

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 _____ day of _____, wherein the Minister/Community Council made a decision to deny a change of use for an industrial building near the Hillsborough River Webster's Corner. They made decision based on a permit to build. That wasn't the ask. (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)

We are only asking for a change of usage not a building permit. We understand the nature of environmental issues. These issues would be addressed in the planning phase of a building permit. I.E. septic, boundaries of wet land and appropriate distance from the water (buffer zone)

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)

We're looking for a change in usage of building with no plan at this time or near future to develop the land. There seems to be confusing owner of land, land development and environment

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

Name(s) of Appellant(s): Emma Donovan
Please Print

Signature(s) of Appellant(s): Emma Donovan

Mailing Address: 176 Hickey's Wharf Rd
Province: PEI

City/Town: Webster's Corner
Postal Code: C1B 3A5

Email Address: Indonovan779@gmail.com

Telephone: 902 626 5427

Dated this 22 day of December, 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.

Good Morning Lisa,


Thank you for following up on our conversation of earlier this morning. As discussed, I work with Environment, Energy and Climate Action (EECA); the Change of Use Application was submitted to Housing, Land and Communities (HLC) and was forwarded to my Department for review and comments. I will attempt to clarify a few points and will hope that someone from HLC will jump in if I have missed or misinterpreted anything.

- The Change of Use Application cannot be considered in isolation, i.e. without considering the potential future use of the property;
- The contents of the building may be removed and properly disposed of without changing the use of the property;
- In addition to the information below and attached, there are concerns with the potential impacts of climate change on the property - based on the projected 2020 floodplain information, the entire existing structure would be surrounded by water during a storm surge event. Potential development on the existing structure's footprint is not simply an environmental issue, but also an issue of safety for any occupant(s).
- With the entire property potentially flooded, there's a strong probability of issues with well and septic location/function;
- Without having any details on the integrity of the structure (i.e. if it could be moved and remain intact) or the area of relocation, we (EECA) generally look favorably upon and issue permits for moving a structure in a buffer zone farther inland. There are other factors in play other than the 15 m buffer zone, such as avoidance of wetlands and meeting the required development setbacks from these.

As discussed, I suggest that you discuss submission of a revised application with HLC staff to determine their requirements. Note that, due to the location of the structure in the buffer zone, a Watercourse, Wetland and Buffer Zone Activity Permit is required prior to undertaking activities in/around the structure - please check with the Department to confirm permitting requirements before starting any work. I hope this information is useful,

[Quoted text hidden]

2 attachments

 **Donovan, Websters Corner, PID # 433243, 2025-050 - COM.pdf**
279K

 **CoastalErosionDevelopmentMoratoriumJan2023.pdf**
60K

Sarah MacVarish <smacvarish@gov.pe.ca>

Mon, Dec 22, 2025 at 1:51 PM

To: Dale Thompson <DETHOMPSON@gov.pe.ca>, Lisa Donovan <ldonovan77@gmail.com>

Cc: Eugene Lloyd <EMLLOYD@gov.pe.ca>, Garrett MacDougall <gxmacdougall@gov.pe.ca>

Good afternoon Dale,

I just spoke with Lisa and just wanted to clarify a few things. The change of use was denied from the comments I received from your department, I believe this was due to the current location of the building. If a structure is built further back, is a residential use possible?

Lisa mentioned there is an existing septic system on the property, I asked her to have a septic contractor confirm what is there and what state the system is in. I am looking to see if there is any developable area on the property and if a septic system is viable.

Could your comments change if their proposal is amended?

Thanks,



Lisa Donovan <Indonovan77@gmail.com>

PID # 433243

5 messages

Dale Thompson <DETHOMPSON@gov.pe.ca>
To: "Indonovan77@gmail.com" <Indonovan77@gmail.com>

Wed, Dec 17, 2025 at 2:48 PM

Hi Lisa,

As a follow up to our recent conversation, attached are comments from the Environmental Land Management Section of the Department of Environment, Energy and Climate Action to Sarah MacVarish at Housing Land and Communities (HLC). Also attached is the current Environmental Protection Order which limits coastal development. Although not referenced in the comments to HLC, the proposed change of use (and subsequent development) is prohibited under this moratorium. Feel free to contact me if you wish to discuss,

