



Joose Environmental Consulting Inc.
PO Box 19
North Wiltshire, PE C0A 1Y0

March 18, 2024

Joose Environmental Project No. JE0728

Via email: babryanton9@gmail.com

Ms. Betty Ann Bryanton
1129 Apolydor Avenue
Ottawa, ON K1H 8B1

Attention: Ms. Betty Ann Bryanton

Dear Ms. Bryanton:

**Reference: Residential Lot Development Review - Environmental Concerns
158 Paradise Drive (Parcel No. 931741), Little Pond, Kings County, PEI**

Introduction

The purpose of the letter is to provide an unbiased review of the summer residential lot and current onsite development located at 158 Paradise Drive (Parcel No. 931741), Little Pond, Kings County, PEI. The review is in relation to the current development on the subject site, including a single cottage and four (4) outbuildings and potential concerns (i.e., public health and detrimental impact) as outlined in the Record of Decision prepared by the PEI Department of Agriculture and Land (PEIDAL) dated December 13, 2022. We understand this report is required for purposes of a pending appeal before the Island Regulatory & Appeals Commission (IRAC).

Scope of Work

The scope of work for the review of the specific concerns related to the current summer residential development includes the following components:

- Review of all available information regarding the site including but not limited to historical aerial photos, ortho mapping and information pertaining to the IRAC Hearing and Appeal process;
- Site visit on February 27, 2024 to review current conditions; and
- Preparation of this letter to address the issues identified in the PEIDAL Record of Decision (December 13, 2022) regarding the reasons for denying the application for the three (3) storage/accessory buildings located on the subject site. This letter specifically addresses the issues that pertain to Detrimental Impact under the *PEI Planning Act*.



Current Site Conditions and Background

The subject site is located within a summer residential cottage lot subdivision at civic address 158 Paradise Drive (Parcel No. 931741), Little Pond, Kings County, PEI. The subject site is located along the south shore of PEI adjacent Boughton Bay and is primarily surrounded by seasonal residential cottages and agricultural properties. A site visit was made by Joose Environmental personnel on February 27, 2024 to review current conditions at the subject site. During the site visit a total of five (5) structures were identified including:

- C: Cottage;
- A1: Storage/Accessory Building No. 1;
- A2: Storage/Accessory Building No. 2;
- A3: Storage/Accessory Building No. 3; and
- A4: Storage/Accessory Building No. 4.

A site drawing showing the above noted structures, location of the site well and onsite septic system (i.e., septic tank and associated tile field) is attached for reference. Also attached are photos taken at the subject property during the site visit showing the above noted structures and other views of the subject site. During the site visit a walk around each structure was carried out, with all buildings appearing to be of sound condition and aesthetically pleasing in appearance. The subject property has relatively mature trees and shrubs along the north, west and east property boundaries with wetland/Boughton Bay to the south. The site appeared to be well kept with no excess material around any of the structures on site however a complete review of the site surfaces could not be made due to the snow-covered conditions.

The PEIDAL Record of Decision Letter (December 13, 2022 - attached) denied the application for the placement of the Storage/Accessory Building identified as A2, A3 and A4. As outlined in the letter the reasons for the denial were provided as follows:

“The provincial interests, 2.1.(1) of the Planning Act, include 2 key sections relevant to this:

- h) The effect of the proposed planning development on, and measures for the protection of public health and safety
- i) The orderly and sustainable development of safe and healthy communities
 - The two additional sheds (A2 & A3) are being used as apparent shelters/bunkees, with no toilets or running water. This would not meet typical health standards. It is also clear that they are not of a legal use that is incidental to the single dwelling unit.

- The very nature of the sheds (A2 & A3) being used as shelters/bunkees, and not for storage, indicates that only one shed is actually needed for storage.
- An average residential yard will have one garage and/or one shed.
- The placement of the structures (A2 & A3) on the property is not orderly for the use (as storage). Sheds generally are placed immediately beside or behind a dwelling unit.
 - The use of illegal shelters/bunkees (A2 & A3) is unsafe and unhealthy.
 - With the toilet being moved inside the dwelling unit, the current structure (A4) used for the former composting toilet should be removed. There is no rationale for this structure to remain.

