 6 to 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 Not sure if it is an official Driveway

How will the proposed subdivision receive sewer service?

- ☐ New on-site septic ☐ Existing on-site system N/A
☐ Municipal wastewater treatment ☐ Private Central Wastewater Treatment

How will the proposed subdivision receive its water supply? N/A

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

Are there Environmentally sensitive features located on the proposed lot(s)? i.e. Wetland, watercourse, sand dune, other: ☐ Yes ☒ No

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

B. 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

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

- ☐ Residential (Single-unit) ☐ Residential (Duplex) ☐ Residential (Multi-unit) ☐ Rental Accommodation
☐ Commercial ☐ Industrial ☐ Institutional ☐ Agriculture ☐ Aquaculture/Fisheries ☐ Forestry
☐ Recreational ☒ Resource ☐ Home-Based Business ☐ Other: Sale

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 this 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:

EXCAVATION PIT

Declaration

I, Gina & Glen Ferguson 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 Development Permit Application to proceed. This documented proof must be supplied at time of application.

[Signature]
[Signature]

Date: May 19/26

Date: May 19/26

Date: _____

Applicant:

Date: _____

Submit Applications to a Land Division office located at:

- Elmer J. Blanchard Building – 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 AND CHANGE OF USE FEES	
Subdivision of Land (\$110 for the first lot).....	= _____
Additional Lots (\$55 for each additional lot).....	= _____
Change of Use (\$110 for the first lot).....	= _____
Change of Use for Additional Lots (\$55 for each additional lot).....	= _____
Total	= _____

Personal information on this form is collected under section 31 of the *Freedom of Information and Protection of Privacy Act* for the purpose of land development and services as expressly authorized under the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8. If you have any questions about this collection of personal information, you may contact the Land Division Office at (902) 368-5280 or landdivision@gov.pe.ca for more information.

Disclaimer: This application may be transferred to the subject municipality for processing if jurisdictional planning areas change from the Province to the municipality.

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.**

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 structure 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.

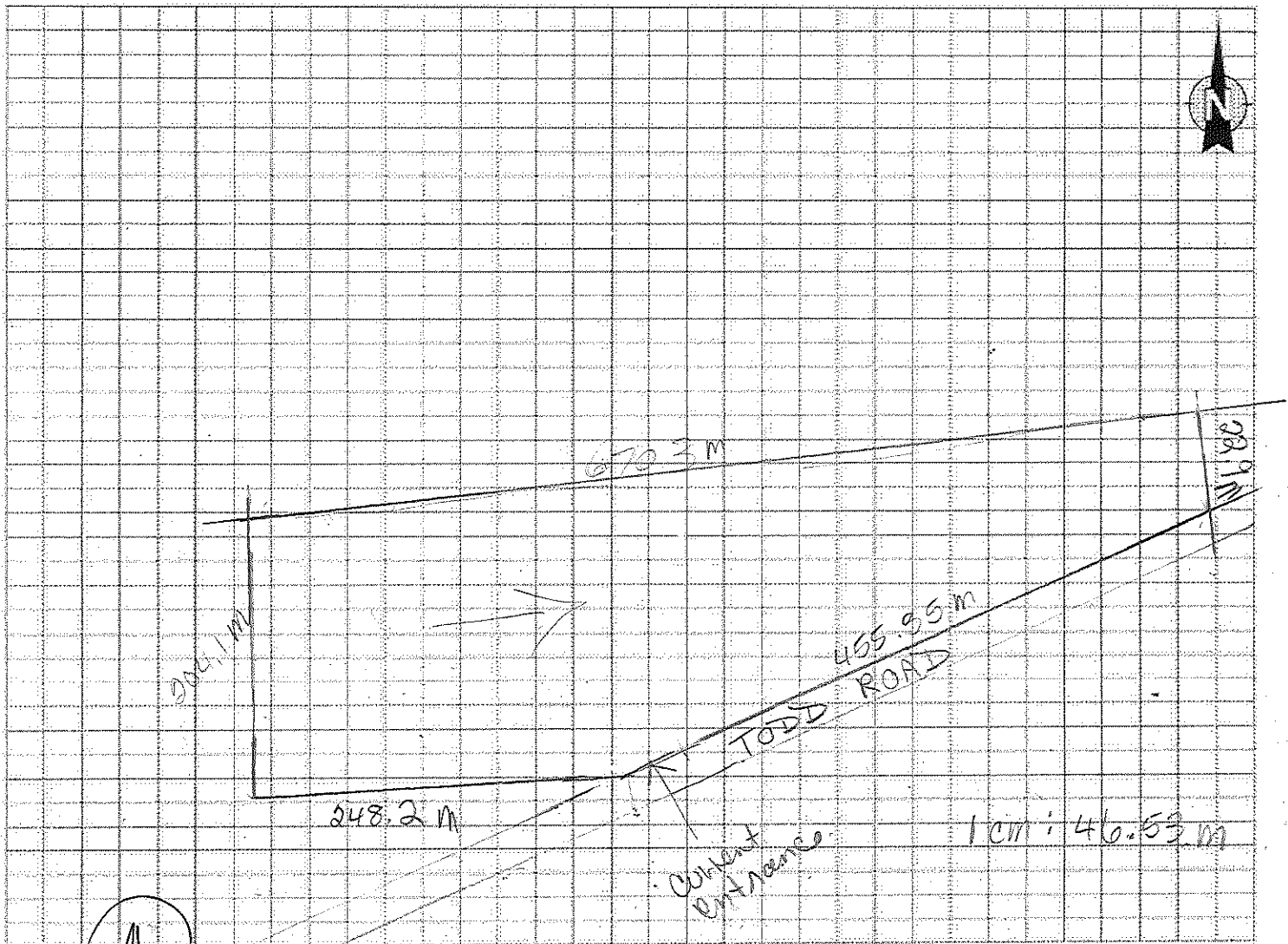
For applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies before contacting the applicant to advise the status and required next steps.

