

RECEIVED

JUL 20 2021

The Island Regulatory
and Appeals Commission

Rec'd via Email to
PR on July 19, 2021
at 4:55 pm

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 Charlottetown (name of City, Town or Community) on the 19th day of July, 2021, wherein the Minister/Community Council made a decision to rezone Angus Drive Lot 40 and St Peters Rd PID #419135 to Village Center (commercial) excluding it from its former designation of Mature Neighbourhood. (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)

See 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)

I ask that the council overturn the misinformed council decision. (strike down)

Name(s) of Appellants Laura Morgan Signature(s) of Appellant(s) Morgan
Please Print
Mailing Address 8 Angus Drive City/Town Charlottetown
Province PE Postal Code C1A 1G5
Email Address l.morgan@rogers.com Telephone 902-344-7336

Dated this 19 day of July, 2021
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. In addition, the Commission requires the Appellant to provide the Notice of Appeal to any parties directly affected by the Notice of Appeal on the same date the municipal council or Minister is notified.

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

Collette Vessey

From: Philip Rafuse
Sent: Tuesday, July 20, 2021 11:30 AM
To: Collette Vessey
Subject: FW: notice of appeal

To be added to Laura Morgan Notice of Appeal

-----Original Message-----

From: laura morgan [mailto:theotherquincy@gmail.com]
Sent: Monday, July 19, 2021 10:36 PM
To: Appeal Inquiries <AppealInquiries@irac.pe.ca>
Subject: Re: notice of appeal

Grounds for the appeal attachment:

In my opinion, grounds for appeal in this case is the councillors and Mayor being in conflict of interest, also confusion caused by council and the province on and during the entire process.

Questions were asked during the process about whether Councillor Duffy and Councillor Bernard, had put themselves in a conflict and should be removed from voting on this issue.

Mayor Brown had said (June 22nd, 2021, Public Meeting https://www.youtube.com/watch?v=NFb3NxZ-yY8&t=4014s&ab_channel=CityofCharlottetown 1:19:00) he himself has been removed from votes in the past for not remaining neutral and publicizing his intentions on a vote. Other councillors would not give their opinion on the issue for the same reasons.

Mike Duffy had made his intentions clear to vote in favour of approving the rezoning in all future votes on May 31st during a council meeting, (https://www.youtube.com/watch?v=FWa03OJXExw&ab_channel=CityofCharlottetown , 1:01:11) he said "We all heard reference to the 8-1 vote, I'm the one who voted for it in the past and I'm not changing my position." This is a direct conflict and violation. He has prejudiced himself as he is supposed to remain neutral and objective. On April 26th during a special meeting when the vote was to not reconsider a previous application on the matter, he said "This is not going to make Steven Yeo happy." This statement is also a conflict of interest, shows prejudice and shows he is putting the provinces agenda at the forefront.

Terry Bernard solicited residents to let them know of the public meeting on June 23rd with he headline "Roundabout- St.peters Road/Angus drive/ Hanmac Dr".

The meeting was in fact not about the roundabout and it was about rezoning on Angus and St Peters road. He showed bias and caused confusion with this letter, not mentioning the rezoning at all, as there were people at the meeting to discuss the roundabout and did not have anything to say about the rezoning issue on Angus Drive (lot 40) and 413 St. Peters Road . He used the city letterhead and it looked just like the letters that were sent out to the public by the Planning Department with the correct and appropriate information. He has also shown prejudice, biased and contempt against the residents on the Mel's side of St. Peters road by campaigning support for the roundabout and discriminating against those who are directly affected by the proposed zoning changes by purposely misleading residents on what the public meeting was about. He also skipped over the democratic process by forwarding letters from residents to other council members when these letters should have gone through the planning department.

