

BEFORE THE ISLAND REGULATORY AND APPEALS COMMISSION

IN THE MATTER OF an appeal pursuant to section 28 of the *Planning Act*, RSPEI 1988 c P-8, by Valley Grove Enterprises Ltd. against the October 2, 2025 decision of the Minister of Housing, Land and Communities to deny an application for a change of use application on PID 82040 located at 1073 Blue Shank Road, Wilmont Valley, PE

**RECORD OF DECISION PREPARED BY
THE MINISTER OF HOUSING, LAND AND COMMUNITIES**

Stephen Flanagan
Legal Services
Justice and Public Safety
95 Rochford Street, PO Box 2000
Charlottetown, PE

**Lawyer for the Minister of
Housing, Land and Communities**

Geoff Gibson and Erin Mewburn
Heritage Law
5 Prince Street
Charlottetown, PE C1A 4P4

Lawyer for the Appellants
Valley Grove Enterprises Ltd.

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TAB

1



Housing, Land
and Communities

Logement, Terres
et Communautés



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

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

October 02, 2025

Valley Grove Enterprises Ltd.
1154 Blue Shank Road
Wilmot Valley, PE
C0B 1M0

Dear Applicants:

Subject: Application to establish an Industrial (Recycling Facility) Use
Property ID : 82040
Property Location: Blue Shank Road, Wilmot Valley, Prince County
Our File References: Case # 2025-042

The Department of Housing, Land and Communities has reviewed your application to change the use of PID 82040 from Resource Agriculture (Storage/Warehouse) Use to Industrial (Recycling Facility) Use on Property 82040, application paid for on September 02, 2025, located in Wilmot Valley.

A. The Application

Subdivision/Change of Use: The Subject Property was approved as Lot 24-1 via Sub.Plan 25541B for Resource Agriculture (Storage/Warehouse) Use on July 29th, 2025. The application was submitted to change the use of this parcel to Industrial (Recycling Facility) Use. Property # 82040 is located within the Summerside Special Planning Area.

B. Decision

The Subject Property is within a geographic area where land use and development are not regulated by a local official plan or zoning by-law. Therefore, the Subject Property falls within the jurisdiction of this Department. Land use and development are regulated by the *Planning Act* Subdivision and Development Regulations and other provincial laws and regulations.

Pursuant to subsections 63.(4) & 63.(4.1) of the *Planning Act* Subdivision and Development Regulations, the above noted application is Denied. The reasons for this decision are explained in detail below.

C. Reasons

The *Planning Act* Subdivision and Development Regulations provide provisions for the subdivision/change of use of a parcel of land within the Summerside Special Planning Area as per Section 63. Within the Summerside Special Planning Area, a parcel of land is eligible for subdivision / change of use for only the land uses listed in Section 63.(4). Non-Resource commercial or industrial use is not listed in the approved land uses and therefore, unable to approve the establishment of these uses within this Special Planning Area. Section 63.(4.1) indicates that a non-resource commercial or industrial lot may be subdivided if it is to be appended or consolidated with land that was previously approved for non-resource related commercial or industrial use prior to July 9, 1994. PID # 82040 was approved as Lot 24-1 via Sub.Plan 25541B for Resource Agriculture (Storage/Warehouse) Use on July 29th, 2025. Based on this

information, Section 63.(4.1) would not apply to the subject parcel and would therefore deem it ineligible for non-resource commercial or industrial. It is important to note that our department has deemed the proposed recycling facility as non-resource related.

Please refer to the *Planning Act* Subdivision and Development Regulations sections 63.(4.0)) & 63.(4.1).

63.(4) An existing parcel of land may, on approval, be subdivided into not more than one lot for one of the following purposes:

Approval of one lot per parcel

- (a) recreational use;
- (b) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
- (c) institutional use, where the lot has an area no greater than three acres;
- (d) use as a cemetery;
- (e) rural tourism use, where the area of the lot does not exceed three acres;
- (f) public utility use.

63.(4.1) A parcel may be subdivided for a non-resource related commercial or industrial use where

- (a) the subdivided land is to encompass or contain an existing commercial use, or be appended to or consolidated with land that was approved for a non-resource related commercial or industrial use by the Minister prior to October 12, 2019;
- (b) in the opinion of the Minister, that use has not been discontinued or abandoned; and
- (c) the proposed expansion does not violate the intent and purpose of these regulations, with particular regard for sections 3 and 13..

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.irac.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 regard to this decision, contact me at (902) 432-2559 or smacfarlane@gov.pe.ca.

Sincerely,



Shawn MacFarlane
Senior Development Officer

TAB

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(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 _____ (name of City, Town or Community) on the ____ 2nd ____ day of _____ October _____, 2025, wherein the Minister/Community Council made a decision to deny the request from Valley Grove Enterprises Ltd. to change the use of PID 82040, located at 1073 Blue Shank Road, Wilmot Valley PE from resource agriculture to industrial use.

(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.

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

Name(s) of Appellant(s): Valley Grove Enterprises Ltd. Signature(s) of Appellant(s): _____
Please Print

Mailing Address: _____ **City/Town:** _____

Province: _____ Postal Code: _____

Email Address: _____ Telephone: _____

Dated this _____ **day of** _____, _____.

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.bc.ca.

Notice of Appeal (Continued)

(Pursuant to Section 28 of the *Planning Act*)

Name of Appellant: Valley Grove Enterprises Ltd.

Appellant's Lawyers: Geoff Gibson

Heritage Law

5 Prince Street

Charlottetown, PE C1A 4P4

Contact: Geoff Gibson - ggibson@heritagelawpei.com – 902-330-7772
Erin Mewburn – emewburn@heritagelawpei.com – 902-330-7801

(continued from previous page) **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:

The Minister of Housing, Land and Communities (the “**Minister**”), in his decision to deny the Appellant’s change of use request:

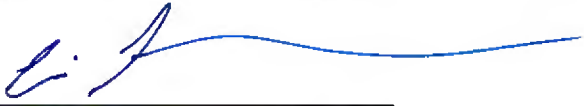
1. failed to identify the application as a change of use application rather than an application for the subdivision of land;
2. in light of the above error, incorrectly applied s 63(4) and (4.11) of the *Subdivision and Development Regulations* to the application;
3. In the alternative, if the cited provisions of the *Subdivision and Development Regulations* do in fact apply, failed to consider the application in accordance with objectives, intents and purposes of the legislative scheme and in accordance with sound planning principles; and
4. any further grounds as may become apparent and as the Island Regulatory and Appeals Commission may permit.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, we seek the following relief:

- a) The Commission should allow the appeal, quash the October 2, 2025 decision of the Minister to deny the change of use of PID 82040, and order that the application for the change of use from resource-agricultural to non-resource industrial be granted as requested; and
- b) Such further and other relief as the Appellant may advise and as the Island Regulatory and Appeals Commission may permit.