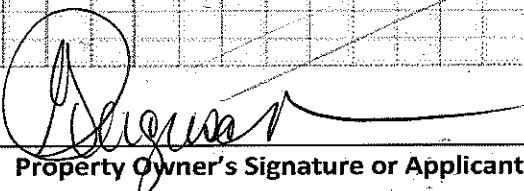
Subdivision of Land (5 Lots or Less) or Change of Use Application Sketch

Pursuant to the Planning Act

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

- ☐ Property lines with their lengths (ft)
- ☐ Road(s) including their name(s)
- ☐ Location of driveway(s)
- ☐ Distance from centre of driveway(s) to the nearest neighbouring property line (ft)
- ☐ Right-of-ways on or adjacent to property
- ☐ The location and current use of all existing buildings or structures and within 100ft of the site
- ☐ All land proposed as open space, parks, recreation or other common areas
- ☐ Any watercourse, wetlands, top of bank, or sand dune located on property
- ☐ Arrow showing the natural slope of the land and the scale
- ☐ Proposed storm water drainage patterns within and leaving the subdivision




Property Owner's Signature or Applicant

May 19/26
Date

TAB

4



PRE-DEVELOPMENT AND SUBDIVISION INSPECTION REPORT

(updated July 18-2024 v1.2)

Section 1 – General Information

APPLICANT: Glen & Gina Ferguson

SUBDIVISION CASE # CU-2026-036

PROPERTY # 1021047

LOCATION: DeSable

DEVELOPMENT PERMIT # _____

DATE OF INSPECTION _____

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? ☒ No ☐ Yes – SPA: _____
 - a. Is the property considered existing in that SPA (before 1994)? ☐ No ☐ Yes
3. Is the property in a municipality with its own official plans and bylaws? ☒ No ☐ Yes – Municipality: _____
4. The property has a: ☐ stream ☐ wetland ☐ watercourse ☐ pond
☐ primary sand dune ☐ secondary sand dune ☒ Other: tap drain
5. Does the property have poorly or imperfectly drained soils? ☒ No ☐ Yes
6. Are there any existing structures on the property? ☐ No ☒ Yes
7. Existing land use Residential Proposed land use Excavation Plt
8. Is the lot existing? (created before 1979) ☒ No ☐ Yes
 - 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? ☐ No ☒ Yes
Case # 53291A 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? _____ Permit # _____
- b) Previously Assessed? _____ Case # _____ Assumed Permeable Soil _____
Assessor _____ Registered Document # _____
- 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 South Melville 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? ☒ No ☐ Yes
 - a. If yes: Has the road name been approved by 911? ☐ No ☐ Yes
 - i. Road Name: _____
- 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:

existing access, no comments recieved

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: attached memo
- d. Environmental Health ☐ No ☐ Yes ☒ N/A Notes:
- e. Transportation ☐ No ☒ Yes ☐ N/A Notes:
- f. Planning ☐ No ☒ Yes ☐ N/A Notes: attached report
- g. Building Code ☐ No ☐ Yes ☒ N/A Notes:
- h. Water Quality ☐ No ☒ Yes ☐ N/A Notes: no concerns
- i. Other: _____ ☐ No ☐ Yes ☒ N/A Notes:

Section 6 – Additional Information

- a) Does the proposal exceed 2 lots since 1993? ☒ No ☐ Yes
- a. If yes, has the proposal been circulated to the Hydrogeologist? ☒ No ☐ Yes
- b) Does the proposal exceed 5 lots since 1993? ☒ No ☐ Yes
- 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:

existing pit, looking to subdivide approx 24 acres
for industrial use

Section 7 – Decision and Sign Off

- a) Immediately prior to final approval, has the identification status been confirmed? ☒ Yes
- b) Decision: ☒ Approve ☐ Deny (preliminary approval)
- a. If Denied: Please indicate which sections of PASDRs:

Officer

Date

July 15th 2026

TAB

5

TAB

A

FW: CU 2026-036 - Excavation Pit

From Taylor Craig <ttcraig@gov.pe.ca>

Date Tue 6/9/2026 8:36 AM

To Sarah MacVarish <smacvarish@gov.pe.ca>

 6 attachments (48 MB)

IMG_2414.JPG; IMG_2415.JPG; IMG_2416.JPG; IMG_2417.JPG; IMG_2418.JPG; IMG_2419.JPG;

Good morning, Sarah:

Based upon desktop research, a site visit conducted on Wednesday, June 3, 2026, a review of the information contained within the application, planning would recommend **approval** of the proposed change of use to Industrial (excavation pit) use of PID # 1021047.

Compatibility and Suitability: The subject property is located in a remote area, surrounded by existing pits and resource lands (agricultural and forestry). The use of heavy equipment is consistent with the character and activities of the surrounding region.

Access: The access will come directly off the seasonal portion of Todd Road, which is accessed off South Melville Road. The pit is already existing and has already received its approvals.

Public Benefit: In Prince Edward Island, shale from shale pits is commonly used as a construction and landscaping material. It serves as fill for roads, driveways, and building foundations, and its distinctive red color also makes it popular for decorative landscaping.

Environmental Sustainability: Regulations for shale pits in Prince Edward Island play a key role in promoting environmental sustainability. By requiring proper licensing, annual registration, and adherence to site design and operational standards, the province ensures that shale extraction minimizes harm to surrounding ecosystems. These rules help prevent soil erosion, protect watercourses and wetlands, and encourage responsible land use—supporting long-term environmental health and sustainable resource management

Infrastructure Capacity: Issues surrounding safe and reliable access to the subject property should be coordinated with the Department of Transportation and Infrastructure, the development officer and the developer/property owner.