Regards,


Dale Thompson

Environmental Assessment Officer

PEI Department of Environment, Energy and Climate Action

(902)368-5049

2 attachments

 **Donovan, Websters Corner, PID # 433243, 2025-050 - COM.pdf**
279K

 **CoastalErosionDevelopmentMoratoriumJan2023.pdf**
60K

Dale Thompson <DETHOMPSON@gov.pe.ca>
To: "Indonovan77@gmail.com" <Indonovan77@gmail.com>

Mon, Dec 22, 2025 at 9:55 AM

[Quoted text hidden]

Lisa Donovan <Indonovan77@gmail.com>
To: Dale Thompson <DETHOMPSON@gov.pe.ca>

Mon, Dec 22, 2025 at 10:10 AM

We dont have plans to develop the land at this time. We are looking for a change in use of the property from industrial land to commercial or residential use. There is no plan to develop land at this time. We were told building had to follow footprint of the exsisting building apparently that was misinformation . There is land to move bulding back plus I own land that can be used . So asking strictly for change in use and land and environment rejected application on buffer zone and moratorium on building to close to the water. So asking land to rule strictly on chaange of status . Lisa

[Quoted text hidden]

Dale Thompson <DETHOMPSON@gov.pe.ca>
To: Lisa Donovan <Indonovan77@gmail.com>
Cc: Eugene Lloyd <EMLLOYD@gov.pe.ca>, Sarah MacVarish <smacvarish@gov.pe.ca>, Garrett MacDougall <gxmacdougall@gov.pe.ca>

Mon, Dec 22, 2025 at 11:59 AM

Sarah MacVarish, BCD

Senior Development Officer

smacvarish@gov.pe.ca

Phone: 902-569-0573

Fax: 902-368-5526

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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Lisa Donovan <Indonovan77@gmail.com>

Land on Hickeys wharf rd

3 messages

Lisa Donovan <Indonovan77@gmail.com>
To: smacvarish@gov.pe.ca

Thu, Dec 18, 2025 at 11:21 AM

I had surveys of all the land . I didnt see them yesterday. You gave me GOE maps . Do you have suvery copies? Also phoned enviroment they are supposed to get back to me. Once that happens I will file with IRAC if need be... But if you have the copies of surveys can i get copies back? Thanks Lisa Donovan

Sarah MacVarish <smacvarish@gov.pe.ca>
To: Lisa Donovan <Indonovan77@gmail.com>

Mon, Dec 22, 2025 at 8:03 AM

Good morning Lisa,

You did not submit surveys with the subdivision applications so I do not have any copies. Additionally, we cannot grant an extension so I would suggest appealing directly to IRAC and they can determine if they will hear your appeal or not.

Thanks,

Sarah MacVarish, BCD

Senior Development Officer

smacvarish@gov.pe.ca

Phone: 902-569-0573

Fax: 902-368-5526

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Government of Prince Edward Island
31 Gordon Drive
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[Quoted text hidden]

Lisa Donovan <Indonovan77@gmail.com>
To: Sarah MacVarish <smacvarish@gov.pe.ca>

Tue, Dec 23, 2025 at 12:33 PM

Thank you, I will do that.

[Quoted text hidden]



31 Gordon Drive
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

Housing, Land and Communities

Logement, Terres et Communautés



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

October 30th, 2025

Lisa Donovan
176 Hickeys Wharf Road
Websters Corner, PE C1B 3A5

Dear Applicant:

Subject: Application to Change the Use of an Industrial (wharf) parcel to an Commercial (rental cottage) use parcel.
Property ID #: 433243
Property Location: Hickeys Wharf Road, Websters Corner, Queens County
Our File References: 2025-050

The Department of Housing, Land and Communities has reviewed your application to Change the Use of an Industrial (wharf) parcel to a Commercial (rental cottage) use, Property #433243, application received on September 16th, 2025, located in Websters Corner.

A. The Application

Subdivision: The Subject Property is currently Industrial (wharf) use. The application was submitted to change the use of this parcel to Commercial (rental cottage) use, with access off the Hickeys Wharf Road.

B. Decision

The Subject Property is within a geographic area where land use and development is not regulated by a local official plan or zoning by-law. Therefore, the Subject Property falls within the jurisdiction of this Department. Land use and development are regulated by the *Planning Act* Subdivision and Development Regulations and other provincial laws and regulations.