October 23, 2025

Date


Geoff Gibson and Erin Mewburn
Lawyers for the Appellant,
Valley Grove Enterprises Ltd.

TAB

3

RECEIVED

AUG 28 2025

Land Division
SUMMERSIDE

Subdivision of Land and Change of Use Application

This application is to be used for any of the following:

- subdivide a parcel of land into smaller lots
- change the current use of a parcel of land
- change the use of an approved subdivision
- consolidate multiple lots into one
- appendage to a parcel/lot

PAID

SEP -2 2025

Amount

\$110

Receipt #

10608

Office Use Only

Sub. Case File #:

Permit #:

PID#:

Permit Fee:

Received:

PIC Verified: ☐

Property Information:

Property Tax Number: 82040	Lot Number - if applicable:
Civic Address Number: 1073	Street Name: Blue Shank Rd.
Route No: 107	Community: Wilmet Valley

Property Owner Information:

Full Legal Name: VALLEY GROVE ENTERPRISES LTD.		
Company Name:		
Street Address: 1154 Blue Shank Rd.		
Community: Kelvin Grove	Province: PE	Postal Code: C0B1M0
Email: vgheadoffice@gmail.com	Phone: 902-436-7456	

Applicant Information if different from Owner:

Full Legal Name:		
Company Name:		
Street Address:		
Community:	Province:	Postal Code:
Email:	Phone:	

What is the property currently used for?

- ☐ Residential (Single-unit)
 ☐ Residential (Duplex)
 ☐ Residential (Multi-unit)
 ☐ Rental accommodation
 ☐ Commercial
 ☒ Industrial
 ☐ Institutional
 ☒ Agricultural
 ☐ Aquaculture/Fisheries
 ☐ Forestry
 ☐ Recreational
 ☐ Resource
 ☐ Home-Based Business
 ☐ Other: _____

Proposed use of the land:

To utilize the existing structure operating a recycling facility.

2025-042

A. CHANGE OF USE SECTION:

Are you looking to change the current use of the land to a new use? (i.e. Residential to Commercial)

☒ Yes ☐ No, please move onto B) SUBDIVISION OF LAND SECTION below

If Yes, what would the new use of the property be?

☐ Residential (Single-unit) ☐ Residential (Duplex) ☐ Residential (Multi-unit) ☐ Rental accommodation
☐ Commercial ☒ Industrial ☐ Institutional ☐ Agricultural ☐ Aquaculture/Fisheries ☐ Forestry
☐ Recreational ☐ Resource ☐ Home-Based Business ☐ Other: _____

If you selected Industrial, Commercial, Industrial or Recreational please answer:

- What will be the hours of operation? 8am - 5pm
- How many staff are you intending on having at this location? 2
- Will there be onsite parking for staff? ☒ Yes ☐ No ☐ N/A
- Will there be shipping and/or receiving operations? ☒ Yes ☐ No ☐ N/A

Please describe the business operations you will be undertaking on this site:

We are going to rent dumpsters for collection of household debris. When the dumpster is picked up, it will be taken to the site and placed inside where it will be sorted. Anything that can be recycled will be sorted (metal, cardboard, cans/bottles, electronics). Waste is taken to landfill and recyclables stored on site until enough to make a regular container of products. All stored indoors. Only empty dumpsters stored outside.

B. SUBDIVISION OF LAND SECTION:

Are you looking to subdivide the parcel of land into multiple lots? ☐ Yes ☒ No

If yes, how many new lots are you looking to create?

If 1 to 5 lots - please see detailed Additional Requirements listed in Section 1 on the next page

If 6 or More lots - please see detailed Additional Requirements listed in Section 2 on the next page

Will the proposed subdivision require the creation of a new driveway or the relocation of an existing driveway to the road/highway? ☐ Yes ☐ No

How will the proposed subdivision receive sewer service?

☐ New on-site septic ☐ Existing on-site system
☐ Municipal wastewater treatment ☐ Private Central Wastewater Treatment

How will the proposed subdivision receive its water supply?

☐ New on-site well ☐ Existing on-site well ☐ Municipal water ☐ Private Central water system

Are there Environmentally sensitive features located on the proposed lot(s)? i.e. Wetland, watercourse, sand dune, other: _____ ☐ Yes ☐ No

Is this property identified under the PEI lands Protection Act? ☐ Yes ☐ No

SUBDIVISION OF LAND – REQUIREMENTS

1) Five (5) Lots or Less - (1 to 5 lots)

With the completed application the following is required:

- a. Completed sketch of the property as outlined on page 5 showing the true shape and dimensions of the property being subdivided. The lot(s) must be indicated on the map, outlined in red and displaying the dimensions of the lot(s) and size of the lot(s) in acres or square feet. All proposed access roads or rights-of-way to the lot(s) must be shown on the map.**

2) More than five (5) lots - (6 or more lots)

With the completed application the following is required:

- a. Preliminary Survey plan completed by a surveyor. Ensure the surveyor shows the following information in their Preliminary Survey Plan:**

- the true shape and dimensions of the property being subdivided and the proposed lots
- all proposed access roads or rights-of-way to the lots
- a key plan indicating the general location of the proposed subdivision
- a North point indicator and the scale of the plan
- the location of all existing buildings or structures on the lots being proposed, or within 100 feet (30.4 metres) of the proposed subdivision
- existing and proposed services, including central or municipal waste treatment systems, and central or municipal water supply systems
- proposed or existing private right-of-ways or easements, and proposed or existing entranceways to a highway
- land proposed for buffers, walkways, open space, recreation areas, parks, or other public use
- watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas, or conservation zones on, or adjacent to, the proposed subdivision
- elevation contours and the drainage pattern within the proposed lots, and within 300 feet (91.4 m) of the boundaries of the proposed subdivision
- the proposed use of the lots
- proposed stormwater drainage patterns for water within and leaving the subdivision

Please Note: Your application will be considered incomplete and will be returned if any of the requirements outlined are missing, unclear, illegible, or if fees have not been paid

For applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies before contacting the applicant to advise the status and required next steps. Staff may also carry out a site inspection to complete their application review.

