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MAY 14 2021

The Island Regulatory
and Appeals Commission

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 Danby (name of City, Town or Community) on the 23 day of April, 2021, wherein the Minister/Community Council made a decision to rezone # 85589 .476
Memory Lane Route 102 to commercial, industrial
Storage, Garages, F3, open air parking etc. (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)

See attached

Name(s) of Appellant(s): Brian R. Mackay Signature(s) of Appellant(s): Brian R. Mackay
Please Print

Mailing Address: PO 913 City/Town: Kensington

Province: Prince Edward Island Postal Code: C0B1M0

Email Address: brian.r.mackay@q.mail.com Telephone: 902-836-5448

Dated this 13 day of May, 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.

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.



Agriculture
and Land

Agriculture
et Terres



Land Division

120 Heather Moyse Drive
Summerside
Prince Edward Island
Canada C1N 5Y8

Division des terres

120, promenade Heather Moyse
Summerside
Île-du-Prince-Édouard
Canada C1N 5Y8

Date: November 25, 2020

Dear Property Owner:

Re: Case # 24963, Application to Change the Use of an existing Commercial (Storage) Use to a Commercial (Office Space) / Industrial (Woodworking Shop) Use, Property #85589, Darnley, application submitted by Darnley Development Inc.

This is to advise you that the Department of Agriculture and Land has an application to change the use of an existing Commercial (Storage) Use to Commercial (Office Space) / Industrial (Woodworking Shop) Use; Property #85589, Darnley, application submitted by Darnley Development Inc.

The applicant has indicated that the proposed office space will be utilized by the company's bookkeeper and the remaining building space will be used as a commercial wood working shop. This will be predominately seasonal (approx. March to October) with hours of approximately 7am to 5pm.

Please refer to the attached information provided to allow a proper response to this letter if you choose to do so.

We are requesting comments and/or any written submissions from surrounding land owners to which the application applies. If you have any comments or concerns, please forward them to us in writing within 14 days of this letter, otherwise, we will assume you have no objections and continue processing the application.

Please note: Only those property owners within 100 meters of the subject property will receive a letter for comments.

If you have any questions concerning the above, please contact me at 902-432-2559 or smacfarlane@gov.pe.ca

Final decisions on this proposal shall be posted on the PEI Planning Decisions website in the event a follow up to the approval status is required. We would suggest typing PEI Planning Decisions in your search engine.

Yours truly,

Shawn MacFarlane
Senior Development Officer

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May 4 2021 506 343 1419
 4.00 pm Irving Corporate Security
 just called about what was going
 on at 476 memory lane and wanted
 to talk about Darren Cousins and the
 Irving fields around the new
 proposed industrial zone. Told her
 I only had a couple of weeks to
 file an appeal but that everyone
 said I would have no chance to
 get it stopped or overturned because
 of all the \$100,000 grants that the
 government gave him in the last
 year. He told me that he was
 coming over as soon as the bubble
 was lifted but was checking everything
 out on Google Earth.

May 4 2021 5.17 pm
 Johana Kelly from Kensington
 North Watersheds left message that
 they were going to do a personal
 walk about to check out next
 door because the drone footage
 didn't turn out too good and asked
 if they could park here to check
 out the garbage pit and the
 way he diverted the watershed
 to the estuary.

May 5 2021
 8.50 pm Kevin Ballant, MHA Matthew
 McKays assistant called and asked
 if I was getting anywhere dealing
 with the bunk next door. Told him

Posted on P.E.I. Planning Decisions
community of Darnley for Case # 24963 file
for property 476 Memory Lane and case
85589 Same property

① Subdivision approved 85589 476 memory lane
Route 102 Darnley decision date 23/04/2021
Posted 24/04/2021 and last appeal 15/05/2021
file No. 24963 Commercial

② Permits approved 85589 memory lane
Route 102 Darnley 23/04/2021 - 24/04/2021
appeal 15/05/2021 S-2020-0199 industrial,
Storage garages, including open air parking
garages

③ Permits approved 85589 memory lane
Route 102 Darnley 23/04/2021 - 24/04/2021
appeal 15/05/2021 - S-2020-0200
industrial, other (F3)

④ 476 memory lane 27/09/2016 - 28/09/2016
appeal 19/10/2016 24553-24553A
vacant idle

⑤ 85589 memory lane Darnley 21/10/16
S-2018-0120 legacy Residential Single

⑥ 476 memory lane 21/07/2017 # 24625
agriculture

⑦ 85589 memory lane Route 102 Darnley
25/07/2017 - 26/07/2017 # ~~2008~~ S-2017-
0056 legacy Storage building.

* ⑧ Don't know where 476 memory lane
is because the curv address for the
new house is #472 and the warehouses
are #452 memory lane. Small house in
front of warehouses is listed as #466.
No #476 on whole road, Route #102
My house next door on North side
is #28 memory lane Wrong # on 472?