Pursuant to clause 6(c) of the *Planning Act* and subsections 3.(1)(a), 5.(a) & 16(4) of the *Planning Act* Subdivision and Development Regulations, the above noted application is Denied. The reasons for this decision are explained in detail below.

C. Reasons

As stated in section 16. (4) of the ***Planning Act Subdivision and Development Regulations*** no development can occur within a wetland or buffer zone. The proposed development is located within a wetland and buffer zone. You may contact the Department of Environment, Energy and Climate Change to discuss and obtain more details as to whether development may be suitable. Please contact 902-368-5049.

Planning Act Subdivision and Development Regulations

3. (1) No person shall be permitted to subdivide land where the proposed subdivision would

(a) not conform to these regulations or any other regulations made pursuant to the Act;

5. No approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate:

(a) where and environmental assessment or an environmental impact statement is required under the Environmental Protection Act, approval has been given pursuant to that Act.

16. (4) No person shall undertake any development, including a sewage disposal system, within a required buffer.

C. Right of Appeal

Notice of this decision will be posted on the PEI Planning Decisions website. We suggest typing "PEI Planning Decisions" into your internet search engine to link to the website.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission ("IRAC") (PO Box 577, Charlottetown, PE, C1A 7L1: <http://www.irac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you have any questions in regards to this decision, contact me at (902) 569-0573 or smacvarish@gov.pe.ca.

Sincerely,



Sarah MacVarish
Property Development Officer



Environment,
Energy and
Climate Action

Environnement,
Énergie et
Action climatique



PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

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

INTEROFFICE MEMORANDUM

To: Sarah MacVarish
Subject: 2025 - 050 – Donovan, Websters Corner, PID # 433243
Date: October 8, 2025

The Environmental Land Management (ELM) Section has reviewed the above noted Development Permit Print dated September 11, 2025. We understand that the applicant has an application for a change of use from an industrial wharf to a commercial rental cottage.

Based on our understanding of the information provided, a desktop watercourse/wetland assessment (using provincial GIS mapping) and an inspection of the site, the ELM Section 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 watercourse/wetland located on the northern portion 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 ELM@gov.pe.ca or (902)368-5700.
2. Please note that application for change of use from an industrial wharf to a commercial rental cottage has been **DENIED**. The application has been denied, because this activity requires the construction of a new residential dwelling in the buffer zone. The current structure is not a residential dwelling and requires the structure to be torn down, as the structure is beyond repair.
3. The proposed development is located within a designated flood zone. With the increasing frequency and intensity of storm events due to climate change, this area is at heightened risk of flooding, coastal erosion, and storm surge impacts. These environmental factors pose significant challenges to the long-term viability and safety of a commercial rental cottage at this location.

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.

Garett MacDougall
Environmental Impact Assessment Officer

CANADA
PROVINCE OF PRINCE EDWARD ISLAND

IN THE MATTER OF the
Environmental Protection Act,
R.S.P.E.I. 1988, Cap E-9, Sections
3, 7, and 7.1 (herein "the Act")

ENVIRONMENTAL PROTECTION ORDER

TO: All persons, corporations, or governments owning coastal or riparian zone properties in Prince Edward Island and proposing to carry out new development in the Watercourse and/or Wetland boundary and its legislated buffer zone

WHEREAS in the last decade the Province of Prince Edward Island has seen a significant increase in coastal and riparian zone development into areas which are increasingly at risk from the impacts of climate change;

WHEREAS the rates of coastal and riparian zone erosion are expected to rise as climate change pushes up sea levels, expands average wave heights, and increases storm frequencies and intensities;

WHEREAS the installation and subsequent protection of coastal and riparian zone infrastructure may have negative impacts on the natural environment;

WHEREAS the placement of any residential, commercial, institutional, or municipal infrastructure, including shoreline protection measures in the watercourse and/or wetland boundary and legislated buffer zone is regulated under the *Environmental Protection Act* Watercourse and Wetland Protection Regulations;

AND WHEREAS I believe on reasonable and probable grounds that an act or omission of a person or corporation may be a threat to the environment and that it is necessary and advisable for the protection of the environment;

I THEREFORE ORDER, pursuant to sections 7 and 7.1 of the *Act*, the prohibition of any new residential, commercial, institutional, or municipal development and its associated erosion control activities in the watercourse and/or wetland boundary and legislated buffer zone by natural persons, corporations or municipalities owning coastal or riparian zone properties in Prince Edward Island.