Declaration

I, Mervyn Webster, Bev Webster, Jason Webster - Valley Grove Enterprises Ltd. hereby certify that I am (select one)

☒ the registered owner of the land proposed for development

☐ authorized to act on behalf of the registered owner of the land proposed for development

and hereby declare that all statements contained within this application are complete and true.

Signatures

Registered Owner(s):

or

Written confirmation from the current property owner(s) allowing this Subdivision of Land and Change of Use Application to proceed. This documented proof must be supplied at time of application.

Bev Webster
Mervyn Webster
J Webster

Date Aug 27 2025
Date Aug 27 2025
Date Aug 27 2025

Applicant:

Date

Submit Applications To:

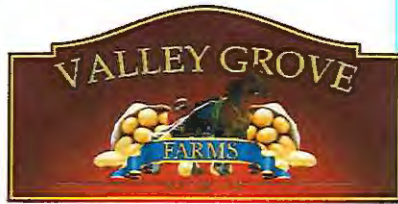
- Land Division – 31 Gordon Drive, Charlottetown, PE
- Access PEI O'Leary – 45 East Dr, O'Leary, PE
- Access PEI Summerside – 120 Heather Moyse Dr, Summerside, PE
- Access PEI Montague – 41 Wood Islands Rd, Montague, PE

Office Use Only

SUBDIVISION & CHANGE OF USE FEES

Subdivision of Land (\$110 for the first lot).....	=	
Additional Lots (\$55 for each additional lot).....	=	
Change of Use (\$110 for the first lot).....	=	
Change of Use for Additional Lots (\$55 for each additional lot).....	=	
Total	=	

Personal Information on this form is collected under section 8 (1)(d) of the Planning Act. If you have any questions about the collection of personal information, you may contact landdivision@gov.pe.ca for more information.

**VALLEY GROVE ENTERPRISES LTD.****1154 Blue Shank Rd****Kelvin Grove, PE C0B 1M0**

August 29, 2025

Karen MacInnis

Permit Coordinator

Land Division, Development Control

Housing, Land and Communities

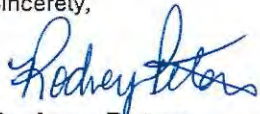
RE: Change of Use application for PID 82040

In response to your questions sent to us by email earlier today, here are our responses.

1. Hours of operation – 8am to 5pm Monday to Friday and 8am to 12pm Saturday
2. Shipping and Receiving – Only during hours of operation
3. Signage – We plan to install a 4' by 8' sign on the front wall of the building
4. Washroom facilities – No washroom facilities on site, staff will use washroom facilities at our other location across the road (1154 Blue Shank Rd).
5. Septic/Well – Neither on site
6. Machinery – The machinery used at this site include a skidsteer, a cardboard baler, and a roll off truck.
7. We intend to store up to 10 empty dumpsters at this site. The storage location is outlined on the attached sketch.

The enclosed sketch is based on the new approved survey plan done in July 2025.

Sincerely,



Rodney Peters

Controller, Valley Grove Enterprises Ltd.

A. CHANGE OF USE SECTION:

Are you looking to change the current use of the land to a new use? (i.e. Residential to Commercial)

☒ Yes ☐ No, please move onto B) SUBDIVISION OF LAND SECTION below

If Yes, what would the new use of the property be?

☐ Residential (Single-unit) ☐ Residential (Duplex) ☐ Residential (Multi-unit) ☐ Rental accommodation
☐ Commercial ☒ Industrial ☐ Institutional ☐ Agricultural ☐ Aquaculture/Fisheries ☐ Forestry
☐ Recreational ☐ Resource ☐ Home-Based Business ☐ Other: _____

If you selected Industrial, Commercial, Industrial or Recreational please answer:

- What will be the hours of operation? 8am - 5pm Monday to Friday, 8am - 12pm Saturday
- How many staff are you intending on having at this location? 2
- Will there be onsite parking for staff? ☒ Yes ☐ No ☐ N/A
- Will there be shipping and/or receiving operations? ☒ Yes ☐ No ☐ N/A
Shipping and receiving only during hours of operation.

Please describe the business operations you will be undertaking on this site:

We are going to rent dumpsters for collection of household debris. When the dumpster is picked up, it will be taken to the site and placed inside where it will be sorted. Anything that can be recycled will be sorted (metal, cardboard, cans/bottles, electronics). Waste is taken to landfill and recyclables stored on site until enough to make a required container of products. All stored indoors. Only empty dumpsters stored outside.

B. SUBDIVISION OF LAND SECTION:

Are you looking to subdivide the parcel of land into multiple lots? ☐ Yes ☒ No

If yes, how many new lots are you looking to create?

If 1 to 5 lots - please see detailed Additional Requirements listed in Section 1 on the next page

If 6 or More lots - please see detailed Additional Requirements listed in Section 2 on the next page

Will the proposed subdivision require the creation of a new driveway or the relocation of an existing driveway to the road/highway? ☐ Yes ☒ No

How will the proposed subdivision receive sewer service? None

☐ New on-site septic ☐ Existing on-site system
☐ Municipal wastewater treatment ☐ Private Central Wastewater Treatment

How will the proposed subdivision receive its water supply? None

☐ New on-site well ☐ Existing on-site well ☐ Municipal water ☐ Private Central water system

Are there Environmentally sensitive features located on the proposed lot(s)? i.e. Wetland, watercourse, sand dune, other: _____ ☐ Yes ☒ No

Is this property identified under the PEI Lands Protection Act? ☐ Yes ☒ No

Subdivision of Land Application Sketch – 5 Lots or Less

Pursuant to the Planning Act

The sketch below needs to show the true shape of the property and include all existing or proposed:

