

## APPROVAL IN PRINCIPLE

TO: D.P. MURPHY INC. (the “**APPLICANT**”)

AND TO: PRINCE EDWARD ISLAND REGULATORY AND APPEALS COMMISSION (“**IRAC**”)

FROM: TOWN OF BORDEN-CARLETON (the “**Town**”)

RE: The Applicant’s application to the Town for a development permit respecting a commercial development containing a gas station, Tim Horton’s, convenience, and other retail offering (the “**Application**”), and to IRAC for a petroleum outlet licence, being PD527, regarding same.

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The Town is providing this Approval-in-Principle (the “**AIP**”) to the Applicant and IRAC, both to 1) indicate to the Applicant that the Town is processing the Application, and 2) in response to IRAC’s Procedural Order on its Docket PD527 respecting this Application, in which IRAC, namely, required this AIP in order to continue processing its own application from the Applicant.

Therefore, the Town provides this AIP to the Applicant and IRAC subject to the following conditions:

1. IRAC approve the Applicant’s petroleum retail outlet licence to which no appeals have been filed;
2. The Town will commission a traffic study conducted by a party selected by the Town, the results of which are acceptable to the Town, and which costs are covered by the Applicant;
3. The Town will commission a noise study conducted by a party selected by the Town, the results of which are acceptable to the Town, and which costs are covered by the Applicant;
4. The Applicant receive approval for ingress and egress as proposed in their Application to the Town;
5. the Town be satisfied with respect to whether “the proposed development would be detrimental to the convenience, health or safety of residents in the vicinity or the general public” (as per Development Bylaw, 2.17(10));

The environmental assessment has already been completed and the results were satisfactory to the Town.

The Town wishes to acknowledge that there is significant resident concern with respect to this Application and therefore the Town will be closely reviewing the requisite studies and if necessary engage in its own investigations and inquiries to ensure that its residents’ concerns

regarding safety, noise, and community impact are considered and addressed, if or as applicable.

As agreed between IRAC and the Town, each of the parties will continue to process their respective Applications to ensure that the Applicant is being dealt with in a timely manner by all relevant authorities with respect to the Applications.

The Town acknowledges that subject to the aforementioned conditions being satisfied, the Application presently meets By-Law requirements. Accordingly, if the conditions are all satisfied the Town will issue a permit certificate and development permit to the Applicant.

## Allison MacEwen

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**From:** Hrga, Filip (Summerside) <fhrga@coxandpalmer.com>  
**Sent:** Friday, November 24, 2023 12:17 PM  
**To:** Allison MacEwen  
**Cc:** Nicole McKenna; Town of Borden-Carleton; Derek French  
**Subject:** DP Murphy Application - PD527 - Approval in Principle  
**Attachments:** DP Murphy Application - Approval in Principle.pdf

Mr. MacEwen,

Pursuant to IRAC's procedural order dated September 28, 2023, with respect to the foregoing application, I attach the Town's approval in principle for your use in processing your application. The approval in principle has also been provided by email to the Applicant.

Regards,

**Filip Hrga**

Associate | Cox & Palmer

**Office** 902 888 1033

**Direct** 902 888 2872

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