This Order shall not apply to any Watercourse and Wetland and Buffer Zone Activity permits, or Watercourse, Wetland and Buffer Zone Activity Contractor Licensing Registrations, that were

issued prior to December 1, 2022 from the Minister of the Department of Environment, Energy and Climate Action.

This Order shall not apply to residential, commercial, institutional, or municipal landowners who have existing critical infrastructure (e.g. dwelling, business, water/wastewater systems, septic system, etc.) and need to protect it from coastal or riparian zone erosion.

This Order shall not apply to residential, commercial, institutional, or municipal landowners who have had their existing erosion control structures damaged as a result of Hurricane Fiona and need them repaired.

This Order shall not apply to any Provincial Government Department on PEI which must install or maintain erosion control structures for the protection of public infrastructure, or must carry out work associated with the repair, replacement or maintenance of wharfs, harbours, bridges, culverts and roads in the coastal and/or riparian zone.

This Order shall not apply to any Federal Government Department on PEI which must install or maintain erosion control structures for the protection of public infrastructure, or must carry out work associated with the repair, replacement or maintenance of wharfs, harbours, bridges, culverts and roads in the coastal and/or riparian zone.

This Order shall cease to have effect on the date that a new coastal zone policy is adopted, unless sooner revoked by the Minister.

Dated at Charlottetown, in Queens County, Province of Prince Edward Island, this 11th day of January, 2023.



Steven Myers
Minister
Department of Environment, Energy and Climate Action

Sarah MacVarish

From: Lisa Donovan <Indonovan77@gmail.com>
Sent: Wednesday, October 29, 2025 6:50 PM
To: Sarah MacVarish
Subject: Re: 2025-050 - PID 433243 - Websters Corner

Please resend the letter I want to appeal. The decision. Lisa Donovan can you email instead I'm in Arizona until November 30 . I feel the decision was totally unfair. Lisa

On Wed, Oct 29, 2025 at 5:07 AM Sarah MacVarish <smacvarish@gov.pe.ca> wrote:

Good morning Lisa,

I originally mailed out your denial letter for your change of use application on October 8th, but it was amidst the mail strike and was returned to me yesterday. The 3 week appeal period ends today October 29. But if you wish to appeal, I will reissue the decision so you have another 3 weeks to submit the appeal.

Please let me know if you need more time.

Thanks,

Sarah MacVarish, BCD

Senior Development Officer

smacvarish@gov.pe.ca

Phone: 902-569-0573

Fax: 902-368-5526

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October 8th, 2025

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176 Hickeys Wharf Road
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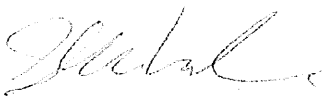
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If you have any questions in regards to this decision, contact me at (902) 569-0573 or smacvarish@gov.pe.ca.