Due to the risk to public health and safety of the apparent shelters/bunkees (A2 & A3), the placement of these structures is in violation of subsection 3. (2)(a), (d) and (e) of the Planning Act Subdivision and Development Regulations. As well, as these types of shelters/bunkees are not clearly defined in the Planning Act Subdivision and Development Regulations and could be construed as shelters for human occupancy, they are in violation of section 34 of the Planning Act Subdivision and Development Regulations as the use of the shelters/bunkees would not conform with the approved use of the lot for summer cottage use - 1.(v.2) "summer cottage" means a single-unit dwelling that is intended to be occupied primarily during the summer months."

Detrimental Impacts (Related to Public Health and Public Safety)

As identified above the PEIDAL rejected the placement of the three Storage/Accessory Building (i.e., A2, A3 and A4) in violation of Subsection 3. (2)(a), (d) and (e) of the *PEI Planning Act* Subdivision and Development Regulations detailed below:

PEI Planning Act Subdivision and Development Regulations

3.(2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would

- (a) not conform to these regulations or any other regulations made pursuant to the Act;
- (d) have a detrimental impact; or
- (e) result in a fire hazard to the occupants or to neighbouring buildings or structures.

1.(f.3) "detrimental impact" means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to

- (i) real property value;

- (ii) competition with existing businesses;
- (iii) viewscales; or
- (iv) development approved pursuant to subsection 9(1) of the *Environmental Protection Act*;

34. No development permit shall be issued where the proposed use of the building or structure is contrary to the use specified on an approved subdivision plan. (EC693/00)

Conclusions

Based on information provided to us by the property owner and on our review of the current site conditions, it is our unbiased professional opinion that the reasons put forth previously for the denial of the placement of the three (3) Storage/Accessory Building (i.e., A2, A3 and A4) are no longer relevant based on the following:

- The Storage/Accessory Buildings A2 and A3 are currently utilized exclusively for storage with no intentions on the part of the property owner to use these structures as shelters/bunkers;
- An onsite sewage disposal system (i.e., septic tank and associated tile field) was installed in October 2018 by a PEI Licensed Septic System installer (i.e., Cardigan Excavators);
- In relation to the placement of the onsite storage/accessory buildings, the subject site is private residential property within a seasonal cottage subdivision with no specific regulations in place (i.e., subdivision covenants), other than setbacks from the property lines and other infrastructure on site (e.g., well, septic system, etc.). In addition, the storage/accessory building appear to be well maintained and due not impact the viewscales of the subject or neighbouring properties; and
- No detrimental impacts have been identified as the perceived risk to Public Health and Public Safety are no longer valid as the storage/accessory buildings are not being used as shelters/bunkees and the Cottage is now serviced by an onsite sewage disposal system installed at the subject site by a licensed installer.

Closure

This letter has been prepared for the sole benefit of Betty Ann Bryanton. The letter may not be used by any other person or entity without the express written consent of Betty Ann Bryanton and Joose Environmental Consulting Inc.

The conclusions are based on an unbiased review of the current site conditions and information provided by the client and our professional knowledge as an environmental consultant on PEI with over 30 years of experience. Due to the nature of the investigation and the limited data available, Joose Environmental Consulting Inc. cannot warrant against undiscovered environmental liabilities.

We trust this letter report contains all of the information required at this time, and we are available at your convenience should you have any questions.

Sincerely,

JOOSE ENVIRONMENTAL CONSULTING INC.



