

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 Greenwich (name of City, Town or Community) on the 24 day of July, 2023, wherein the Minister/Community Council made a decision to approve a development permit (file C-2023-0273) for PID 943241 for residential (single unit dwelling) development in Ocean Court, Greenwich, PEI. (Please note, we were not able to obtain a copy of the decision, but included a copy of the details of the decision). (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 "Grounds for Appeal" document for further detail.

In summary, we are questioning if the conditions the subdivision have been met (operational water system to warrant development of a lot, if conditions of the 'Resort Development Use' survey have been met, and are questioning why this development permit has been approved after 18+ years of other development permit requests in the subdivision have been denied (including an active appeal).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, I/we seek the following relief: (use separate page(s) if necessary)
That the development permit for PID 943241 (file C-2023-0273) be quashed, with the recent approval overturned/reversed.

Please see attached: "Grounds for Appeal - Additional Information", "Greenwich_Survey_30328", "Final Submission of the Minister Feb - 2023", and the details of the approval decision to support our request.

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

Name(s) of Appellant(s): Environmental Coalition of PEI Signature(s) of Appellant(s): Dany Schneider
Please Print

Mailing Address: 81 Prince Street City/Town: Charlottetown
Province: Prince Edward Island Postal Code: C1A 4R3
Email Address: macphailwoods@gmail.com Telephone: 902-393-3652

Dated this 11 day of August, 2023.
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.

Grounds for Appeal – Additional Information

Please note that the Environmental Coalition of PEI is submitting an appeal of the development permit approved for PID 943241 (file C-2023-0273), which is part of the *St. Peters Estates Ltd.* subdivision, for the following reasons:

1. Over the last 18+ years, since the approval of survey plan # 21343 for St. Peters Estates Ltd. (see attached), no development permit applications have been approved for any of the 70 lots. Recently, a permit for the same property (PID 943241) was denied by the province and is still current through IRAC's planning appeals. In the absence of any evidence of a change in legislation or other relevant factors or circumstance, there appears to be no justification for the Minister to change his position.
2. On December 22, 2022, a permit application for the current property (PID 943241) was denied by the Minister. In light of the history of such applications in the subdivision, the absence of any evidence of a change in legislation, or other relevant factors or circumstance regarding this particular lot, there appear to be no grounds for the Minister to change his position and grant a development permit for the specific lot.
3. According to IRAC's website, the December 2022 ministerial decision to deny the development permit for PID 943231 is currently an active appeal by the owner of the property (Appeal Docket LA22024). No development permit should be approved unless and until the appeal is completed and a decision is made in favor of the applicant landowner. Why was a permit issued by the Minister when the appeal remains active?
4. The survey for the subdivision plan #21343 was approved subject to the servicing of all lots (including PID 943241) from a central water system to be designed and constructed in accordance with the requirements of the Department of Environment, Energy and Forestry (Survey plan #21343, condition 'a'). According to the Minister of Agriculture and Land in a submission to IRAC (Appeal Docket LA22024) supporting the Minister's denial of a development permit, as of February 14, 2023 this condition had still not been fully met (see "Final Submission of the Minister Feb -2023" document), nor to the best of our knowledge, has it yet been met. Consequently, no permit should be issued.
5. Furthermore, according to the Survey plan #21343, condition 'e', the development of the resort, (including PID 943241), is subject to the following condition "the resort shall be developed and occupied in accordance with an Environmental Protection Plan, Environmental Management Plan, and Human Use Management Plan as approved by the Department of Environment, Energy and Forestry". To the best of our knowledge, two of the three plans have not been approved, and none have been updated to reflect current standards and practices. This requirement is of particular importance considering the location of the subdivision.
6. According to the "Planning Act Subdivision and Development Regulations", under "D-Resort Developments" section 52 (1), "a resort development may be serviced by a private road, where the road (b) is connected to a public road maintained by the province on a year-round basis." It is our understanding that the development of St. Peters Estates Ltd. (including PID 943241), would be subject to the condition noted above, as it was approved (#21343) for "Resort Development use" and meets the definition of resort development. However, it is our understanding that this condition is not met as this subdivision is currently serviced by a seasonal road that is not maintained by the Province of PEI but by Parks Canada.

7. Similarly, according to the same "Planning Act Subdivision and Development Regulations", section 52 (4), "the roads serving any portion of a resort development that is approved for year-round residential use", which PID 943241 was approved for, "shall be public roads, including any roads required to provide access from the subdivision to an existing public road maintained by the province on a year-round basis". It is our understanding that the development of these year-round residential lots (including PID 943241) would be subject to the condition noted above, yet it is also our understanding that this condition is not met. No development permit should be issued unless there is compliance with these conditions.

The Environmental Coalition of Prince Edward Island (ECOPEI) was established in 1989 as a community-based action group to support the protection of the PEI environment. As a registered charity, the organization works to provide educational opportunities to Islanders and advocate for the protection and maintenance of the Island's natural ecosystems.