- | | |
|---|--|
| ☒ Property lines with their lengths (in ft) | ☒ Right-of-ways on or adjacent to property |
| ☒ Lot boundaries, including the size of proposed lots | ☒ Show any watercourse, wetlands, top of bank, or sand dune located on the property |
| ☒ Road(s), including their name(s) | ☒ Distances from watercourse, top of bank, or sand dune to any structures (building or septic) (in ft) |
| ☒ All Buildings with their sizes listed (in ft) | ☒ Arrow showing the natural slope of the land |
| ☒ Distance from centre of road to buildings (in ft) | ☒ Proposed stormwater drainage patterns for water within and leaving the subdivision |
| ☒ Distance from buildings to property lines (in ft) | ☒ Location of driveway(s) |
| ☒ Distance from septic tank/field to property lines (in ft) | ☒ Distance from the centre of driveway(s) to the nearest neighbouring property line (in ft) |
| ☒ Distance from well to building (in ft) | |
| ☒ Distance between well and septic system (in ft) | |
| ☒ All land proposed to be use for open space, parks, recreation or other common areas | |

Please see attached



Marlene White
Property Owner's Signature or Applicant

Aug 29, 2025
Date

1 LTD.
R 2014

OF
CLIFFORD SHANNON STEWART
AND
TRINA CHRISTINE STEWART
BOOK 3490, DOC 5154, YEAR 2023

U.M.
(20920)
344°46'07" 19.812
74°53'06" 7.465
PL (20911)
FD. (9043)

*Empty
Dumpster
Storage Area*

PARCEL R-1
(RIGHT OF WAY IN FAVOUR OF PID 82040)
AREA = 980 SQ.M±
(0.24 ACRES±)

254°53'06" 48.442
74°53'06" 31.833

PID 82040
REMAINING LANDS
OF
VALLEY GROVE ENTERPRISES LTD

BOOK 381, PAGE 47, DOC 12, YEAR 2024

PARCEL B
ED TO PID 82040)
135 SQ.M±
CRES±)

PID 762419
OR FORMERLY
LANDS OF
VIN WINCH
AND
KATHLEEN WINCH
DOC 5391, YEAR 2021

SEE PLAN 04173
S SURVEYS LTD.
D ON JUNE 1, 2024

REFERENCE: SEE PLAN 1010/21
BY WINDSOR ENTERPRISES INC.

LOT 24-1
AREA = 3793 SQ.M±
(0.94 ACRES±)
(INCLUDES PARCELS B AND R)

49 feet

*Sign on
Building*

A=7.316
R=17614.679
CC=896

BLUE SHANK ROAD - ROUTE 107
20.117m WIDE (66')

*W. W. W. W.
Aug 29/25*

U.M.
(20915)

164°53'06" 19.012

74°53'06" 6.394

BUILDING

FD. (9044)

BUILDING

PARCEL
(TO BE APPENDED)

AREA = 161.21
(0.04 ACRES±)

PL (20919)

74°53'06" 9.144

PL (20912)

164°53'06" 10.238

PL (20913)

74°53'06" 12.788

PL (20917)

74°53'06" 15.503

PL (20914)

164°53'06" 39.409

FD. (9045)

PL (20916)

74°53'06" 40.212

FD. (9046)

9.14 (30')

5.77

6.02

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TAB 4



PRE-DEVELOPMENT AND SUBDIVISION INSPECTION REPORT

(updated July 18-2024 v1.2)

Section 1 – General Information

APPLICANT: Valley Grove Enterprises

SUBDIVISION CASE # 2025-042

PROPERTY # 82040

LOCATION: 1073 Blue Shank Road, Kelvin Grove

DEVELOPMENT PERMIT # _____

DATE OF INSPECTION Oct. 02/25

Section 2 – Property Information - FLEXVIEW

1. Is the property identified? Attach confirmation. IRAC ☒ No ☐ Yes – EC Order: _____
2. Is the property in a Special Planning Area? ☐ No ☒ Yes – SPA: _____
 - a. Is the property considered existing in that SPA (before 1994)? ☐ No ☒ Yes
3. Is the property in a municipality with its own official plans and bylaws? ☒ No ☐ Yes – Municipality: _____
4. The property has a: ☐ stream ☐ wetland ☐ watercourse ☐ pond
☐ primary sand dune ☐ secondary sand dune ☐ Other: _____
5. Does the property have poorly or imperfectly drained soils? ☒ No ☐ Yes
6. Are there any existing structures on the property? ☐ No ☒ Yes
7. Existing land use Agriculture Proposed land use Industrial
8. Is the lot existing? (created before 1979) ☐ No ☒ Yes
 - a. If no, First Lot Off (1979 to 1993 to 2002) ☐ No ☐ Yes
 - b. If no, Over 10 Acres (1979 to 2002) ☐ No ☐ Yes
9. Was the lot approved previously? ☐ No ☐ Yes
Case # 25541B Lot # 24-1 Approved Use Agriculture
10. Is a Coastal Hazard Assessment required? ☐ No ☐ Yes ☐ N/A
Average Erosion Rate _____ Calculated Setback Distance _____
11. Reference Cases:

Case - 25541B Lot 24-1

Section 3 – Soil & Septic Information - ENVIRO

- a) What is the soil categorization? N/A Permit # _____
- b) Previously Assessed? _____ Case # _____ Assumed Permeable Soil _____
Assessor _____ Registered Document # _____
NO FACILITIES ON SITE.
- c) If multi-lot subdivision, has an SSA been submitted for each lot? ☐ No ☐ Yes ☐ N/A
- d) Is there an existing septic system on site? ☐ No ☐ Yes ☐ N/A
- e) Has a Sewage Disposal Form been submitted? ☐ No ☐ Yes ☐ N/A
- f) Does the existing septic exceed 1500 gallons / day ☐ No ☐ Yes ☐ N/A

Section 4 – Road Information - DTI MAP

- a) Name of highway Blue Shank Road Route # 107
- b) Highway classification ☐ Arterial ☐ Arterial 2 ☐ Seasonal ☒ Collector
☐ C1 ☐ C2 ☐ C3 ☐ Subdivision
☐ Heritage ☐ Private ☐ Infilling ☐ Other: _____
- c) Is an EWP required? (Seasonal/Arterial) ☒ No ☐ Yes
- d) Is the proposal to access a new private road? ☒ No ☐ Yes
 - a. If yes: Has the road name been approved by 911? ☐ No ☐ Yes
 - i. Road Name: _____
- e) # of lots approved of private road since 2009? _____
 - a. If over 5 lots – Road upgrade may be required.
- f) Highway access (culvert) ☐ new culvert required ☒ existing entrance
☐ relocate existing entrance

Notes:

SUB DB = ONLY 25541 ÷ 2625-042.