Community Engagement: Neighbour notifications were circulated and Planning has been informed that no responses were received.

Risk Mitigation: Regulations for shale pits in Prince Edward Island are designed to support risk mitigation by ensuring safe and environmentally responsible operations. Licensing and annual registration help monitor and control excavation activities, while design and operational standards reduce risks such as erosion, water contamination, and land degradation. These measures protect surrounding ecosystems, agricultural lands, and nearby communities from potential hazards associated with shale extraction.

Transparency and Justification: Internal relevant stakeholders were consulted. In the absence of a land use plan or stand-alone land use development policies, planning relies on input from subject matter experts for input₂₃

statements of interest under section 2.1 (1) of the Planning Act, the Subdivision and Development Regulations and any other provincial and federal regulations and policies relevant to the specific application.

The recommendation is based upon, but not limited to, the above-mentioned. Please accept this as my recommendation; however, please do not hesitate to ask for any clarification or elaboration as you deem necessary.

Kind regards,

Taylor Craig

Planner II

Land Division

ttcraig@gov.pe.ca

Cell: 902-213-4227

PEI Department of Housing, Land and Communities

Government of Prince Edward Island

31 Gordon Drive

P.O. Box 2000

Charlottetown, PE C1A 7N8

www.PrinceEdwardIsland.ca

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TAB
B

RE: Letter regarding subdivision in DeSable

From Taylor Craig <ttcraig@gov.pe.ca>
Date Mon 7/13/2026 3:58 PM
To Sarah MacVarish <smacvarish@gov.pe.ca>

Hi Sarah,

Thank you passing the correspondence forward.

These letters do not change my recommendation.

Thank you,

Taylor Craig
Planner II
Land Division
ttcraig@gov.pe.ca
Cell: 902-213-4227

PEI Department of Land and Environment
Government of Prince Edward Island
31 Gordon Drive
P.O. Box 2000
Charlottetown, PE C1A 7N8
www.PrinceEdwardIsland.ca

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From: Sarah MacVarish <smacvarish@gov.pe.ca>
Sent: Monday, July 13, 2026 12:25 PM
To: Taylor Craig <ttcraig@gov.pe.ca>
Subject: Fw: Letter regarding subdivision in DeSable

I received two letters for CU-2026-036 after you sent your recommendation. Does this change anything for you?

Thanks,

Sarah MacVarish, BCD
Senior Development Officer

Planning and Development Division

smacvarish@gov.pe.ca

Phone: 902-313-0010

Land and Environment

Government of Prince Edward Island

31 Gordon Drive

P.O. Box 2000

Charlottetown, PE C1A 7N8

www.PrinceEdwardIsland.ca

From: Jan Giles <jansgiles@hotmail.com>

Sent: Sunday, June 28, 2026 6:50 PM

To: Sarah MacVarish <smacvarish@gov.pe.ca>

Subject: Re: Letter regarding subdivision in DeSable

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

Hello Sarah,
Concerning the PID#1021047 request.

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.

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.

Your 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 heritage road, Todd road.

Our concerns with the proposal, arise from the concerns we have for the current excavation pit.

We did not receive advance notice for the current pit and the pit has negatively affected our property. Our concerns include:

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.

Local pathways in this area were destroyed, affecting the use and enjoyment of the area. We have neighbours who use are pathways year round for personal enjoyment of nature and fitness.

No fencing or gateways or safety zones marked to secure the area of the pit.

Heavy equipment is used but no fire equipment has been noted.

No conversation with home owners prior to excavation.

Property lines are not well marked and maintained. We did not have a surveyor speak to us about the property lines, if surveying was even done, we are not aware of it.

No evidence of maintenance of the roadway being used, namely the heritage road, Todd Road.
No evidence of protection against watershed damage.
No barrier to prevent spill over of material to our property, such as rocks and boulders.
No evidence of a regeneration plan.
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.

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

Thank you,
Jan Giles and Don Rainnie

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From: Sarah MacVarish <smacvarish@gov.pe.ca>
Sent: Wednesday, June 10, 2026 8:43 AM
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
Senior Development Officer
Planning and Development Division
smacvarish@gov.pe.ca
Phone: 902-313-0010

Land and Environment
Government of Prince Edward Island
31 Gordon Drive
P.O. Box 2000
Charlottetown, PE C1A 7N8
www.PrinceEdwardIsland.ca

From: Jan Giles <jansgiles@hotmail.com>
Sent: Wednesday, June 10, 2026 8:28 AM
To: Sarah MacVarish <smacvarish@gov.pe.ca>
Subject: Letter regarding subdivision in DeSable

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

Good morning Sarah,
We received the letter regarding PID#1021047 DeSable yesterday June 9 with a due date to respond in 14 days. The letter was dated June 4. We do have concerns about the application.

Is a letter sent to this email acceptable as the timing is very short.
Thank you
Jan

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TAB C

INTEROFFICE MEMORANDUM

To: Sarah MacVarish, Senior Development Officer
From: Garrett MacDougall, Environmental Impact Assessment Officer
Subject: CU-2026-036 – Ferguson, Desable, PID # 1021047
Date: July 10, 2026

The Environmental Land Management (ELM) Section has reviewed the above noted Development application print dated May 19, 2026. We understand that the applicant proposes to subdivide PID # 1021047 for an excavation pit.