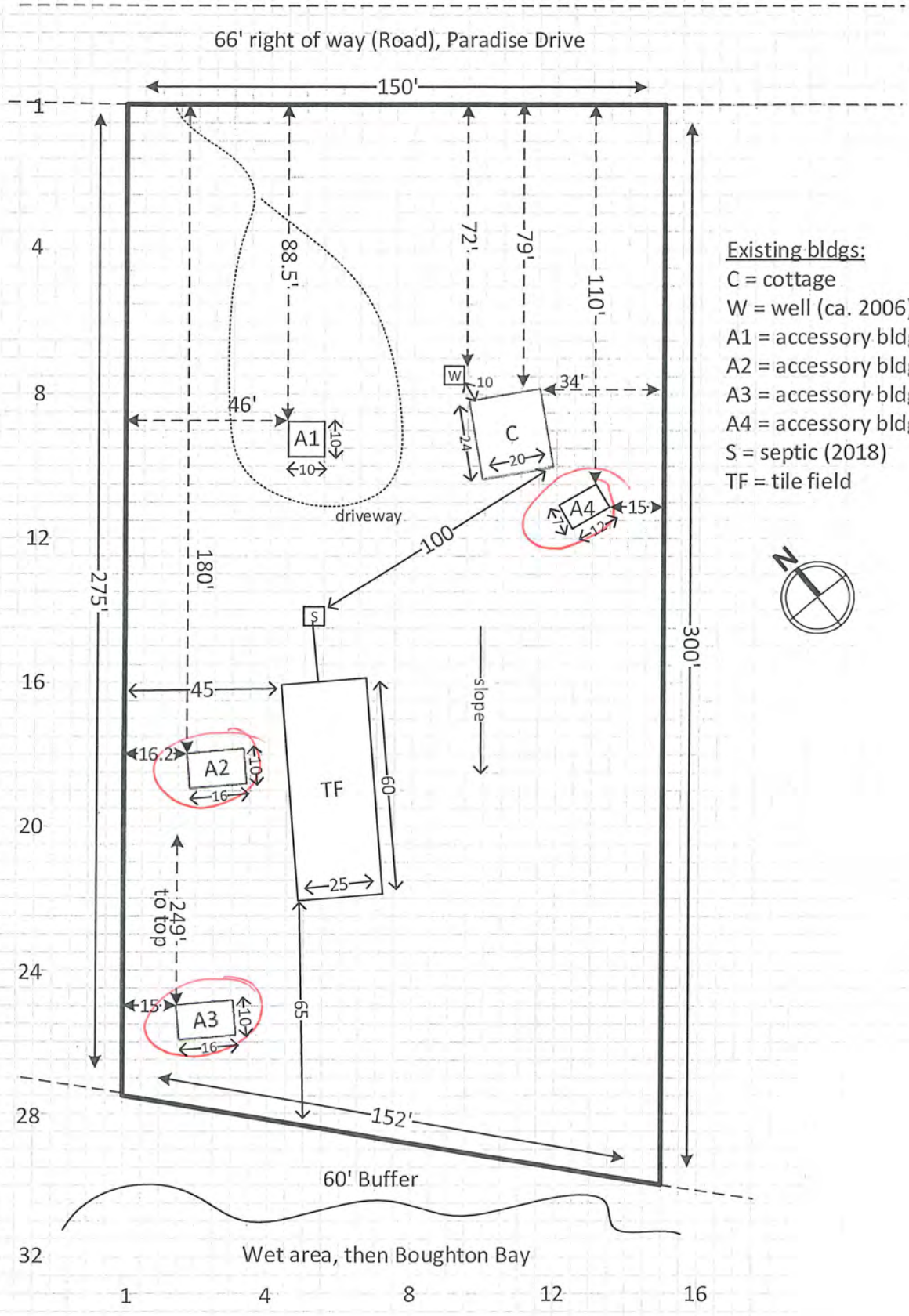
Peter H. Joostema, FEC, P. Eng., CESA
Principal Environmental Engineer
pjoostema@jooseenv.com