DEV DB = NO PREVIOUS PERMITS ISSUED ✓

OLD CAM FILES = NO REFERENCE ✓

OLD DB = NO REFERENCE ✓

Section 5 – Building Information

- a) Will the proposal meet the minimum building setbacks? ☐ No ☐ Yes
- b) Will a variance be required? ☐ No ☐ Yes

Section 6 – Comments

Was the subdivision proposal sent out to corresponding departments? – See Department Comment Sheet

- a. Coastal Properties ☐ No ☐ Yes ☐ N/A Notes:
- b. Fire Marshal's Office ☐ No ☐ Yes ☐ N/A Notes:
- c. Environment ☐ No ☐ Yes ☐ N/A Notes:
- d. Environmental Health ☐ No ☐ Yes ☐ N/A Notes:
- e. Transportation ☐ No ☐ Yes ☐ N/A Notes:
- f. Planning ☐ No ☐ Yes ☐ N/A Notes:
- g. Building Code ☐ No ☐ Yes ☐ N/A Notes:
- h. Water Quality ☐ No ☐ Yes ☐ N/A Notes:
- i. Other: _____ ☐ No ☐ Yes ☐ N/A Notes:

PID 82040 = EXCEPTED OUT OF
PID 631721 IN 1980 VIA
M10.

Section 6 – Additional Information

- a) Does the proposal exceed 2 lots since 1993? ☐ No ☐ Yes
- a. If yes, has the proposal been circulated to the Hydrogeologist? ☐ No ☐ Yes
- b) Does the proposal exceed 5 lots since 1993? ☐ No ☐ Yes
- a. If yes, there may be requirements for incremental subdivision. Open Space, etc.
- c) Is a survey plan required? ☐ No ☐ Over 10 acres ☐ Yes
- d) Will this plan supersede or supplement a previously approved file? ☐ No ☐ Yes Plan: _____

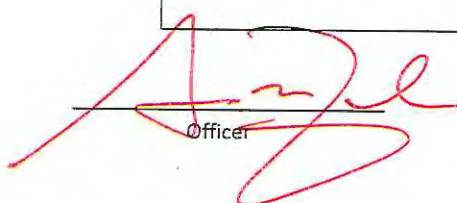
Notes:

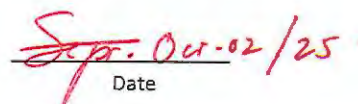
* SUMMERSON SPA - UNABLE TO ISSUE ANY NON-RESOURCE
COMMERCIAL OR INDUSTRIAL w/ SPA.

* NOT ELIGIBLE FOR 63.(4.1) AS PROPERTY HAS NOT
BEEN PREVIOUSLY APPROVED FOR NON-RESOURCE.

Section 7 – Decision and Sign Off

- a) Immediately prior to final approval, has the identification status been confirmed? ☐ Yes
- b) Decision: ☐ Approve ☒ Deny
- a. If Denied: Please indicate which sections of PASDRs:


Officer


Date

TAB

5

TAB

A

Re: Case 2025-042 Denial Letter

From Shawn MacFarlane <smacfarlane@gov.pe.ca>

Date Thu 10/2/2025 9:16 AM

To Valley Grove <vgheadoffice@gmail.com>

Cc Eugene Lloyd <EMLLOYD@gov.pe.ca>

 1 attachment (2 MB)

Case 2025-042 Denial Letter.pdf;

Good Morning Rodney,

Please see the attached PDF of the Denial Letter for Case 2025-042. The reasons and relevant subsections of the *Planning Act* Subdivision and Development Regulations to deny this application to change the use of PID 82040 (Lot 25-1, Sub.Plan 25541B) are outlined in the attached letter.

Let me know if you have any questions or need any additional information.

Thanks,

Shawn MacFarlane

Senior Development Officer

Land Division – Development Control Section

Department of Housing, Land & Communities

120 Heather Moyse Drive

Summerside PE | C1N 5Y8 Canada

Phone (902) 432-2559 | Fax (902) 888-8059

smacfarlane@gov.pe.ca | www.princeedwardisland.ca



Please consider the environment before printing this e-mail.

Shawn

From: Valley Grove <vgheadoffice@gmail.com>

Sent: Wednesday, September 24, 2025 8:33 AM

To: Shawn MacFarlane <smacfarlane@gov.pe.ca>

Cc: Bradford Wonnacott <bcwonnacott@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>

Subject: Re: September 8 letter - Cease Non-Conforming Use Order

Hello Shawn

Could you give us an estimate on the timeline for a decision on the application to transfer the use of our property 82040? We have invested money into the new business and without the facility to operate from, it leaves us in a less than ideal situation. We feel the timeline is important so we can make good choices on how to operate without the facility during this process.

Thanks,
Rodney

On Fri, Sep 19, 2025 at 11:32AM Valley Grove <vgheadoffice@gmail.com> wrote:

Good morning Shawn,

Here is some more background information on the PID 82040 and mainly to outline discussions and agreements between the company and the owners of the neighbouring property.

If you have any questions please let us know. We just wanted you to have this information for your consideration.

Thanks,
Rodney

=====

SURVEY DRAWING FOR PID 82040, 1073 Blue Shank Rd

General notes on survey plan

On February 5, 2025 Valley Grove Enterprises Ltd. met with Clifford and Trina Stewart to discuss potential changes to the property boundaries. It was agreed that Valley Grove Enterprises Ltd. would cover the costs of surveying and executing new deeds in regards to the changes to property boundaries.

#1 issue – Clifford and Trina's outbuilding partially sits on property owned by Valley Grove Enterprises Ltd. Valley Grove Enterprises Ltd. agreed to give Clifford and Trina the area indicated in PARCEL A so that their building would be on their own property.

#2 issue – Clifford, Trina, and family have been using the driveway access belonging to Valley Grove Enterprises Ltd. ever since Valley Grove Enterprises Ltd. owned the property. The Stewart's lessee has used it as well for their crop production which took place behind 82040. The Stewart's driveway access is located in the area indicated as PARCEL B. This area has never been used and Valley Grove Enterprises Ltd. maintained the area for all of the years they owned 82040. PARCEL B is currently used as a lawn. It was agreed that Clifford and Trina would give PARCEL B to Valley Grove Enterprises Ltd. in exchange for the legal right of way access to the area indicated as PARCEL R, which is a 30 foot wide maintained driveway.