Based on our understanding of the information provided, a desktop assessment (using provincial GIS mapping) and a site inspection carried out by the ELM Section and offers the following comments:

1. The *Environmental Protection Act* provides protection for watercourses and wetlands, and the *Act* requires a 15 meter buffer zone adjacent the wetland/ watercourse on 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, the deposition of fill or any other material, and any excavation/disturbance of the ground) is prohibited in a watercourse, wetland and/or buffer zone. For information on permitted activities and/or for assistance in determining the location of a watercourse, wetland or buffer zone, the applicant should contact the ELM Section at ELM@gov.pe.ca or (902)368-5700.
2. The applicant is advised that tap drain is located on the south west portion of the property (See attached map & GPS points). 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, the deposition of fill or any other material, and any excavation/disturbance of the ground) is prohibited in a watercourse, wetland and/or 15 meter buffer zone.
3. No concerns on water quality.

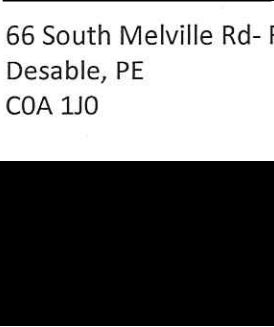
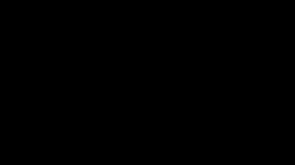
Thank you for submitting the application for review. If you have questions feel free to contact me at gxmacedougall@gov.pe.ca or (902)213-4818.

Garrett MacDougall
Environmental Impact Assessment Officer

TAB

6

OFFICE COPY

218198-000	Al's Snow Removal Ltd	210 Ferguson Rd Crapaud, PE COA 1J0
206045-000	PEI Mudrooters Inc	210 Ferguson Rd Crapaud, PE COA 1J0
218180-000	Mary Ritchie	
206326-000	Stephen & Molly McGrath	
1016658-000	Fangyi Tian	
884999-000	Dale & Vereneia Yeo	
206060-000	Thomas & Marion Scantlebury	
573311-000	Donald Rannie & Janice Giles	
		66 South Melville Rd- Rte 246 Desable, PE COA 1J0
873364-000	Rosanne MacFarlaane & Daryl Guignon	

OFFICE COPY

206052-000

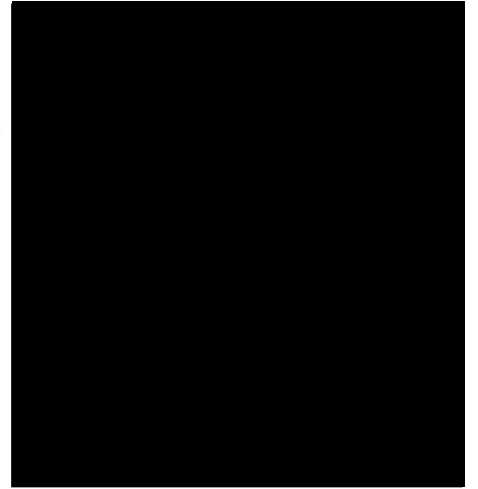
Catherine MacKenzie

565987-000

Dawne & John David MacDougall

696658-000

Patrick & Karen Cheverie

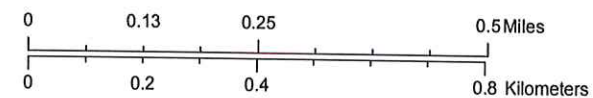




This map is not intended for legal description or to calculate exact land dimensions.

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

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|--|-----------------------|---|--------------|---|-----------|---|-------------|---|---------|
|  | 15m Buffer |  | No |  | L Access |  | Resource |  | Service |
|  | Civic Address |  | Yes |  | Collector |  | Ramp |  | Remove |
|  | Property Boundary |  | Watercourse |  | Local 1 |  | Federal | | |
|  | Wetland |  | Arterial |  | Local 2 |  | Private | | |
|  | Special Planning Area |  | 2nd Arterial |  | Local 3 |  | Residential | | |
|  | Identified Lands |  | Infilling |  | Seasonal |  | Non-Des | | |



Scale: 1:18,056

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Date: June 4, 2026

Dear Property Owner:

Re: Change of Use: Application to subdivide and change the use of a Residential parcel to Industrial Use on PID # 1021047, DeSable. Application submitted by Glen & Gina Ferguson.

This is to advise you that the Department of Land & Environment has an application to change the use of residential parcel to industrial. The applicant has applied to subdivide a lot from a residential parcel with then intended use to be an excavation pit.

Please refer to the attached information provided to allow a proper response to this letter if you choose to do so.

We are requesting comments and/or any written submissions from surrounding landowners to which the application applies. If you have any comments or concerns, please forward them to us in writing within 14 days of this letter, otherwise, we will assume you have no objections and continue processing application.

Please note: Only those property owners within 100 meters of the subject property will receive a letter for comments.

If you have any questions concerning the above, please contact me at smacvarish@gov.pe.ca

Final decisions on this proposal shall be posted on the PEI Planning Decisions website in the event of a follow-up to the approval status is required. We would suggest typing PEI planning decisions in your search engine.

Yours truly,



Sarah MacVarish
Senior Development Officer

TAB

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TAB

A

July 5, 2026

Ms. Sarah MacVarish
Senior Development Officer
PEI Department of Land and Environment
PO Box 2000 Charlottetown PE C1A7N8

Hello Sarah:

I received a letter requesting comments regarding the application to subdivide and change use of a residential parcel to industrial use on PID #1021047 in DeSable, Queens County, PEI. The property currently has an operating shale pit on the Todd Road, a seasonal road intersecting the South Melville Road and the Green Road. I understand and appreciate the need for shale pits, especially having required a considerable amount of this material during the building of my house and driveway twenty-five years ago. I have no issue with the request to subdivide and rezone the property to Industrial as opposed to residential. However, I have comments related to the operation of the pit, road safety, and questions regarding taxation.

Consultation:

The property in question has had a commercial pit operating for close to ten years. There is also another pit operating in this unpaved scenic seasonal road (PID #206045). I do not recall any consultation with community members when the owners of these pits applied for excavation licences. Is there a process whereby residents are informed of a proposed commercial/industrial activity in a community and given an opportunity for input?