Attachments: Site Drawing, Photo Log and PEIDAL Record of Decision Letter

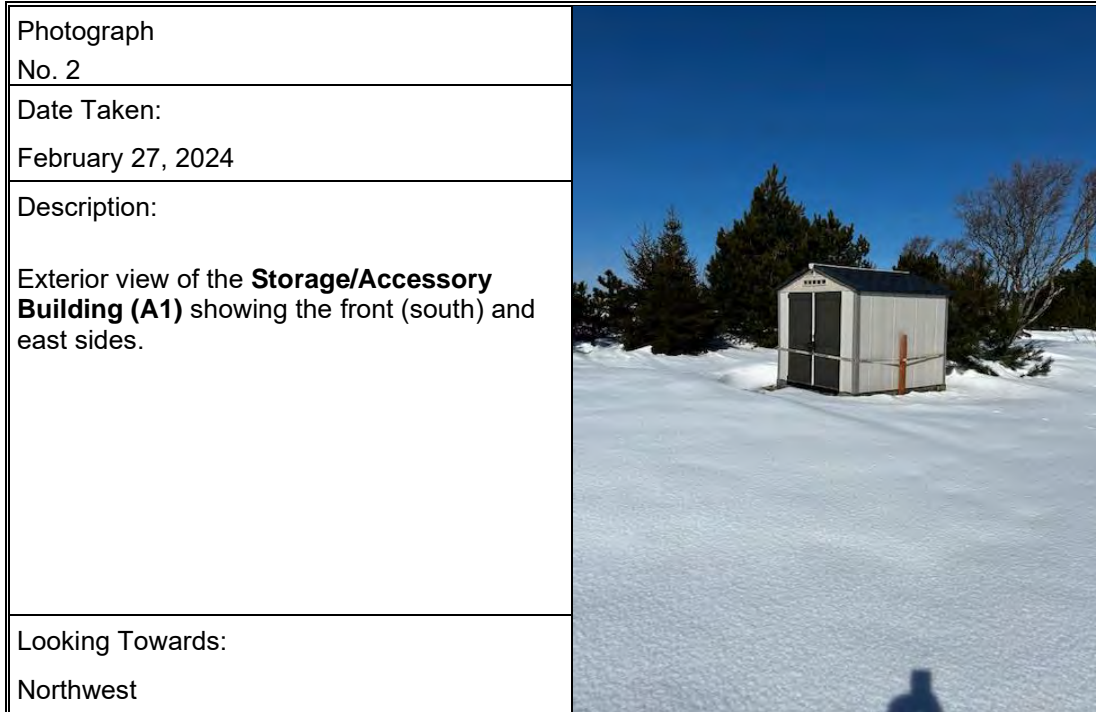
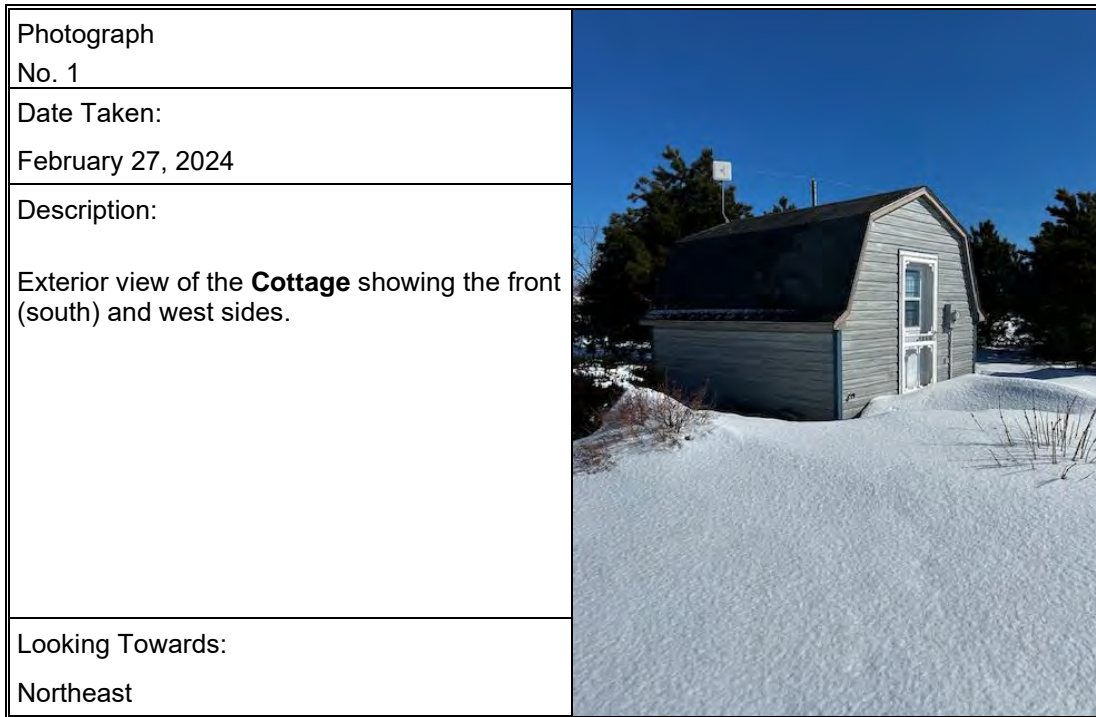
PHJ/mj

Bryanton - Cottage

158 Paradise Dr, Little Pond, PEI
 Legend: 1 square = 5 feet



PHOTOGRAPHS




Site Name: 158 Paradise Drive (Parcel No. 931741) - Residential Summer Cottage


Site Address: 158 Paradise Drive, Little Pond, Kings County, PEI

Project No.: JE0728



PHOTOGRAPHS

Photograph No. 3	
Date Taken: February 27, 2024	
Description: Exterior view of the Storage/Accessory Buildings (A2 and A3) showing the front (east) and north sides.	
Looking Towards: Southwest	