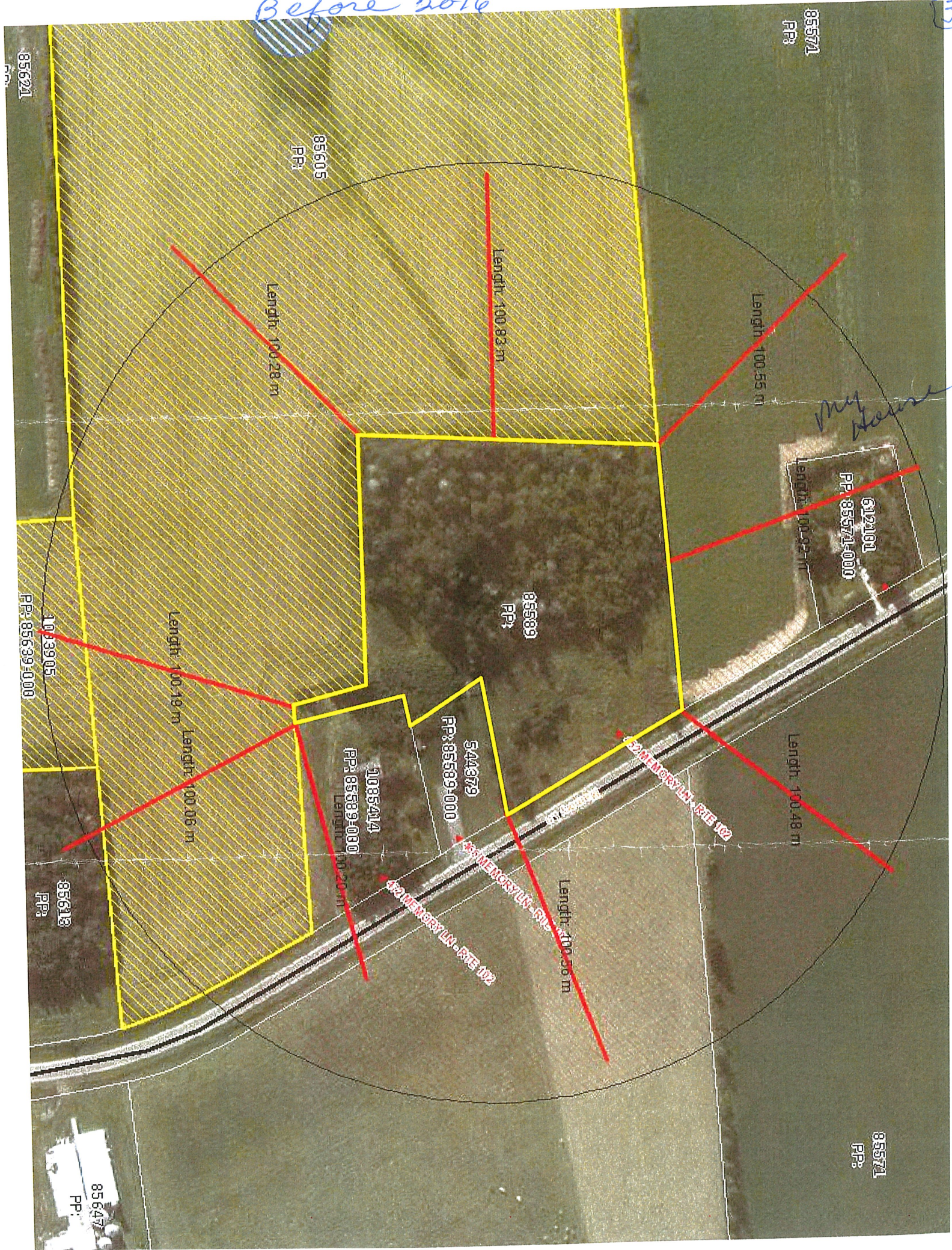
Grounds for appeal and relief:

- My house is only 100 ft away from this new industrial site, which is the only one on the tax rolls for this area if approved
- More provisions granted in the approval of the rezoning changes than original document asked for dated Nov 25 2020 case # 24963
- No stop work order was issued when Shawn MacFarlane inspected the violations in July 2020.
- No building permits issued for 2/3rds of the warehouses on the property.
- Large illegal burn pit behind warehouse for the burning of industrial waste. See ariel pictures #1
- diverted water shed spillway into burn pit and the spring that overflow carried garbage and industrial waste into Malpeque Bay feeder stream. Malpeque Bay is one of only 36 sites designated as wetlands of international importance in Canada (Ramsar Sites)
- also diverted the overflow away from Mary Jean Irvings green zone in the field next to the industrial site.
- manure pile placed within 150 ft of my house
- Unsanitary premise
- No sound barrier for wood debarker or top soil sifter.

- no fence to hide derelict vehicles and wood chip piles.
- loud noise day and night seven days a week all year long.
- at least four different businesses run out of the shops with lots of traffic. Ex. Sawmill, landscape, construction, cottages and furniture etc.
- devalue of my house & land.
- lack of privacy.

Well I could go on but you get the picture. This has been an ongoing issue for the last two years or so and if it is this bad now, what happens if he is actually granted a zone change? He has lots of land including Turn Shores campground but I am sure he wouldn't want to disturb his campers with all the traffic and noise by having this in the field with the other large burn pit there. New industrial site being built in Kensington (10Klm) away and would be a great place to run a wood chipper, sawmill, soil sifter, dump trucks, etc.

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Memory Ln

Garbage
pit
set
on fire
Dec 17
2020



Approximate property lines of PID 85589

#1