The letter I received asking for comment on the rezoning request specifies that *"Only those property owners within 100 meters of the subject property will receive a letter for comments"*. I feel that this restriction unnecessarily excludes members of the community who are directly or indirectly impacted by the use of nearby properties. For example: My neighbor has a beef cow-calf operation at the southwest end of the Todd Road. This gentleman suffering from Parkinson's disease has had to confront dump trucks hauling shale because they are speeding through the Todd Road between his pastures and alongside his barn. His sister is no longer able to hang out clothes on her clothesline because of the dust generated by the truck traffic. Neither of these people have been asked for comment on the operation of the pits or the change of use request.

Traffic Flow/Safety:

Trucks entering and leaving Alan MacQuarrie's pit further east on the Todd Road (PIDs 206045 and 218198) travel east, accessing the Green Road and Appin Road to reach the Trans Canada Highway. This northeast part of the Todd Road was upgraded by the Department of Transportation, Infrastructure and Energy, including widening and addition of passing "pull offs" to accommodate the truck traffic. It would seem appropriate for trucks leaving the Ferguson pit to also take this route, which would alleviate the issues with landowners and residents I've mentioned above. There is also a safety issue with other vehicles meeting trucks on this narrow "unpassable" section of road and loaded trucks turning left to enter Route 246 within 150 metres of the TCH.

Setbacks:

According to Excavation Pits Regulations dated February 1, 2018, in Schedule: Design and Operational Criteria for Excavation Pits: 2.0 Pit

Operation 2.1 No person shall, in operating an excavation pit, excavate below a line extending horizontally from an adjacent property boundary, within eight metres of that boundary.

It appears that the southern boundary of the pit alongside the Rainnie/Giles property (PID 573311) is very close to and possibly within the eight metres specified in the regulations. I believe that eight metres is insufficient to

provide a buffer and in this case, the removal of trees within the pit was undoubtedly a factor in the damage incurred during post-tropical storm Fiona. The trees on the Rainnie/Giles property were not wind firm following the development of the pit and received full brunt of the storm.

Taxation:

The letter I received asking for comment on the rezoning request opens with: *"This is to advise you that the Department of Land & Environment has an application to change the use of residential parcel to industrial. The applicant has applied to subdivide a lot from a residential parcel with then intended use to be an excavation pit"*. As mentioned previously, the excavation pit on PID 1021047 has already been operating for approximately ten years, presumably with the appropriate licence and registration certificate. If the owners are only now seeking rezoning from Residential to Industrial, they would have been paying the lower residential tax rate during this time. Is there a trigger or mechanism to check the zoning status of a property when the owner is applying for an excavation pit licence and registration? It seems unfortunate that the Province is missing out on additional tax dollars from landowners carrying out commercial or industrial business on land that has not been properly zoned.

It should be noted that the adjacent property (PID #627331) was purchased by the Ferguson's for future pit expansion and excavation. All trees were cleared from the previously forested parcel and test pits have been excavated to assess the substrate. I would expect that this property will eventually be zoned Industrial as well.

Aesthetic & Historical Value:

I feel compelled to mention the historic and scenic value of the Todd Road. I am a fifth-generation resident of DeSable and grew up hearing tales of the murdered traveling salesman who continues to haunt the Todd Road. I, and many other residents in DeSable, enjoy walking, snowshoeing and skiing woodland trails and the Todd Road itself in all seasons. It has been an adjustment having the road "industrialized" with two large operating excavation pits. The once peaceful and quiet road is now marred by the sound of large excavators and trucks during the work week. There is evidence of recent vegetation management in the southwest end of the Todd Road to accommodate heavy truck traffic and I worry about further encroachment and loss of trees and shrubs which will reduce the aesthetic value of this seasonal road.

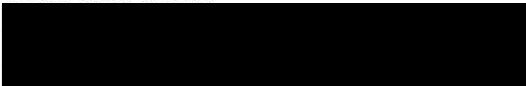
Summary:

Glen and Gina Ferguson have been my friends and neighbours for decades and I wish them well in their business endeavours. Subdividing and rezoning seem like appropriate measures giving the current industrial use of the property. I am hopeful that steps can be taken to improve safety and minimize the impact of the operation of the pit on other property owners.