Photograph No. 4	
Date Taken: February 27, 2024	
Description: Exterior view of the Storage/Accessory Building (A2) showing the front (east) side.	
Looking Towards: West	

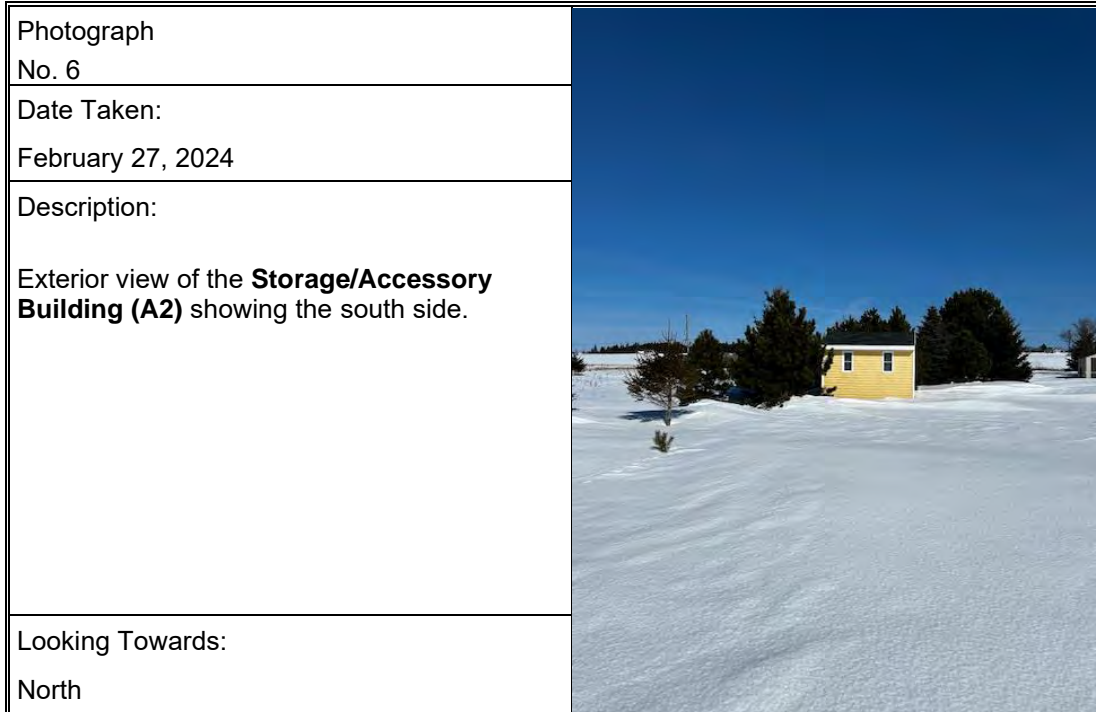
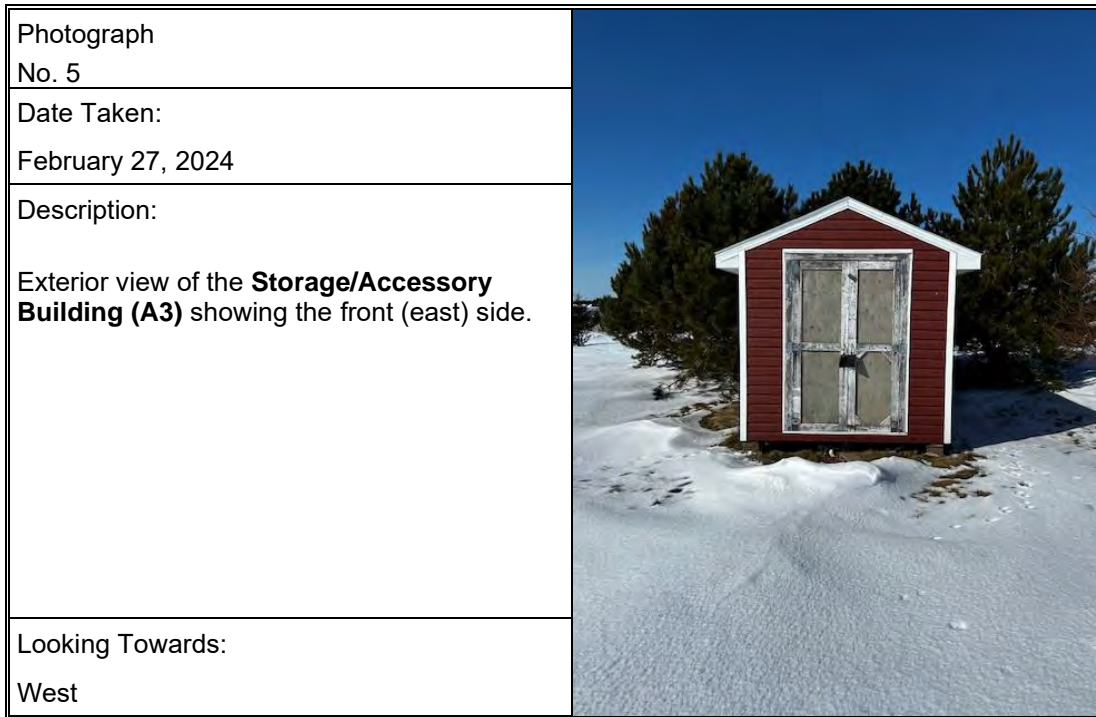
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PHOTOGRAPHS