Sincerely,

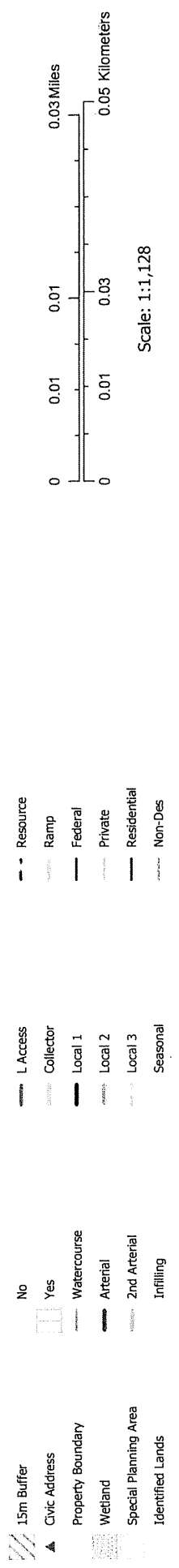


Sarah MacVarish
Property Development Officer



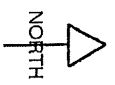
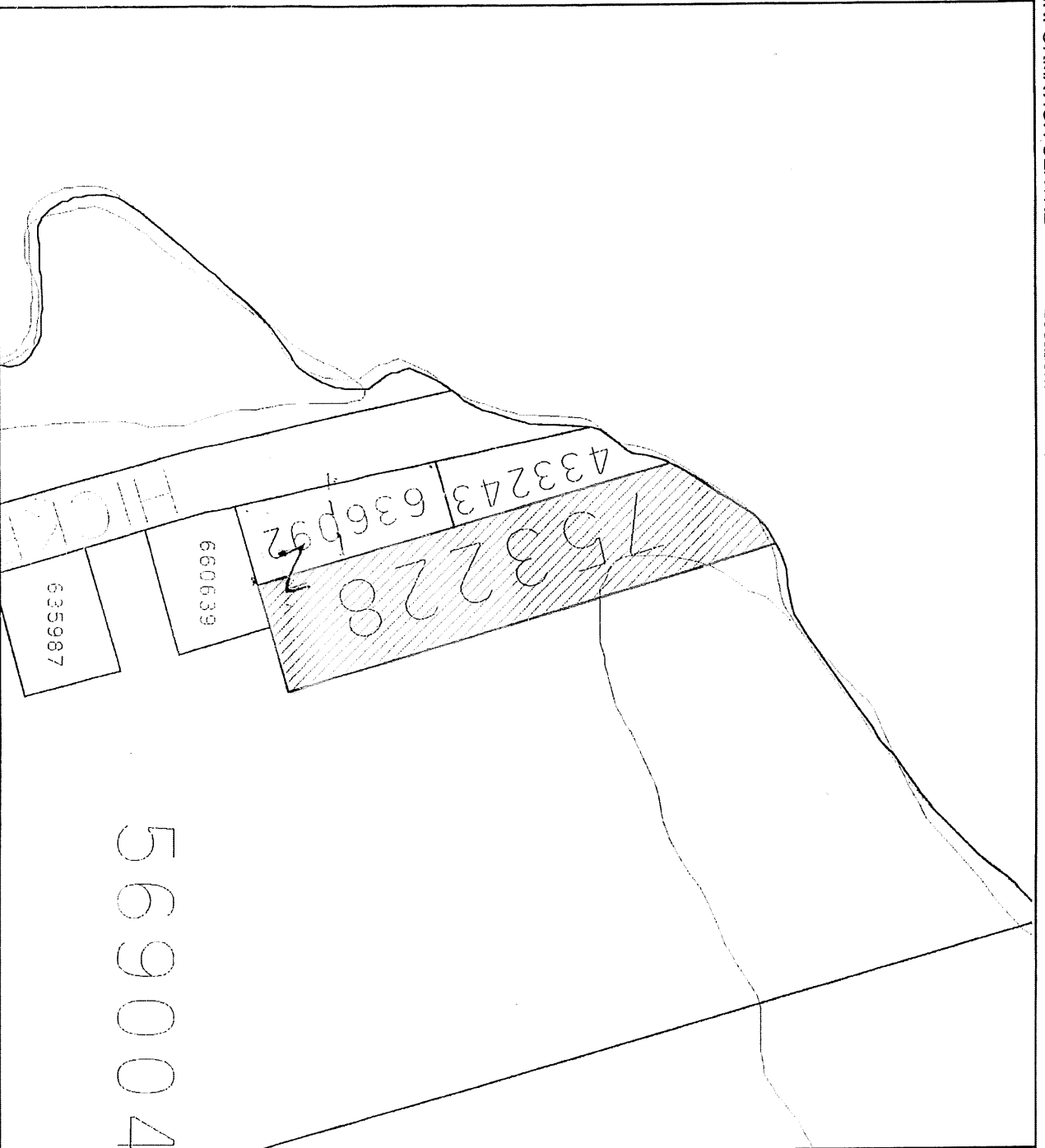
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

September 8, 2025 This map is not intended for legal description or to calculate exact land dimensions.