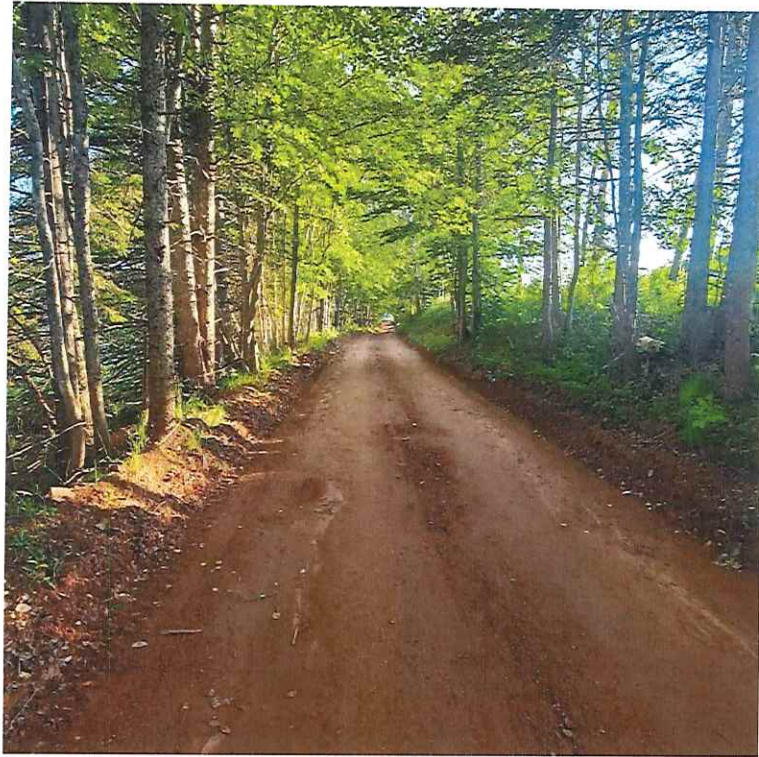
Sincerely,



Rosie MacFarlane



Cc: Nigel Ogle, Pollution Prevention and Compliance Supervisor nigelogle@gov.pe.ca
PEI Taxation and Property Records taxandland@gov.pe.ca
Peter Bevan Baker, MLA District 17 New Haven-Rocky Point psbevanbakerm1a@assembly.pe.ca
PEI Department of Transportation, Infrastructure & Energy roads@gov.pe.ca



The Todd Road. July 5, 2026.

TAB

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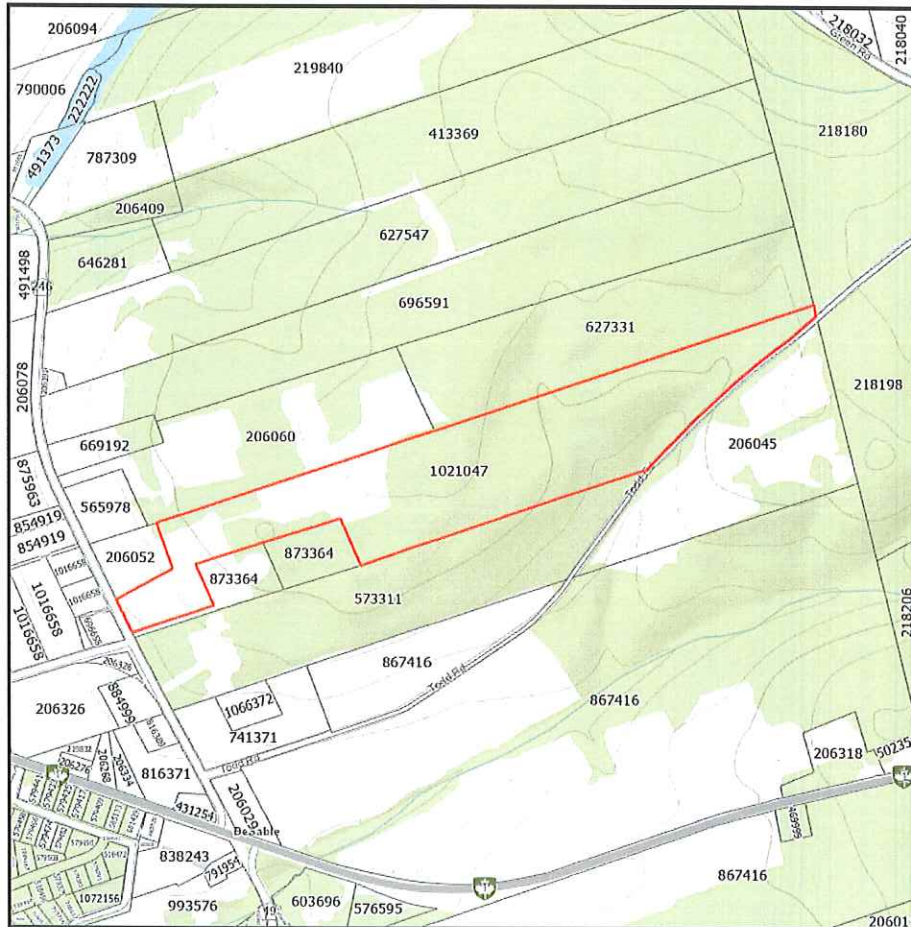
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Parcel	Original Parcel Number	Map #	Property Location	Owner Name & Mailing Address
1021047	N/A		96 SOUTH MELVILLE RD - RTE 246 DESABLE	GLEN C & GINA FERGUSON 96 SOUTH MELVILLE RD DESABLE PE COA 1J0
School District: 2017 Work Unit: 2017 Lot/Township #: 29 School Unit #: 3				

Parcel & Lease	Acreage	Assessment Values (2026)	Taxable	Designated Taxpayer & Mailing Address
Account Status: A	51.45	Commercial: \$0.00	\$0.00	GLEN C & GINA FERGUSON
Farm Quality: N		Non-Commercial: \$274,100.00	\$188,800.00	DESABLE PE
Municipality: Crapaud		Residential: \$252,900.00	\$167,600.00	COA 1J0
Region Number: 4		Farm: \$0.00	\$0.00	
Assessor: MCCABE RONNIE				Dates
% in Municip: 100		Buildings		Last Inspection: 24-OCT-11
Spec Prop Code:		Line No: Building Type:		Last Owner Chg: 13-AUG-08
MHI Number:		1 02-012 Porch Open		Initially Filed:
Owner ID Code:		2 02-015 Patio		Dormant:
Ownership Code: A01		0 03-019 Quonset Steel Bldg		
Tax Exempt Code:		0 02-001 Res. Structure - 1160		

2026-05-27 14:52:12



51.45

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.