This confusion over who the applicant was and why the application was put forth, and for what purpose was made worse by Dan MacIsaac, (June 22, special meeting 31:45) he said he is only applying to "accommodate the province's request". The province is not listed as an applicant, and if this rezoning was done on their behalf they should be listed as applicants. The province was present at all the public meetings and spoke only on the provincial issue which was the roundabout and had nothing to say on the rezoning. These issues should be separate. The letter sent out from City Hall from the planning department for the public meeting did not mention the roundabout. Terry Bernard, June 28, 2021 1:21:15 on youtube video, he says Dan MacIsaac was asked by the province to put forth the application. Dan MacIsaac says June 22, 2021 public meeting 29:07, he has only "officially applied and rejected once." for rezoning. Applications for rezoning have been put forth Jan 2014, April 2015, and May 2015 by Mel's for expansion and rejected each time. The province has misinformed the council and public during the whole process by negligently and deliberately misleading the public to believe that the roundabout will go ahead without the Mel's rezoning and driveway on Angus, only to come forward after the vote took place to give "new information", then asked MacIsaac to apply for rezoning on their behalf. The person who applied doesn't even believe himself that he is the true applicant in this case.

Greg Rivard should have removed himself from voting on this issue with a conflict of interest as he is a real estate agent and has potential to make tens, if not hundreds of thousands of dollars for the sale of multiple homes in the area. Most are homes that are yet to be built, so he stands to benefit off the expansion of the area. People who financially benefit off the expansion of a community shouldn't get a vote on development in that area. Currently he has property for sale on Holmes Lane and Horseshoe Boulevard. The Horseshoe listing has been up since April 2021, and the Holmes Lanes listings have been up since July 12th, that means he would have been in talks to list these developing houses while voting on the issue. As of the time I am writing this, I see 4 developing properties listed online but I will attach a photo with signs showing many more lots with Rivard's name on the signage (18 at last count), showing he has much to gain off the area's expansion.

Kris Fournier also has a major vested financial interest in the expansion of East Royalty and is continually allowed to vote on the planning committee.

Councillor Julie McCabe should have been removed as well for conflict of interest as she received a financial contribution of \$300 for her campaign from Dan MacIsaac- Kenmac Energy (photo attached).

Mayor Phillip Brown should also have been removed from chairing any meetings on this matter as he also accepted financial contributions from Mel's Enterprises -\$500, and Dan MacIsaac -\$500, for a total of \$1000. MacIsaac and Mel's Enterprises were the applicants on this issue.

> On Jul 19, 2021, at 4:54 PM, Laura Morgan <theotherquincy@gmail.com> wrote:

>
> Hello,
>
> I am attaching a notice of appeal, and other relevant information. Please let me know it was received.
>
> Laura Morgan
>
>
> <Scan 10.jpeg>
> <Resized_20210610_200955.jpg><IMG_6041.jpeg><Resized_20210719_130815
> 2.jpeg><IMG_6043.jpeg><IMG_6042.jpeg>

City of Charlottetown
PO Box 98, 199 Queen Street
Charlottetown, Prince Edward Island
Canada C1A 7S2



Great things happen here.

Councillor Terry Bernard - Ward 10
Chair of Parks, Recreation and
Leisure Activities
902 368 1634 (A)
902 688 5593 (C)
tbernard@charlottetown.ca

www.charlottetown.ca

Roundabout – St. Peter's Road / Angus Drive / Hanmac Dr

I wanted to send this notice to make sure you are aware there will be a public meeting on June 22, 2021 at 7:00pm in the Victorian Room at the Rodd Charlottetown Hotel, located at 75 Kent Street.

This meeting is being held to hear from the PEI Government and you as residents on the proposed Roundabout at the Angus Drive / St. Peter's Road / Hanmac Dr location.

In order to accommodate the creation of a Roundabout, the addition of an entrance and exit lane is required to connect from Angus Drive from Llew's Convenience Store.

City Council voted in May against this access not aware that without this access road, a Roundabout at this location cannot move forward.

After meeting with the Provincial Government, Council has voted to re-consider its decision and consult with residents at a new public meeting.

This meeting will allow residents an opportunity to hear from the province and share their opinions and input before a decision is made.

Space is limited as a result of provincial health regulations to 100 guests. Those who wish to attend must pre-register as soon as possible in order to secure your seat.

Please register with the Planning Department by email at planning@charlottetown.ca or by phone at (902) 629-4159.

Once capacity has been reached or if you wish to take part online, you have the opportunity to participate via video conference (Webex) through your computer or tablet. To register for this Webex, please also email Planning at the email and phone number above. Complete instructions will be given at that time.