#3 issue – Valley Grove Enterprises Ltd. back area is not deep enough to back a tractor trailer into the door which is located on the rear of the building. Valley Grove Enterprises Ltd. requested a 66 foot right of way along the back of the property so that it could be used for turning trucks and or equipment when necessary. Clifford and Trina agreed to this as well. This area is indicated as PARCEL R-1 on the survey.

On July 22, 2025, the surveyor Jamie Clow (Locus Surveys) placed new pins to match up with the survey. We currently have this with our lawyer Geoff Gibson for execution of amended deeds.

On Tue, Sep 16, 2025 at 2:37 PM Shawn MacFarlane <smacfarlane@gov.pe.ca> wrote:

Good Afternoon Rodney,

We have been notified that this non-compliant operation has continued at this location as recent as this morning. Please be advised that you must cease the operation at this location until such time as our department can render a decision on the application.

Let me know if you have any questions.

Thanks,
Shawn

Shawn MacFarlane

Senior Development Officer
Land Division – Development Control Section
Department of Housing, Land & Communities
120 Heather Moyse Drive
Summerside PE | C1N 5Y8 Canada
Phone (902) 432-2559 | Fax (902) 888-8059
smacfarlane@gov.pe.ca | www.princeedwardisland.ca



Please consider the environment before printing this e-mail.

From: Valley Grove <vgheadoffice@gmail.com>
Sent: Thursday, September 11, 2025 2:27 PM
To: Shawn MacFarlane <smacfarlane@gov.pe.ca>
Subject: September 8 letter - Cease Non-Conforming Use Order

You don't often get email from vgheadoffice@gmail.com. [Learn why this is important](#)

Hi Shawn

Today we received your registered letter dated September 8th regarding PID 82040.

We received first notice from you by email on August 27th about the need for an application to change the use of the property. We prepared the application on August 27th and delivered it to Access PEI Summerside on August 28th. On August 29th, we received an email from Karen MacInnis with several questions about the application. We promptly replied on August 29th. I sent her a follow up email on September 9th to see if there was any further progress made.

My question is were you aware of our application made on August 28th ?

Upon receiving the first notice by email, we ceased operations and we await the decision on our application. We were not aware of the need to change the use for the property.

Thanks,
Rodney



TAB
B

Change of Use Application

From Karen MacInnis <kxmacinnis@gov.pe.ca>

Date Fri 2025-08-29 10:05 AM

To vgheadoffice@gmail.com <vgheadoffice@gmail.com>

 2 attachments (1 MB)

Subdivision and Change of Use Application - Apr 2023 - Fillable.pdf; Valley Grove.PNG;

Good Morning,

I am reviewing your Change of Use application for PID 82040- Rte 107- 1073 Blueshank Road, Wilmot Valley for your proposal of a Recycling Facility with an existing structure.

I am not sure why, but page 5 was removed from your application. Our Senior Development Officer requires a site plan sketch for your proposal, and I have a few questions as well. I provided a map of this PID, and I measured all your property lines and distances from property lines to the structure for your convenience.

If that is the sketch you want to use, please indicate on ours " See attached" sign/date the bottom of that page, We also require a signature for the site plan sketch that I added here with any additions you may need to add as well, with distances/measurements.

Please also answer the following questions

1. Your hours of operation on your application say 8am to 5 pm is this Mon to Fri? Any weekends?
2. The shipping and receiving, will that be during the weekday? Any evenings? weekends?
3. Will you have a sign on your property? If so.. Where? Please indicate on your site plan sketch and measurements.
4. Are there washroom facilities here for your staff?
5. Is there a septic, and a well? If so, please indicate on site plan sketch locations and measurements
6. What kind of machinery will be at your facility? Manual labor?
7. How many dumpsters are planning to have onsite, especially when they are placed out doors

Hopefully I captured everything that is needed here, You can return everything back to me here if that is easier for you. Any questions, please let me know, I look forward to hearing from you at your earliest convenience.

Karen MacInnis

Permit Coordinator

Land Division, Development Control
Housing, Land and Communities

120 Heather Moyse Drive
Summerside PE | C1N 5Y8 Canada

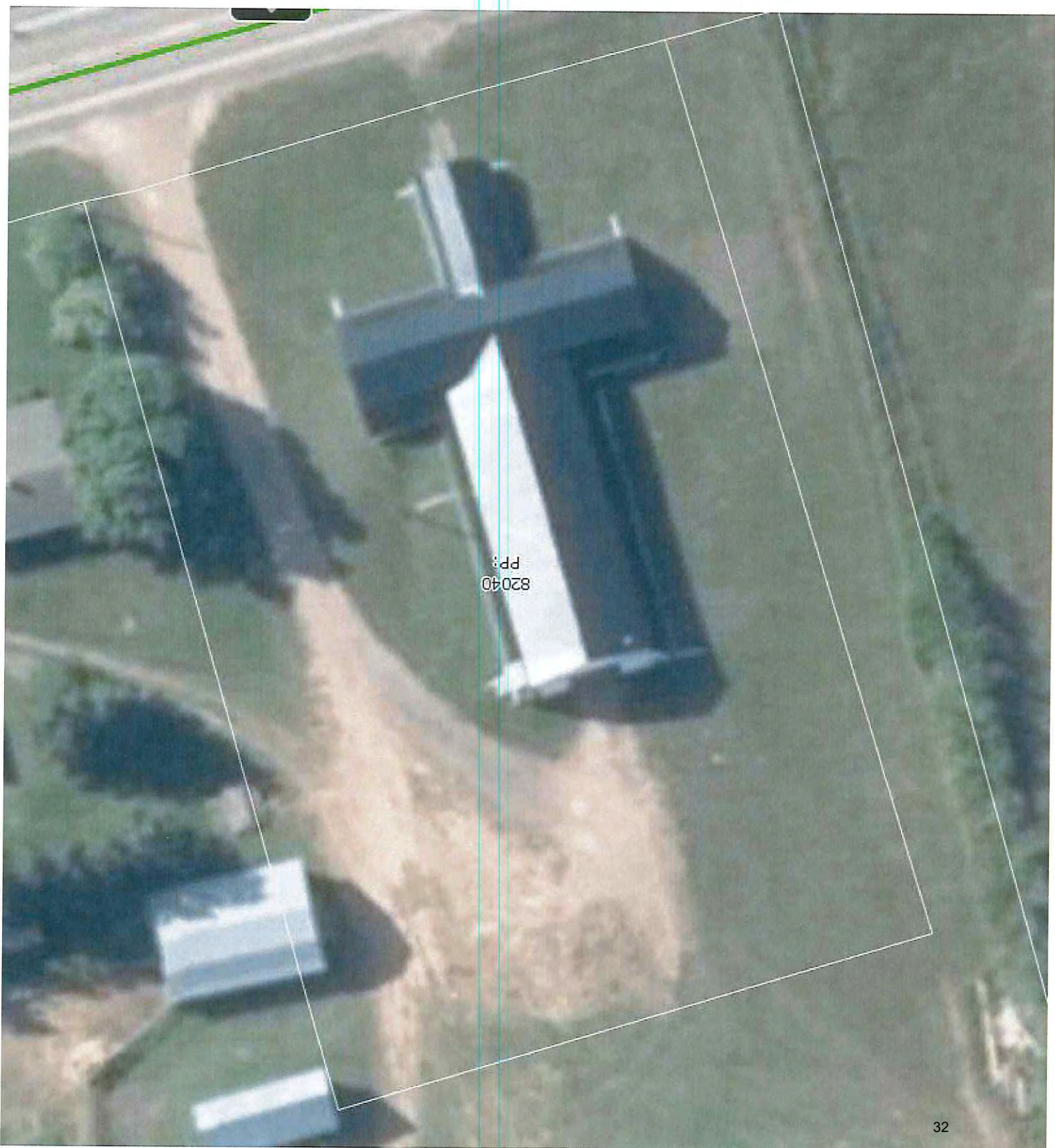
Phone (902) 374-1599 | Fax (902) 888-8059
kxmacinnis@gov.pe.ca

