



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 Town of Three Rivers (name of City, Town or Community) on the 30 day of May, 2024, wherein the Minister/Community Council made a decision to Approve development permit 57.24.DEF - 24 Unit Apartment on PID 1065887 & PID 197657. Copy of decision is attached.

(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 letter which had been provided to Council.

We appeal on the grounds Appeal 27.1 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.

Please note this is also detailed in the letter submitted to council - which is attached.

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 are concerned about the lack of infrastructure in the area will encourage trespassing across our property to get to safer areas where there are sidewalks, to avoid the dangers of Queens Road. We are requesting that the developer erect a fence on their side of the property line that is no less than 3/4 down the length of our driveway, OR plant hedging that will create a division between the properties of the same distance. We feel rezoning of the property should have been

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

Name(s) of Appellant(s): Erin Lamb Signature(s) of Appellant(s): [Signature]
Please Print

Mailing Address: 162 Queens Road City/Town: Montague

Province: Prince Edward Island Postal Code: C0A 1R0

Email Address: erinlamb14@gmail.com Telephone: 902-969-9930

Dated this 12 day of June, 2024.
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.



DEVELOPMENT PERMIT

Three Rivers Official Plan and Development Bylaw 2023-2038

May 30, 2024

Dear: [REDACTED]

Re: A 3-storey, 24 unit, multi-unit residential building together with a minor variance of 2.9 ft. of increased height on lot 24-1 Queens Road, PID's 1065887 & 197657

Development Permit/Application Number: 57.24.DEP

I am pleased to issue this development permit pursuant to the above approved application, which was reviewed and determined to comply with the requirements of the Three Rivers Official Plan and Development Bylaw.

This permit is valid for 12 months from the date of issue and all work shall be undertaken in accordance with the submitted plans. The approved development may be subject to additional conditions, which will be appended to this permit if required. Prior to commencing the approved development, please note that the Island Regulatory and Appeals Commission (IRAC) mandates a 21-day appeal period for third party challenges to a permit approval. Applicants are therefore advised to allow for this time period to elapse before commencing the approved development.

Applicants are responsible for obtaining any additional consent required by applicable municipal bylaws or other legislative Acts, including provincial submissions required by the Building Codes Act and Regulations.

If you have any questions regarding this permit or wish to discuss an amendment to the approved development, please contact myself at 902-361-2296 or by email at lkenebel@threeriverspei.com

Patrick Donahoe

Patrick Donahoe

Acting Planning & Development Officer, Town of Three Rivers

TOWN OF THREE RIVERS PLANNING DEPARTMENT

DEVELOPMENT PERMIT: Issued May 30, 2024

UNDER THE AUTHORITY OF:

Three Rivers Official Plan and Development Bylaw 2023-2038

Development Permit Number: 57.24.DEF

Description of development: A 3-storey, 24 unit, multi-unit residential building together with a minor variance of 2.9 ft. of increased height on lot 24-1 Queens Road

Property Number (PID): 1065887 & 197657

The applicant is responsible for undertaking the development in compliance with the Three Rivers Official Plan and Development Bylaw and in accordance with the application and any plans submitted and approved for the development, and in compliance with any specific or additional conditions as described hereon:

1. This permit is valid for 12 Months from the date of issue.
2. Any proposed changes or revisions to the approved plans must be submitted to the Development Officer for approval.
3. Prior to construction a drainage and erosion control plan shall be submitted to the Development Officer for approval.
4. The applicant is required to obtain an entrance permit from the Department of Transportation, Infrastructure and Energy.
5. Parking lots which abut residential uses shall be screened by landscape buffers, fences or a combination thereof approved by the Development Officer.
6. The following constitutes the approved plans:
 - Development permit application form dated, April 18, 2024
 - Drawings: A001, A100, A101, A102, A103, A200, A201, received May 13, 2024
 - Drawing C2 Received May 14, 2024
 - Consolidation plan dated April 5, 2024

*Please note: As of March 31, 2020, all construction projects, unless exempt under the Building Codes Act Regulations, are required to receive a building permit from the Provincial Government of Prince Edward Island before commencing construction. It is the responsibility of the applicant to ensure they are in possession of any required permits, including but not limited to any approvals required as a precondition to this permit.