Photograph No. 7	
Date Taken: February 27, 2024	
Description: Exterior view of the Subject Site looking toward Boughton Bay (South).	
Looking Towards: South	

Photograph No. 8	
Date Taken: February 27, 2024	
Description: Exterior view of the Storage/Accessory Building (A2) showing the south side with Storage Buildings (A1 and A4) and Cottage in the background.	
Looking Towards: Northeast	

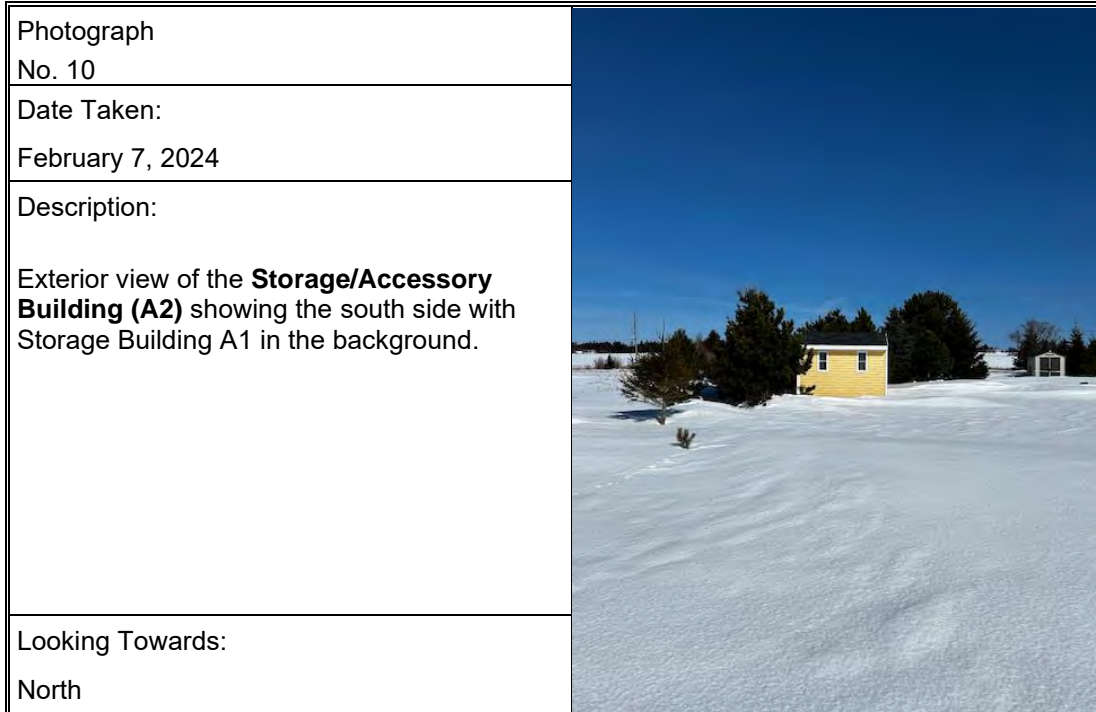
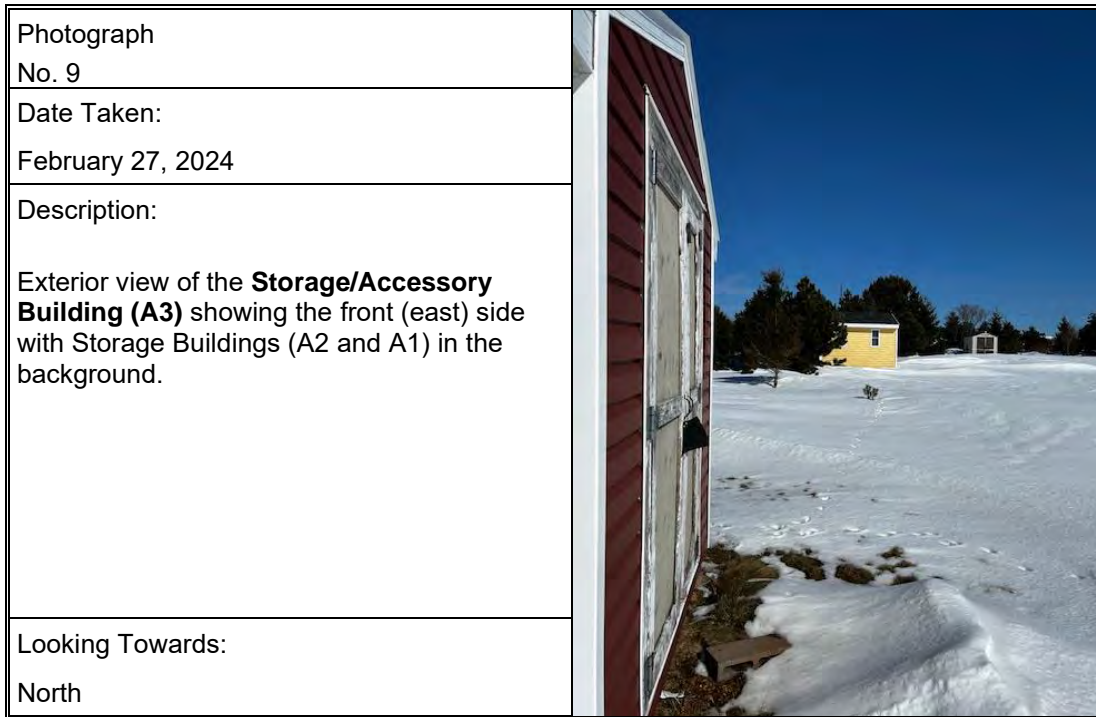
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Site Address: 158 Paradise Drive, Little Pond, Kings County, PEI

