



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission  
Commission de réglementation et d'appels  
ÎLE-DU-PRINCE-ÉDOUARD



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Commission Case Number  
(Commission Office Use Only)

LA22-010

Date Stamp  
Appeal Received by the Commission

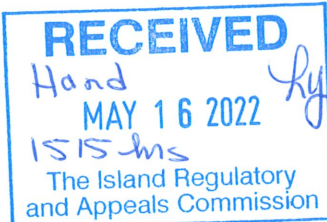
## Notice of Appeal

(Pursuant to Section 28 of the Planning Act)

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.

Please review each section of the form carefully and fill out all relevant sections. Kindly note that if a Notice of Appeal is deficient it may not be accepted for filing.

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 [appealinquiries@irac.pe.ca](mailto:appealinquiries@irac.pe.ca).



### Section 1 – Contact Information

NOTE: Fill out a separate contact information sheet for each individual appellant if applicable

Appellant Information			
Last Name: MORRIS		First Name: Katherine	
Company Name or Association Name (if applicable):			
Email address: ka.morris2015@hotmail.com			
Daytime Telephone Number: 902-393-5622		Alternative Telephone Number:	
Mailing Address 16 Ferne Ave			
Unit Number:	Street Number: 16	Street Name: Ferne Avenue	P.O. Box:
City / Town / Community: CH4000	Province: PEI	Country: Canada	Postal Code: C1E 1T9
Signature of Appellant / Legal Counsel (if applicable):			

Representative Information (If applicable)			
<input type="checkbox"/> I hereby authorize the named individual(s) to represent me.			
Last Name:		First Name:	
Company Name or Association Name (if applicable):			
Email address:			
Daytime Telephone Number:		Alternative Telephone Number:	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City / Town / Community:	Province:	Country:	Postal Code:
<input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Legal Profession Act</i> and I have provided my written authorization (attached) to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time.			
Signature of Appellant:			
Signature of Representative:			

\* More information to be received

## Section 2 – Appeal Information

### Appeal Reasons and Specific Information

Municipal Reference Number(s) (if applicable):

List the reasons for your appeal in accordance with the provisions of Section 28.(5) of the **Planning Act** (if more space is required, kindly fill out a separate sheet and attach it to this form):

Lack of Traffic Study - determined not required by Scott Adams of public work who was referred by Councillor Jelic as not a traffic expert in Planning meeting May 2nd

Failure to Follow Sound Planning's principles  
Failed to Follow The official Charlotte Town Plan

Highfield Heights is a mature R1 Zoned Subdivision of 85 to 95 Lots. We are Zoned R1, New Subdivision was denied access to Route 2, & advised could come through us to our entrances & exits. They are currently Zoned R2 with 137 Lots Potential of 274 homes. This could raise traffic to 300% of what we are used to. The plan refers to moderate increase of traffic, 300% is not modest, or balanced & comfortable development. This will negatively affect our quality of life, by noise, pollution & potential for traffic accidents, and fears for walkers & children trying to enjoy Fresh air & get to the park safely as we do not have side walks

Has a public meeting been held by the municipality? ☐ Yes ☒ No

Did you apply for a development permit, occupancy permit, subdivision approval, change of use amendment or bylaw amendment? ☐ Yes ☒ No

### Oral / Written Submissions to Council

Did you make your opinion regarding this matter known to council / the Minister?

☐ Oral Submissions at a public meeting of council / the Minister?

☒ Written Submissions to council *ors, + Mayor & Minister of Highway Transportation*

☐ Not Applicable

### Related Matters

Are there other appeals not yet filed with the Commission?

☐ Yes ☐ No

Are there other matters related to this appeal? (For example: **An Environmental Protection Act** Appeal)

☐ Yes ☐ No

If yes, please provide the Commission Appeal Number(s) and / or Municipal File Number(s) and / or the Provincial File Number(s) or Court Docket Number(s) for the related matters:

### Section 3 – Relief Sought

#### Relief Sought and Specific Information

List or describe the relief sought in accordance with the provisions of Section 28.(5) of the *Planning Act* (if more space is required, kindly fill out a separate sheet and attach it to this form):

Stop work until reconsideration of traffic issue is addressed and a new exit & entrance is given.