Parcel	Original Parcel Number	Map #	Property Location	Owner Name & Mailing Address
1021047	N/A		96 SOUTH MELVILLE RD - RTE 246 DESABLE	GLEN C & GINA FERGUSON 96 SOUTH MELVILLE RD DESABLE PE C0A 1J0

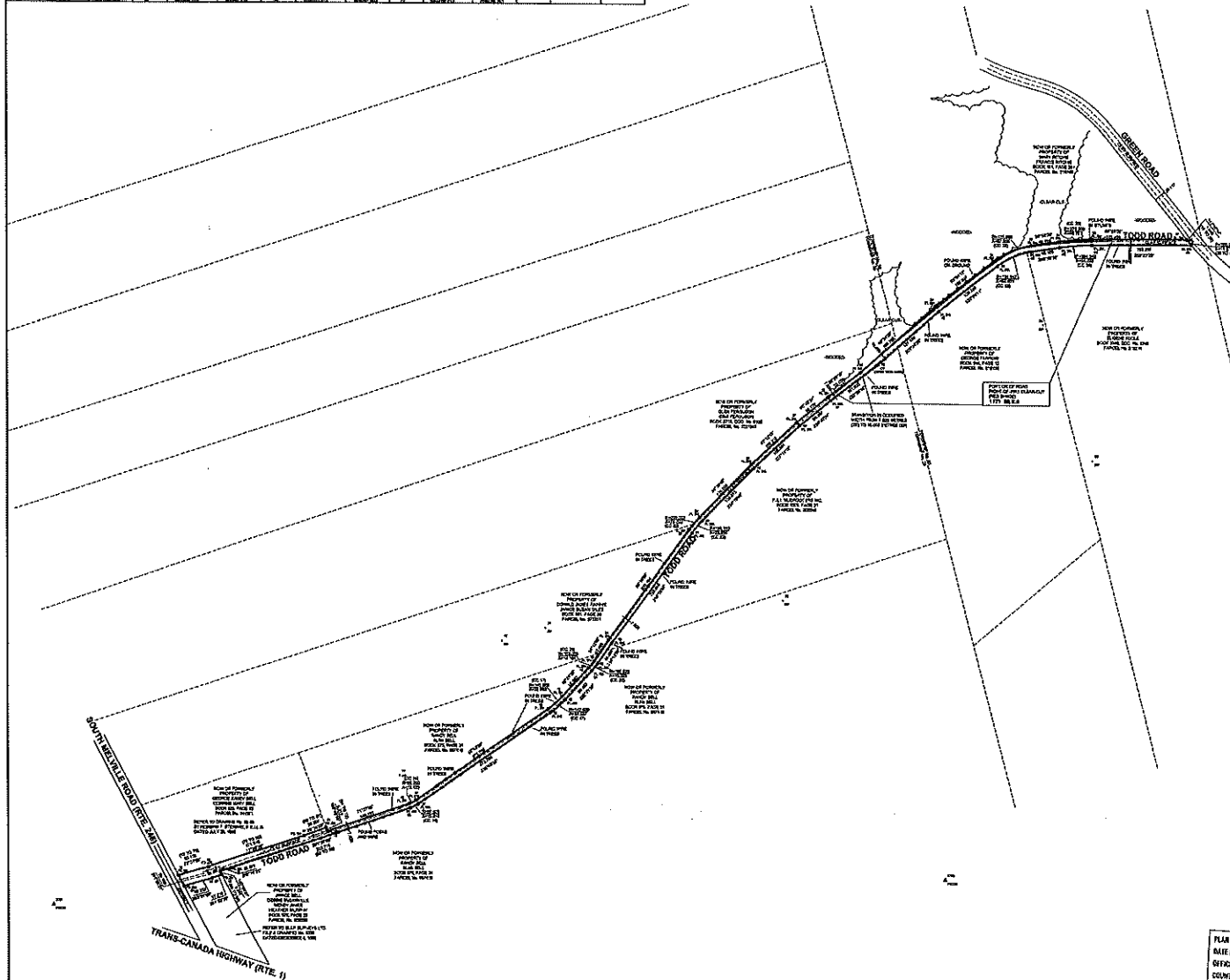
DOCUMENTS FILED ON PARCEL

Year	Description	Type	Document Number	Liber/Book	Folio/Page	Consideration
2011	MORTGAGE	51	8520	5391		
2008	DEED	11	6325	5212		\$50,000.00

SURVEY PLANS

Parcel Number	Plan
1021047	37452
1021047	N8 37452

TO DETERMINE THE BOUNDARIES OF THE TIDE POOL
AND EXTENT OF CLEAR CUT WITHIN THE
POOL ZONE OF THE

[illegible][illegible]

NOTES

- 1 THE SUBJECT WAS ASSIGNED TO DO APPROX
JANUARY 1968 AND NEW ARTS
- 2 LITERATURE AND COOPERATION BEHIND THE PLANNING BASED ON THE
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Page No.	Revision	Date

(S) REPRESENTED BY THE MINISTER OF
TRANSPORTATION AND INFRASTRUCTURE REGIONAL
AT

DESABLE
TOWNSHIP Nos. 29 & 30 OJASINS COUNTY

CONSTANT

PLAN NO. 37452
DATE RECEIVED 11 June 2013
OFFICE Registry
COUNTY Gloucester

*"This is not a certified copy.
For certified copies, please refer
to Section 42 of the Registry Act."*

GRAPHIC SCALE SCALE: 1:2500

Prince Edward Island
 Department of Transportation
 and Infrastructure Services
 100 Dufferin Street
 P.O. Box 100
 Charlottetown, PEI C1A 4M1
 Tel: 1-800-387-4646
 Fax: 1-800-387-4646
 Web: www.gov.pe.ca



THE OFFICE OF
THE PROVINCIAL CLERK & SHERIFF

APPROVAL STAMPING

12-003

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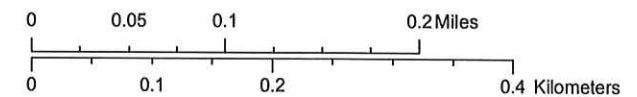
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May 27, 2026

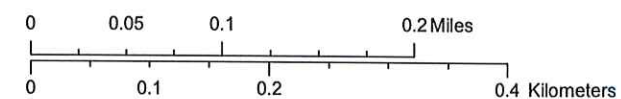
This map is not intended for legal description or to calculate exact land dimensions.