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PHOTOGRAPHS

Photograph No. 11	
Date Taken: February 27, 2024	
Description: Exterior view of the adjacent property and cottage to the west.	
Looking Towards: West/Northwest	

Photograph No. 12	
Date Taken: February 7, 2024	
Description: Exterior view of the subject site and adjacent properties to the east.	
Looking Towards: North/Northeast	


Site Name: 158 Paradise Drive (Parcel No. 931741) - Residential Summer Cottage


Site Address: 158 Paradise Drive, Little Pond, Kings County, PEI

Project No.: JE0728



PHOTOGRAPHS

Photograph No. 13	
Date Taken: February 27, 2024	
Description: Exterior view of the subject site and adjacent properties to the east showing the neighbouring cottage roof line just above the trees.	
Looking Towards: North/Northeast	

Photograph No. 14	
Date Taken: February 27, 2024	
Description: Exterior view of the subject site to the north with the Cottage and storage/accessory buildings (A1 and A4) shown in the background.	
Looking Towards: North	


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Site Address: 158 Paradise Drive, Little Pond, Kings County, PEI

Project No.: JE0728



PHOTOGRAPHS

Photograph No. 15	
Date Taken: February 27, 2024	
Description: Exterior view of the subject site showing the view to the south.	
Looking Towards: South	

Photograph No. 16	
Date Taken: February 27, 2024	
Description: Exterior view of the tree line bordering the east side of the subject site.	
Looking Towards: Southeast	


Site Name: 158 Paradise Drive (Parcel No. 931741) - Residential Summer Cottage


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PHOTOGRAPHS

Photograph No. 17	
Date Taken: February 27, 2024	
Description: Exterior view of the Storage/Accessory Building (A4) showing the front (southwest) side with the Cottage to the left on the photo.	
Looking Towards: Northeast	

Photograph No. 18	
Date Taken: February 27, 2024	
Description: Exterior view of the Storage/Accessory Building (A4) showing the front (southwest) side.	
Looking Towards: Southwest	