TAB

6

TAB

A



82040
PP3

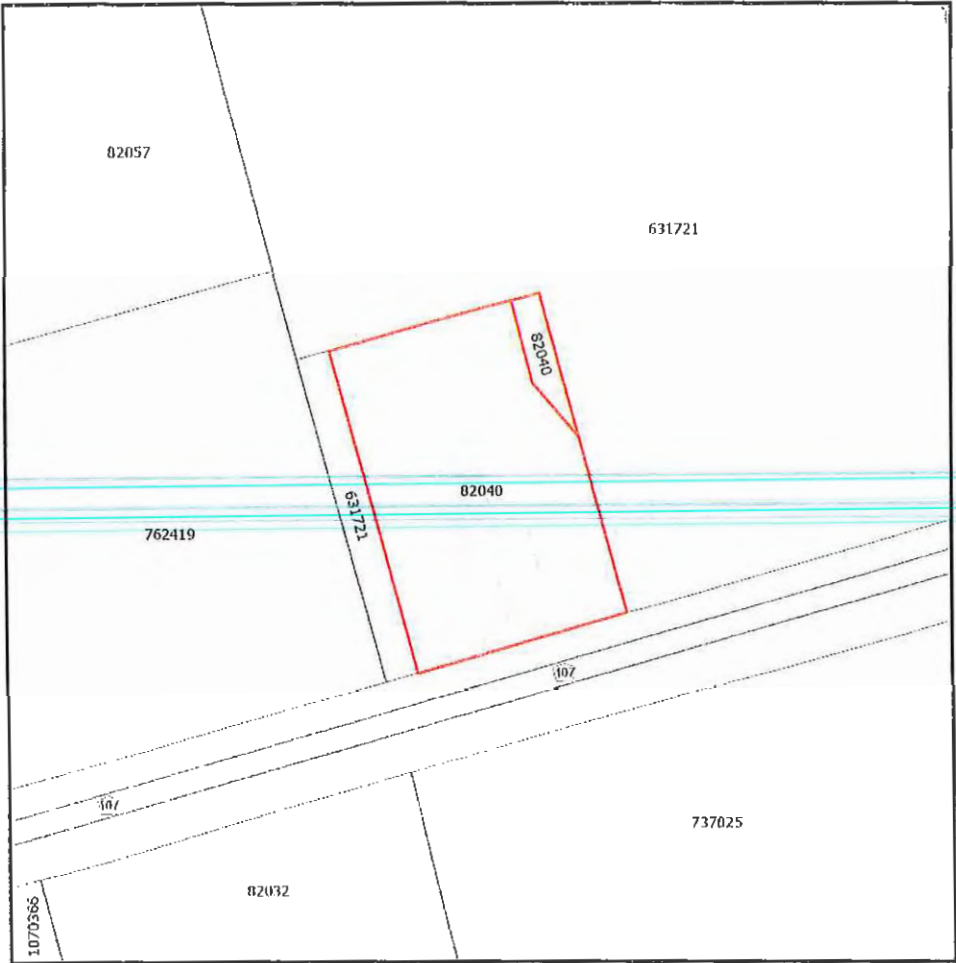
TAB

B

Parcel	Original Parcel Number	Map #	Property Location	Owner Name & Mailing Address
82040	N/A	11L056D4	1073 BLUE SHANK RD - RTE 107 WILMOT VALLEY	VALLEY GROVE ENTERPRISES LTD 1154 BLUE SHANK RD KELVIN GROVE PE C0B 1M0
School District:	1071			
Work Unit:	1071			
Lot/Township #:	19			
School Unit #:	2			

Parcel & Lease		Acreage	Assessment Values (2025)		Taxable	Designated Taxpayer & Mailing Address	
Account Status:	A	0.84	Commercial:	\$0.00	\$0.00	VALLEY GROVE ENTERPRISES LTD	
Farm Quality:	N		Non-Commercial:	\$26,400.00	\$26,400.00	KELVIN GROVE PE	
Municipality:	Kensington		Residential:	\$0.00	\$0.00	C0B 1M0	
Region Number:			Farm:	\$0.00	\$0.00	Dates	
Assessor:	YOUNG STEPHANIE		Buildings				
% in Municip:	100					Last Inspection:	15-APR-91
Spec Prop Code:			Line No:	Building Type:		Last Owner Chg:	10-JAN-94
MHI Number:			1	03-029 Farm Accessory		Initially Filed:	01-JAN-00
Owner ID Code:			0	03-015 Potato Warehouse		Dormant:	
Ownership Code:	C61						
Tax Exempt Code:							

Map



Parcel

82040

Original Parcel Number

N/A

Property Location

1073 BLUE SHANK RD - RTE 107

Owner Name

VALLEY GROVE ENTERPRISES LTD

Acreage

0.84

Disclaimer

Care has been taken to provide high quality information from the data available to the Department. However, the user is cautioned that data may have been obtained from third party sources and it may be incomplete or inaccurate. Conditions may also have changed since the collection of the data.