You can also submit a written submission by email as well at:

planning@charlottetown.ca or letters can also be mailed directly to the Planning Department, P.O. Box 98, 199 Queen Street, Charlottetown, PE C1A 7K2. Written submissions must be received no later than Wednesday June 23, 2021 12:00pm to be part of Public Record.

If you have any questions, please feel free to contact me at tbernard@charlottetown.ca or by phone at (902) 368-1634.

Terry Bernard, Councillor Ward 10

NAME	AMOUNT
COK AND PALMER	750
GAVAN GILL INC	500
SOURCE FOR SPORTS PEI	500
J & S SHEET METAL LTD	1000
BROOK MACMILLAN	500
PARKER REALTY LTD	1000
GREEN DIAMOND EQUIPMENT	500
BRADLEY HANDRAHAN CPA	500
LOMER MACDONALD INC.	500
MACDOUGALL STEEL ERECTORS INC	500
STAN MACPHERSON (100037 PEI INC)	500
A & S SCRAP METALS LTD	1000
HAL BEVAN	300
LOT 500 PROPERTIES INC	500
THE ISLAND CONSTRUCTION LTD	1000
BEVAN ENTERPRISES INC	500
BIRT AND MACKAY BACKHOE SERVICES LTD	500
LIVINGSTON STEEL INC	500
MURPHY HOSPITALITY GROUP	500
NORMAN CLARY/3979113 CANADA	500
MEL'S ENTERPRISES INC	500
Spencer and Janet Campbell	500
Michael and Mary Jane Cassidy	500
Tom and Beth Cullen	500
iWave	500
Edna Reid	500
Joe Rooney	1000
	16050

NAME	AMOUNT
KEON DEVELOPMENTS LTD	500
ISLAND MARKETING AND ADVERTISING	1000
HAS ENTERPRISES	500
LEA MACDONALD CONSTRUCTION	500
JOHN MORRETT	400
LABEL CONSTRUCTION LTD/DEAN CROSBY	1000
HANSEN ELECTRIC	500
INN ON THE HILL (1991)	500
BRIGHTON CONSTRUCTION INC	500
PEAKE & MCINNIS LTD	500
AUSTIN MCQUAID RENTAL & LEASING INC	500
CHERRY HILL DEVELOPMENT LTD	300
RONALD MARTIN	300
VERONICA LAIDLAW	1250
10426750 CANADA INC	1250
TTK CONSTRUCTION (2015) LTD	1250
DAVID JACKSON	1250
ROBERT AND KATE GHIZ	500
TWINS HOLDINGS INC	500
BRUMAC CONSTRUCTION LTD	300
NORTHCOM INC	500
THOMAS HARLAND	1000
Don MacIsaac	500
Terry and Nora McKenna	500
Paul McKenna	500
David McKenna	500
	16800
	16050
	32850

FORM NCA-NCA-BOT-1 (PAGE 2 of 2)
DIRECT STATEMENT OF ELECTION

[illegible]

Part 1: ELECTION REPORTS (Students are to hand arguments with a (hardened))

NAME AND ADDRESS OF BORROWER	DESCRIPTION OF REPAYMENT	LOAN REPAYMENT OF FUNDING EVENT "X"	IN KES TC	AMOUNT
	Abel Akpor Settlement			

TOTAL ELECTION EXPENSES

COMPLAINTS RECEIVED

STRENGTHS CONTINUED

10
PART 3 - DECLARATION. I HEREBY DECLARE THESE EXPENSES REFLECT ALL ELECTION EXPENSES INCURRED BY ME IN RELATION TO MY CANDIDACY BUT DOES NOT INCLUDE AUDIT FEES OR VOLUNTEER LABOR OR SERVICES. I ALSO DECLARE THAT I HAVE TURNED OVER THE STATUS NOTED ABOVE TO THE CHIEF ADMINISTRATIVE OFFICER TO BE USED FOR MUNICIPAL PURPOSES.