Site Name: 158 Paradise Drive (Parcel No. 931741) - Residential Summer Cottage

Site Address: 158 Paradise Drive, Little Pond, Kings County, PEI

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Agriculture
and Land

Agriculture
et Terres



Land Division

31 Gordon Drive
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

Division de terres

31, promenade Gordon
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

December 13, 2022

Betty Ann Bryanton
1129 Apolydor Ave
Ottawa, ON K1H 8B1

Dear Ms. Bryanton:

Subject: Application for 3 accessory structures to a Residential cottage (A2, A3 and A4 on the attached sketch)
Property ID #: 931741
Property Location: Little Pond
Our File References: M-2022-0160, M-2022-0161 & M-2022-0162

A. The Application

The Minister of Agriculture and Land has reviewed your application for three accessory structures (A2, A3 & A4 on the attached sketch) on Lot 12, Sub. Plan # 15756 located in Little Pond PEI. Lot 12 was approved for summer cottage use only on February 3, 1999.

B. Decision

The Minister of Agriculture and Land is denying the applications for the three accessory structures (A2, A3 & A4 on the attached sketch) in Little Pond PEI as per the *Planning Act*, sections 2.1.(1)(h) & (l) and the *Planning Act* Subdivision and Development Regulations subsection 3.(2)(a), (d) & (e) and section 34.

C. Reasons

The provincial interests, 2.1.(1) of the *Planning Act*, include 2 key sections relevant to this:

- h) The effect of the proposed planning development on, and measures for the protection of public health and safety
- l) The orderly and sustainable development of safe and healthy communities
 - The two additional sheds (A2 & A3) are being used as apparent shelters/bunkees, with no toilets or running water. This would not meet typical health standards. It is also clear that they are not of a legal use that is incidental to the single dwelling unit.

- The very nature of the sheds (A2 & A3) being used as shelters/bunkees, and not for storage, indicates that only one shed is actually needed for storage.
- An average residential yard will have one garage and/or one shed.
- The placement of the structures (A2 & A3) on the property is not orderly for the use (as storage). Sheds generally are placed immediately beside or behind a dwelling unit.
- The use of illegal shelters/bunkees (A2 & A3) is unsafe and unhealthy.
- With the toilet being moved inside the dwelling unit, the current structure (A4) used for the former composting toilet should be removed. There is no rationale for this structure to remain.

Due to the risk to public health and safety of the apparent shelters/bunkees (A2 & A3), the placement of these structures is in violation of subsection 3.(2)(a), (d) and (e) of the *Planning Act* Subdivision and Development Regulations. As well, as these types of shelters/bunkees are not clearly defined in the *Planning Act* Subdivision and Development Regulations and could be construed as shelters for human occupancy, they are in violation of section 34 of the *Planning Act* Subdivision and Development Regulations as the use of the shelters/bunkees would not conform with the approved use of the lot for summer cottage use - 1.(v.2) “summer cottage” means a single-unit dwelling that is intended to be occupied primarily during the summer months.

Planning Act

2.1.(1) The Minister in carrying out the Minister’s responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as

(h) the effect of proposed planning development on, and measures for the protection of, public health and safety;

(l) the orderly and sustainable development of safe and healthy communities;

Planning Act Subdivision and Development Regulations

3.(2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would

(a) not conform to these regulations or any other regulations made pursuant to the Act;

(d) have a detrimental impact; or

(e) result in a fire hazard to the occupants or to neighbouring buildings or structures.

1.(f.3) “detrimental impact” means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to

(i) real property value;

(ii) competition with existing businesses;

(iii) viewscapes; or

(iv) development approved pursuant to subsection 9(1) of the Environmental Protection Act;

34.No development permit shall be issued where the proposed use of the building or structure is contrary to the use specified on an approved subdivision plan. (EC693/00)

D. Right of Appeal

Notice of this decision will be posted on the PEI Planning Decisions website. We suggest typing "PEI Planning Decisions" into your internet search engine to link to the website.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission ("IRAC") (PO Box 577, Charlottetown, PE, C1A 7L1: <http://www.illac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you have any questions in regards to this decision, contact me at (902) 368-4465 or emlloyd@gov.pe.ca.

Sincerely,



Eugene Lloyd
Manager (Acting) of Provincial Planning

Bryanton - Cottage

158 Paradise Dr, Little Pond, PEI

Legend: 1 square = 5 feet