Patrick Donahoe

Patrick Donahoe

Acting Planning & Development Officer, Town of Three Rivers

May 7, 2024

Good Evening,

My name is Erin Lamb, myself and my husband Blair Gillis own our home at 162 Queens Road, to the East (Montague) side of PID 197657 & 1065887. We received notice in the mail on May 7, 2024 about a minor variance on a permit application 57.24.DEP for development of a 24 unit apartment building to be built beside our property.

When Blair and I bought our home in 2018, we loved the idea of being on the outskirts of Montague. Living beside a working farm with open fields was wonderful, we thought that the worst thing that could happen would be having animals being put in beside us and even that wouldn't be so bad. We have owned and operated our business, Small Town Bound Inn at this property since 2019. We get several compliments on our property, the quiet atmosphere, and the overall appeal of the area. We have a very strong Pride of Ownership, having made several upgrades to our home and property, in addition to being proud residents of Montague, Prince Edward Island.

On Monday May 6, 2024, I received a message from a neighbour who had gotten a letter in the mail about a slight variance in height for what she referred to as 24 unit apartment complex being built beside us. We were floored, angered and very upset. We asked ourselves how could property zoned for agriculture put up a multi unit apartment building? We were certain that we had not missed being consulted in the rezoning process, so how could a building permit be presented without proper zoning approval?

While we can appreciate the need for housing, we have many concerns that I will detail below.. I feel that there are several issues that should be considered alongside this application, and truly should preface these issues with the consideration of the application.

Our first concern is the lack of infrastructure of the general area in question. There are no sidewalks, the shoulders along Queens Road are loose gravel, there are not many streetlights that make it very dark for pedestrians and drivers. While the speed limit is at 50km/hr, very few adhere to the set limit. If there is potential for 48+ residents moving into the proposed building, who may or may not have children, how are they going to get into Montague without a car? A partial sidewalk starts between Bailey Drive and Campbellton Street, which is 200 meters away. Will children be walking back and forth to school on the unpaved shoulders along the Queens Road? Or perhaps they may choose to cut through private properties to get to Bailey Drive where they can meet up with sidewalks and crosswalks? This poses safety as well as security issues for trespassing. We have dogs that are trained to remain on our property, and are not used to people crossing/trespassing, nor should they be, it's private property.

We are very concerned about the ability for the Montague Fire Brigade to control a structure fire in a building that is above the height as laid out in the Bylaws at 36.1ft. We have all seen the news about the building on Riverside Drive and Fraser Street, and the controversy about the

height of the building. Jock Macdonald had expressed his concern in 2019 about buildings being built even at the height laid out in the bylaws, since he knew, as Fire Chief at the time, that the equipment they had was not sufficient. Has equipment been upgraded since?

Another concern is regarding the drainage and landscaping. We currently have been maintaining property along the West side of our driveway that we knew was not all ours. We felt it was beneficial to us to maintain the yard to prevent rodents, insects and wildlife from potentially causing hazards on our property and in our home. We did so out of our own pocket and never asked or assumed it would be otherwise. We also know, when we get a good rainfall, this area also gets a good strong stream of runoff, to the extent that we have picked up large pieces of wood, garbage and other debris that has been pulled down the stream. Drainage is a very big concern for us, especially if any amount of fill is brought in to level the property off.

Upon viewing the drawings, we can see that sewer access is capped off immediately after our connection. Since we operate a tourism business, we have concerns about access to our driveway for not only ourselves, but our guests. We all can acknowledge that the tourism season on PEI is very short, and we need to make our hay while the sun shines. Since construction itself is going to be fairly disruptive to our guests, we definitely don't need to have access to our property compromised in any way. Gaining entry access as well as having water & sewer connections may prove tricky, and we have to keep in mind there are only 2 ways into Montague - one way is already bunged up with the Brudenell extension project. I can only imagine how the traffic is going to be this summer on the Queens Road.