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community



Scale: 1:9,028

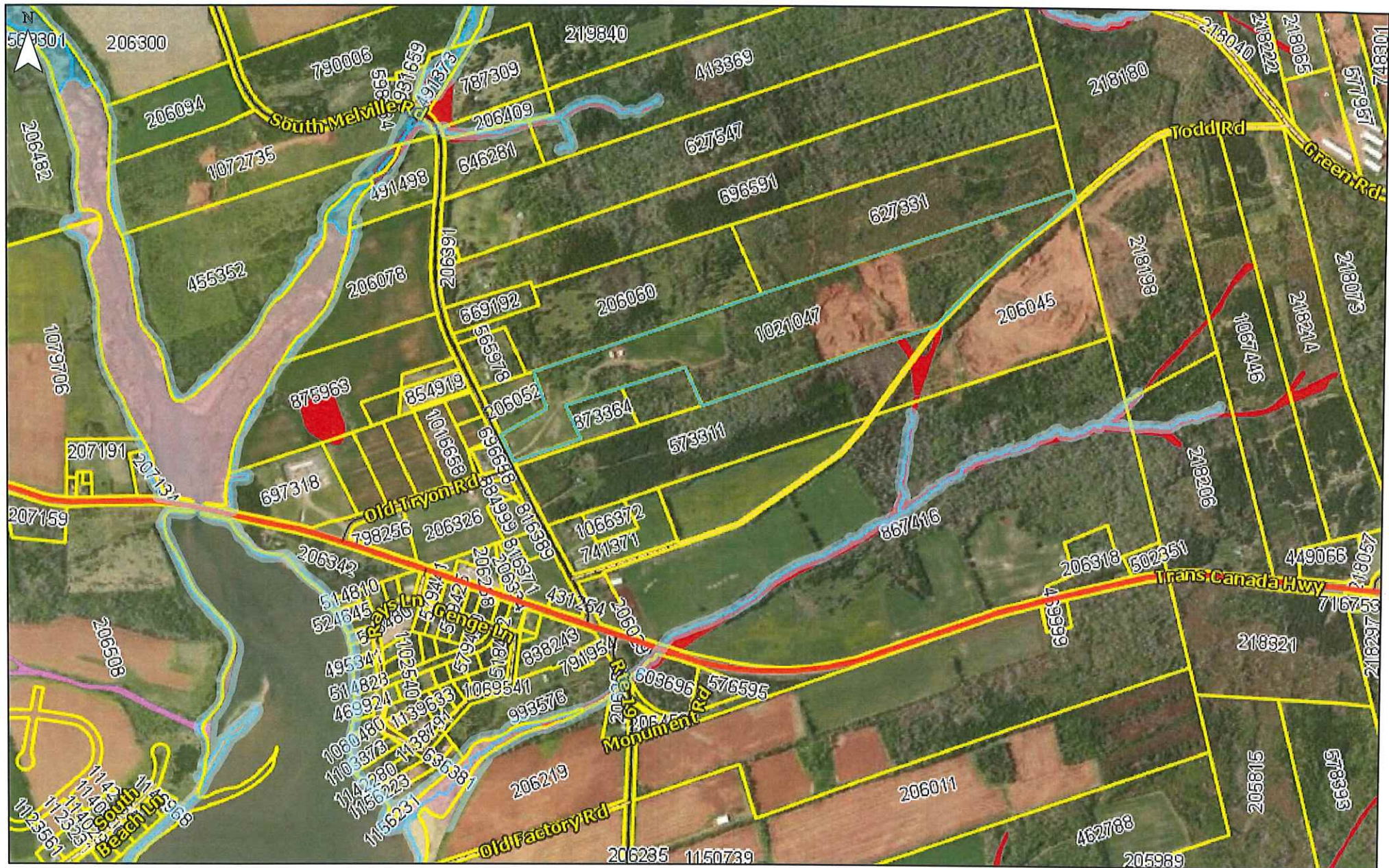
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Scale: 1:9,028

TAB C

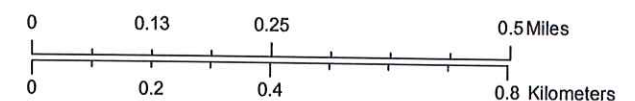
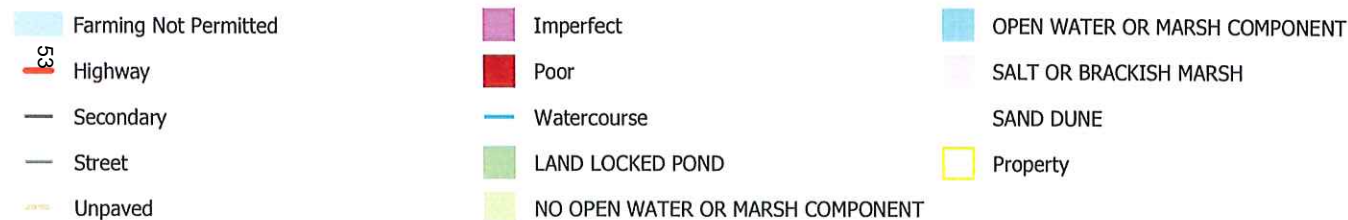
Environment



May 28, 2026

This map is not intended for legal description or to calculate exact land dimensions.

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Statistics Canada



Scale: 1:18,056

TAB D

Island Regulatory & Appeals Commission

 irac.pe.ca/lands/land/lpa-applications-databank



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Prince Edward Island

LPA Applications Databank

You are here: [Home](#) / Lands / LPA Applications Databank

Points earned.
EARLY SUMMER WELL SPENT.