05/01/19

Signature of Official Agent



RECEIVED

FORM MGA-RCCE-1 (PAGE 1 of 2)

TO BE SUBMITTED NOT LATER THAN JANUARY 5, 2019

DISCLOSURE STATEMENT OF CAMPAIGN CONTRIBUTIONS - MUNICIPAL GOVERNMENT ACT - 2018

CANDIDATE NAME:	Julie McCabe		
ADDRESS:	[REDACTED]		
EMAIL ADDRESS:	[REDACTED]	PHONE #	[REDACTED]
MUNICIPALITY:	Charlotte ward 9		

Part 1: CONTRIBUTIONS FROM ONE SINGLE SOURCE TOTALING MORE THAN \$250.00

(i.e. cumulative contributions from one source, amount may be lower if specified by your municipality's bylaw)

* Indicate loans, fundraising related expenses or donations in kind by marking an "X" in the column before the amount.

NAME AND ADDRESS OF CONTRIBUTOR (GREATER THAN \$250 CUMULATIVE CONTRIBUTIONS. IF NO CUMULATIVE CONTRIBUTIONS GREATER THAN \$250 WERE RECEIVED FROM ONE SOURCE, PLEASE INDICATE BY CHECKING THE BOX BELOW):

☐ I declare that no single source donated more than \$250.00.

NAME AND ADDRESS OF CONTRIBUTOR (GREATER THAN \$250 CUMULATIVE CONTRIBUTIONS. IF NO CUMULATIVE CONTRIBUTIONS GREATER THAN \$250 WERE RECEIVED FROM ONE SOURCE, PLEASE INDICATE BY CHECKING THE BOX BELOW):	LOANS (\$)	FUNDRAISING (\$)	IN KIND (\$)	TOTAL \$ AMOUNT RECEIVED FROM THIS CONTRIBUTOR
	(X)	(X)	(X)	
<input checked="" type="checkbox"/> Dan & Isaac Kenmare Energy			X	300.00
Helen Flynn			X	300.00
Ben Legault			X	200.00
Cox & Palmer Alana Taylor			X	150.00



**CITY OF CHARLOTTETOWN
AMENDMENT**

OFFICIAL PLAN (PH-OPA.1):

To adopt the Official Plan Amendment, PH-OPA.1-021, The land uses for Angus Drive (Lot 40) (PID #419143) and 413 St. Peters Road (PID #419135) as shown on Appendix A – Future Land Use Map of the City of Charlottetown Official Plan, is designated as Village Centre Commercial, hereby excluding it from its former designation of Mature Neighbourhood.

BE IT RESOLVED THAT THE "OFFICIAL PLAN AMENDMENT, (PH-OPA.1-021, as it pertains to Angus Drive (Lot 40) (PID #419143) and 413 St. Peters Road (PID #419135))", as attached, be adopted.

Date: _____ June 28, 2021

Moved by Councillor: _____ *Alanna Jankev*

Seconded by Councillor: _____ *Julie McCabe*

ZONING & DEVELOPMENT BYLAW(PH-ZD.2):

To adopt Bylaw PH-ZD.2-044, A Bylaw to amend the Zoning & Development Bylaw, "To rezone Angus Drive (Lot 40) (PID #419143) from Single Detached Residential (Large) (R-1L) Zone to the Parking (P) Zone; and 413 St. Peters Road (PID #419135) from Low Density Residential (R-2)Zone to the Parking (P) Zone."

BE IT RESOLVED THAT THE "BYLAW TO AMEND THE CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW, (PH-ZD.2-044, as it pertains to Angus Drive (Lot 40) (PID #419143) and 413 St. Peters Road (PID #419135))", as attached, be read a first time and approved; and that it be read a second time at the next Public Meeting of Council.

Date: _____ June 28, 2021

Moved by Councillor: _____ *Alanna Jankev*

Seconded by Councillor: _____ *Julie McCabe*

WHEREAS THE "BYLAW TO AMEND THE CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW, (PH-ZD.2-044, as it pertains to Angus Drive (Lot 40) (PID #419143) and 413 St. Peters Road (PID #419135))", as attached, was read and approved a first time on June 28, 2021;

BE IT RESOLVED THAT the said Bylaw be read a second time and approved.

Date: _____ July 12, 2021

Moved by Councillor: _____ *Alanna Jankev*

Seconded by Councillor: _____ *Julie McCabe*

BE IT RESOLVED THAT the said Bylaw be adopted.