1. We request to view the documents for rezoning approval from AG to R3 for PID 197657 & 1065887.

- a. If there are no such documents, we ask for clarification on what is the definition of "24 Unit Residential Development", and where in the Zoning Bylaws can it be found. The closest I could find in the Zoning Bylaw Definitions to fit this development was "Apartment dwelling", (*means a residential use building that contains four or more dwelling units, other than a row dwelling.*) Sadly, these definitions seem to vary depending on which documents are being referenced

6. Zoning Provisions

6.1 Agricultural Zone (AG)

6.1.2 Permitted uses:

- 1) Accessory apartment; (*means a secondary dwelling accessory to a Single-Unit Dwelling within the same building that is equipped as an independent living facility and accessed by a private entrance from outside of the building or from a common hallway or stairway inside the building.*)
- 2) Agricultural use;
- 3) Auction establishment;
- 4) Bed and breakfast;
- 5) Boat house;
- 6) Cemetery;

- 7) Day care facility;
- 8) Farm market;
- 9) Farmer's market;
- 10) Forestry use;
- 11) Greenhouse;
- 12) Group home;
- 13) Home-based business;
- 14) Hobby farm;
- 15) Kennel;
- 16) Park;
- 17) Plant nursery;
- 18) Resource use;
- 19) Single-unit dwelling;
- 20) Secondary suite;
- 21) Solar collection system;
- 22) Wind energy system;
- 23) Resource Use;
- 24) Single Family dwellings;
- 25) Duplex dwellings;
- 26) Multi-unit dwellings (*means a building containing three or more dwelling units.*) **A definition in itself is very vague, therefore we also ask for clarification between that and Apartment Dwelling...**

2. We request the Montague Fire Department and The Fire Marshal's office be consulted about their ability to contain a fire in a building that is 38.99ft tall, and meets all fire code set out in Fire Prevention Act, with heavy consideration of location of fire hydrants in the area.
3. We request to be updated on any and all changes, or revisions to the approved plans submitted to the D.O for approval.
4. We would request that a fence be erected between the new building's property and ours to prevent trespassing and safety concerns.
5. We request to have access to the plans for drainage & erosion control, prior to approval by the D.O.
6. We request to have access and full consultation for sewer permits and extensions of the sewer connection, as this directly could impede access to our property, prior to approval by the D.O.
7. We request to be consulted by The Department of Transportation, Infrastructure and Energy about entry permits as this may impede access to our property.
8. We request copies of results of soil testing.
9. We request that we be kept informed about any and all applications, submissions and approvals, being made on the Development Application 57.24 DEP. These items may be sent, in confidence, to erinlamb14@gmail.com.

In closing, we feel that The Town of Three Rivers may be putting the cart before the horse. There are several infrastructure issues that should be addressed prior to adding more residents to an already overflowing village of Montague. Montague is getting more and more difficult to drive around. Main Street is frustrating most hours of the day, but nearly impossible from 8 to 9am, 11am to 12pm and 3 to 5pm through the week. This week alone, the back up from staff cleaning the shoulders made me think there was an accident further down the road! Montague was a town that not even 9 years ago, we jokingly referred to as "grid lock" around Timmies in the morning. A town that drivers used to stop to allow pedestrians to cross. A town where drivers were patient and kind. These days, it seems that everyone is in too much of a hurry and cannot get from A to B fast enough. I strongly urge the Mayor and Council to seek professional, licenced consultation for urban planning. We are growing too fast, and we aren't keeping up. It is so sad to witness.

Thank you for your time and consideration,
Erin Lamb
162 Queens Road
Montague PE C0A 1R0
902-969-9930
erinlamb14@gmail.com