OR Zone The subdivisions the same as ours R1. which would then just be a moderately high density City should ensure adequate infrastructure is place prior or develop concurrently with new development

See attachment of letter from Alex Forbes indicated lights were an option For Route 2 entrance & exit

#### Section 4 – Declaration

##### Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant	Signature of Appellant or Legal Counsel	Date (yyyy/mm/dd)
Katherine Morris	Katherine Morris	May 16 <sup>th</sup> 2022
Name of Representative (if applicable)	Signature of Representative	Date (yyyy/mm/dd)

Personal information or documentation requested on this form is collected under the authority of the *Island Regulatory and Appeals Commission Act* and the legislation under which the proceeding is commenced. All information collected is included in the IRAC case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act*, some of the information collected herein may be available to the public subject to exceptions.

**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, the Minister or the third party(ies) as the case may be. ***Service of the Notice of Appeal is the responsibility of the Appellant.***

**Divisions**

PID	CASE#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
1016294	n/a	9-Jul-2019	26-Apr-2022	APPROVED	Windsor Park - Phase 4	Lot subdivision (20 Lots) - Supersedes approval issued April 26, 2021	Mullache Properties Inc	17-May-2022
1047562, 669630	n/a	7-Oct-2021	26-Apr-2022	Preliminary Approval	339 Malpeque Road (Hidden Valley Subdivision)	Lot subdivision (100 lots: 1-42, 45-73, 94, 95 & 117-143)	New Age Investment Group Inc.	17-May-2022

File # 2021-057

**Approvals**

PID	PERMIT#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
365502	002-RZN-22	19-Jan-22	25-Apr-22	Passed Second Reading, awaiting Ministerial approval	18 Park Street	Request for a site-specific exemption to develop a four (4) unit residential apartment building on the property located at 18 Park Street (PID# 365502), subject to the signing of a Development Agreement.	Park Street Properties Ltd.	16-May-22

**Forbes, Alex**

Tue, Apr 26,  
5:07 PM

to Mayor, Terry, Julie, Zachary, premier@gov.pe.ca, Scott, me, Jason

Mr. and Ms. Roach:

Thank you for your recent email outlining your concerns about the Hidden Valley Subdivision. In your email you request reconsideration of the decision regarding the design for the ingress and egress of traffic for the newly approved "Hidden Valley" subdivision along side Malpeque Road/ Route 2. Please be advised that you can seek to have this decision formally reconsidered by the Planning Board and Council after the preliminary plan of subdivision is signed off by the municipality. This subdivision has not received preliminary subdivision approval to date, but I anticipate that this approval is likely to occur sometime later this week. Please monitor the City's Website for development approvals issued by the Planning Department at the following link: [https://www.charlottetown.ca/resident\\_services/permits\\_applications/building\\_perm\\_it\\_approvals](https://www.charlottetown.ca/resident_services/permits_applications/building_perm_it_approvals). Please note that you have 21 days from the date of preliminary approval within which to seek a reconsideration by the City and/or appeal the development officer's decision to the Island Regulatory & Appeals Commission..

If you wish to seek a formal reconsideration of the anticipated approval of the Hidden Valley S//D, I refer you to the provisions of section 3.15 of the City's Zoning & Development Bylaw and in particular sub-sections 3.15.3 available on line at <https://www.charlottetown.ca/common/pages/DisplayFile.aspx?itemId=14140205> or see attached.

Just a few brief responses on some of your questions:

With regard to the zoning on the property, I would note that this property has been zoned as such since amalgamation. Therefore, the current Council would not have been involved in any rezoning applications related to this property.

With regard to the request for a traffic study, the Zoning By-law only requires this as a condition of subdivision approval if deemed necessary. In this case, the proposed subdivision was reviewed by the Manager of Public Works who determined that the proposed subdivision met all City requirements relating to traffic and road design. The City was also in communication with the Provincial traffic engineers who indicated that they will not allow direct access to Route 2 from the proposed subdivision unless a signalized intersection is provided to their satisfaction. I should also note that there were a number of future road connectors planned from your subdivision (Highfield Heights) in the mid 1980's to extend into the adjacent parcel of land now referred to as Hidden Valley Subdivision. As a result, the proposed developer of Hidden Valley can design his subdivision and meet City requirements without providing direct access to Route 2.