Date: _____ July 12, 2021

Moved by Councillor: _____ *Alanna Jankev*

Seconded by Councillor: _____ *Julie McCabe*

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

*Deputy Mayor
Coun. absent
due to
conflict
of interest*

*6-3
(Councillors
McCabe, Doiron
and
Tweed
opposed)*

*6-3
(Councillors
McCabe,
Doiron
and
Tweed
opposed)*

*6-3
(Councillors
Tweed,
McCabe's
Doiron
opposed)*

*(B) Defeated
6-3
(Councillor Tweed, Council (moved)
McCabe's voted Seconded
Doiron by Councilor
favour)*

City of Charlottetown
A Bylaw to amend the Zoning and Development Bylaw
BYLAW # PH-ZD.2-044

BE IT ENACTED by the Council of the City of Charlottetown as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

- (1) This Bylaw shall be known and cited as the “Bylaw to amend the Zoning and Development Bylaw, Bylaw # PH-ZD.2-044”

2. Authority

- (1) Sections 16 and 18 of the Planning Act R.S.P.E.I 1988 Cap. P-8, enables the Council of the City of Charlottetown, to adopt bylaws and bylaw amendments implementing an official plan for the municipality.

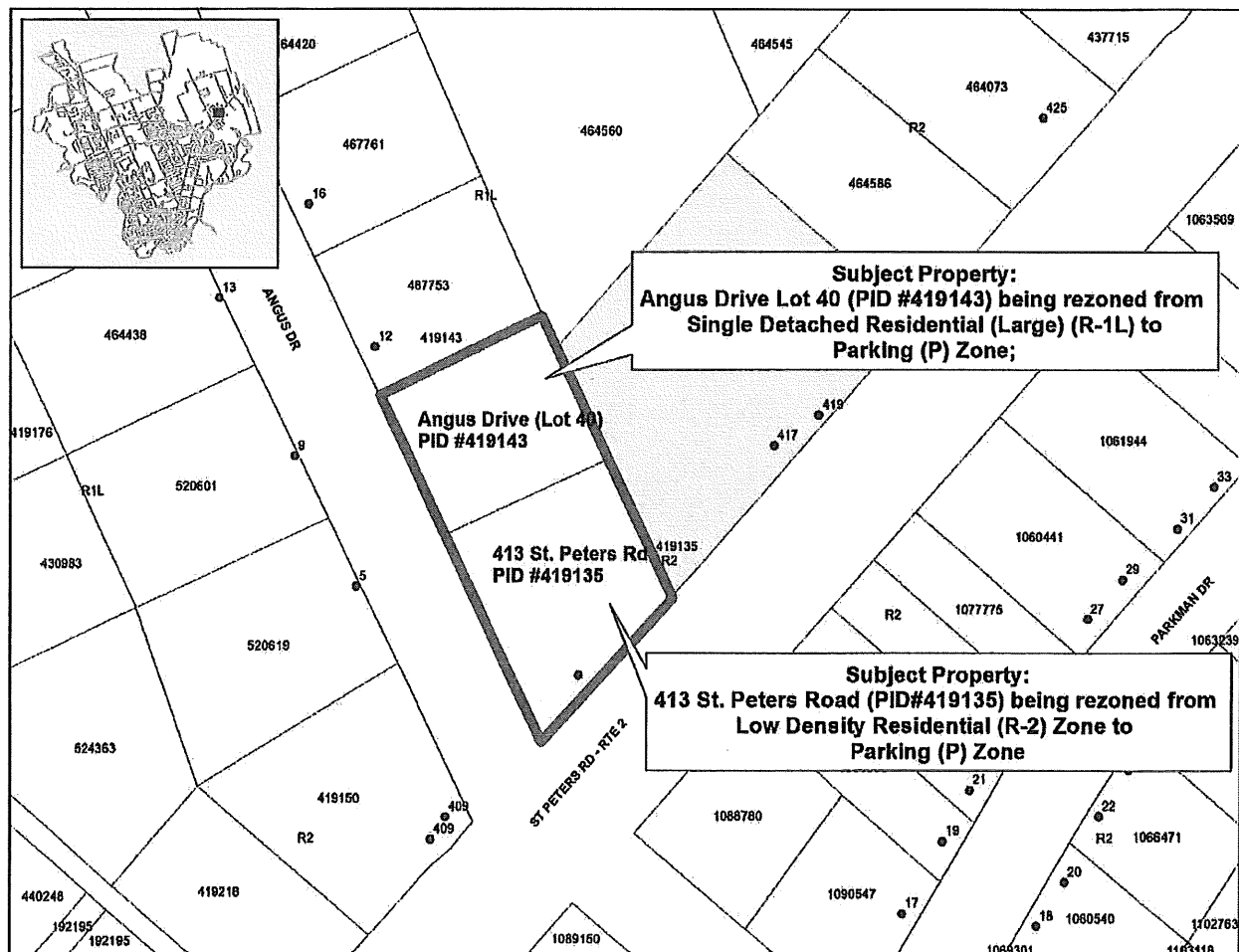
3. Purpose

- (1) The purpose of this bylaw is to amend the City of Charlottetown’s Zoning and Development Bylaw provisions found in Appendix G - Zoning Map.

PART II – AMENDMENTS

4.

- (1) The zoning of Angus Drive (Lot 40) (PID #419143) and 413 St. Peters Road (PID #419135) as shown on Appendix “G” – Zoning Map of the Zoning & Development Bylaw, Bylaw #PH-ZD.2-044, is Parking (P) Zone, hereby excluding it from its former designations of Single Detached Residential (Large) (R-1L) Zone and Low Density Residential (R-2) Zones respectively.



PART III – EFFECTIVE DATE

5. Effective Date

- (1) The effective date of the Zoning & Development Bylaw amendment is the date as signed by the Minister of Agriculture and Land.

First Reading & Approval:

This Zoning & Development Bylaw, Bylaw #PH-ZD.2-044, was read a first time and approved by a majority of Council members present at the Council meeting held on the 28th day of June, 2021.

Second Reading and Approval:

This Zoning & Development Bylaw, Bylaw #PH-ZD.2-044, was read a second time and approved by a majority of Council members present at the Council meeting held on the 05th day of July, 2021.

Adoption by Council:

This Zoning & Development Bylaw, Bylaw #PH-ZD.2-044, was adopted by a majority of Council members present at the Council meeting held on 05th day of July, 2021.

6. Signatures

Mayor/Chairperson
(signature sealed)

X_____
Chief Administrative Officer
(signature sealed)

This Zoning & Development Bylaw, Bylaw #PH-ZD.2-044, adopted by the Council of the City of Charlottetown on 05th day of July, 2021 is certified to be a true copy.

X_____
Chief Administrative Officer
(signature sealed)

Date:

MINISTERIAL APPROVAL

This Zoning and Development Bylaw amendment (PH-ZD.2-044) is hereby approved.

Dated on this ___ day of _____, _____.

Hon. Bloyce Thompson
Minister of Agriculture and Land



**CITY OF CHARLOTTETOWN
OFFICIAL PLAN**

To adopt the Official Plan Amendment, PH-OPA.1-021, The land uses for Angus Drive (Lot 40) (PID #419143) and 413 St. Peters Road (PID #419135) as shown on Appendix A – Future Land Use Map of the City of Charlottetown Official Plan, is designated as Village Centre Commercial, hereby excluding it from its former designation of Mature Neighbourhood.


Effective Date

The effective date of the Official Plan amendment is the date as signed below by the Minister of Agriculture and Land.

Adoption and Approval by Council:

The Official Plan amendment was adopted and approved by a majority of the Councillors present at the Council Meeting held on the 28th day of June, 2021.

Mayor/Chairperson
(signature sealed)



Chief Administrative Officer
(signature sealed)

MINISTERIAL APPROVAL

This Official Plan Amendment (PH-OPA.1-021) is hereby approved.

Dated on this ____ day of _____, _____.

Hon. Bloyce Thompson
Minister of Agriculture and Land



CITY OF CHARLOTTETOWN

Official Plan Amendment PH-OPA.1-021 Appendix "A" – Future Land Use Map

Authority

The Council for the City of Charlottetown under the authority vested in it by Sections 11, 14 and 18 of the Planning Act R.S.P.E.I. 1988 Cap. P-8 hereby enacts as follows:

The land uses for Angus Drive (Lot 40) (PID #419143) and 413 St. Peters Road (PID #419135) as shown on Appendix A – Future Land Use Map of the City of Charlottetown Official Plan, is designated as Village Centre Commercial, hereby excluding it from its former designation of Mature Neighbourhood.