PEI GEOMATICS
INFORMATION CENTRE

Owner Name: KENNETH & MARY D MACWILLIAMS
Location: null



PROVINCE OF PEI DEPARTMENT OF
PROVINCIAL TREASURY
GEOMATICS INFORMATION CENTRE
11 KENT ST. CHARLOTTETOWN
PEI C1A 7N8

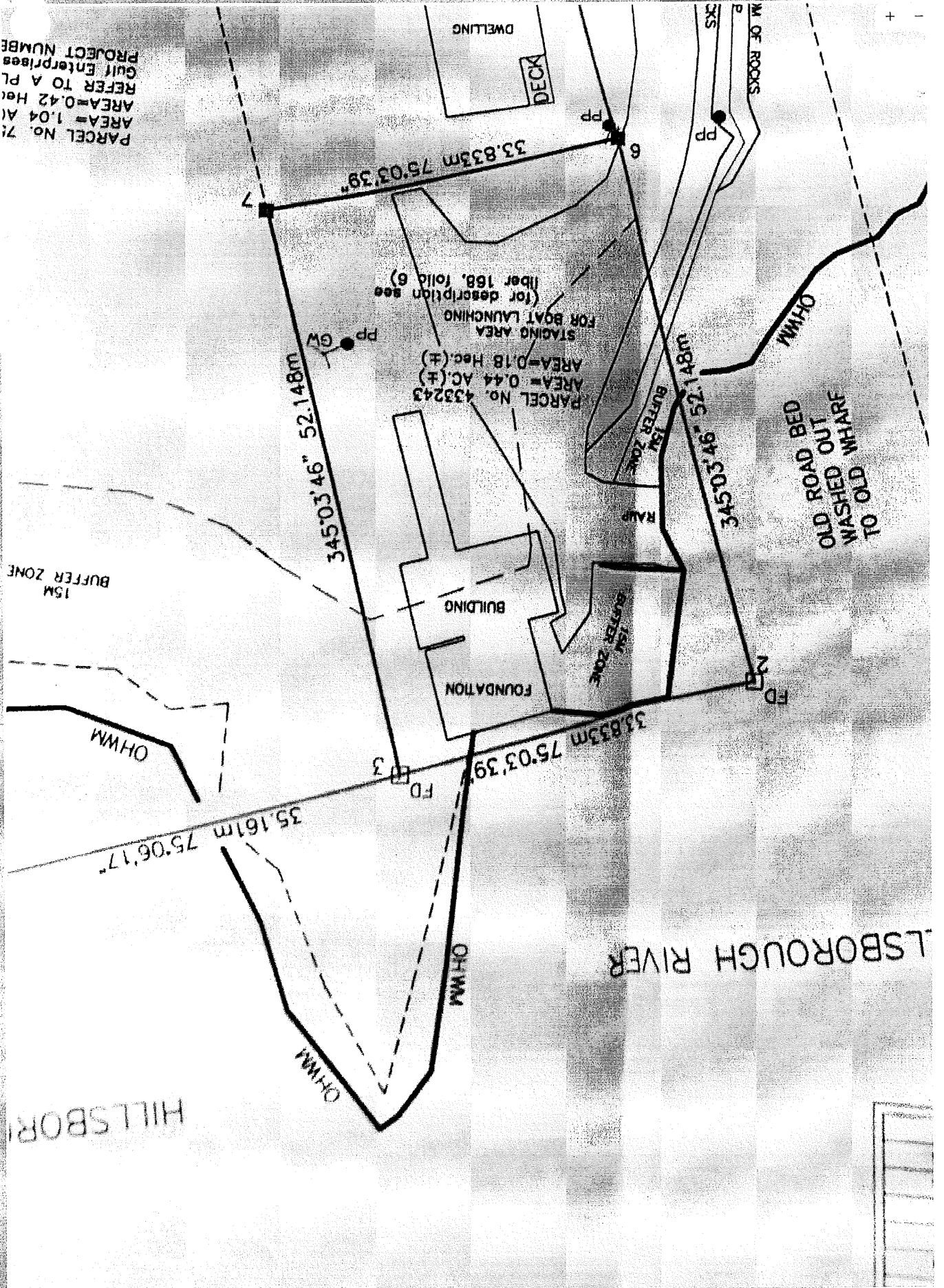
PHONE: 902-368-5178
FAX: 902-368-4399

WHILE THIS MAP MAY NOT BE FREE
FROM ERROR OR OMISSION, CARE HAS
BEEN TAKEN TO ENSURE THE BEST
POSSIBLE QUALITY. THIS MAP IS A
GRAPHICAL REPRESENTATION. IT IS NOT
INTENDED TO BE USED TO CALCULATE
EXACT DIMENSIONS OR AREAS.

SCALE: 1:1800
DATE: Nov 19, 2019
TIME: 01:43:19 PM
ACREAGE: 1.33
WORK UNIT: 2221

150
12/1800
12/61

13/14



PARCEL No. 71
AREA=1.04 AC.
AREA=0.42 Hec.
REFER TO A PL
Gulf Enterprises
PROJECT NUMBER