Parcel	Original Parcel Number	Map #	Property Location	Owner Name & Mailing Address
82040	N/A	11L056D4	1073 BLUE SHANK RD - RTE 107 WILMOT VALLEY	VALLEY GROVE ENTERPRISES LTD 1154 BLUE SHANK RD KELVIN GROVE PE C0B 1M0

DOCUMENTS FILED ON PARCEL

Year	Description	Type	Document Number	Liber/Book	Folio/Page	Consideration
2017	DISCHARGE, RELEASE OR SATISFACTION (i.e. MORTGAGE, MECHANICS' LIEN)	61	660	3305		
2010	MORTGAGE	51	4753	3166		
1994	AGREEMENT RE:USE OF LAND, IDENTIFICATION AGREEMENT	73	19940073	581	48	
1994	DEED	11	19940072	581	47	
1990	CHANGE OF NAME	32	19904110	497	67	
1988	LEASE	21	19882121	429	10	
1988	DEED	11	19882120	429	9	
1985	MORTGAGE	51	19852447	324	66	
1985	DEED	11	19852446	356	86	
1980	DISCHARGE, RELEASE OR SATISFACTION (i.e. MORTGAGE, MECHANICS' LIEN)	61	19801290			
1980	DISCHARGE, RELEASE OR SATISFACTION (i.e. MORTGAGE, MECHANICS' LIEN)	61	19801289			
1980	ESTATE DEED (EXECUTORS' OR ADMINISTRATORS' DEEDS)	12	19801162	250	83	
1980	ESTATE DEED (EXECUTORS' OR ADMINISTRATORS' DEEDS)	12	19801143	250	71	

1972	MORTGAGE	51	19720646	146	417
1971	MORTGAGE	51	19711576	149	24

SURVEY PLANS

Parcel Number	Plan
82040	46317
82040	46337

TAB C

* No Visual Impairment of New-Resident Community on / Mountain
Sept 2008 - Nov. 2024 .



1075 Blue Shank Rd
Kensington, Prince Edward Island
Google Street View

Sep 2018 See latest date





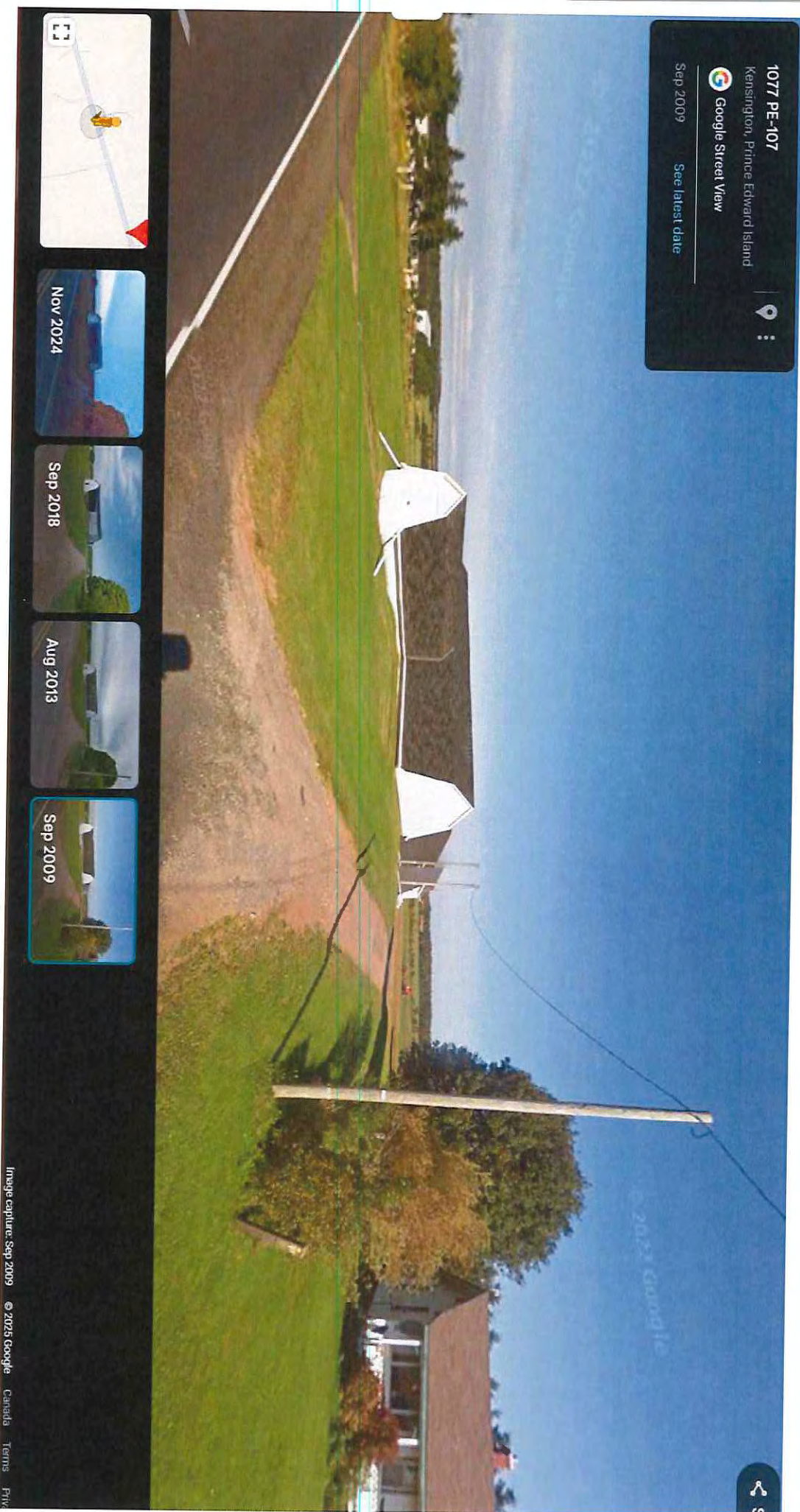
Nov 2024 Sep 2018 Aug 2013 Sep 2009

1080 PE-107
Kensington, Prince Edward Island
Google Street View
Aug 2013 See latest date



Sha

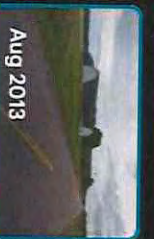
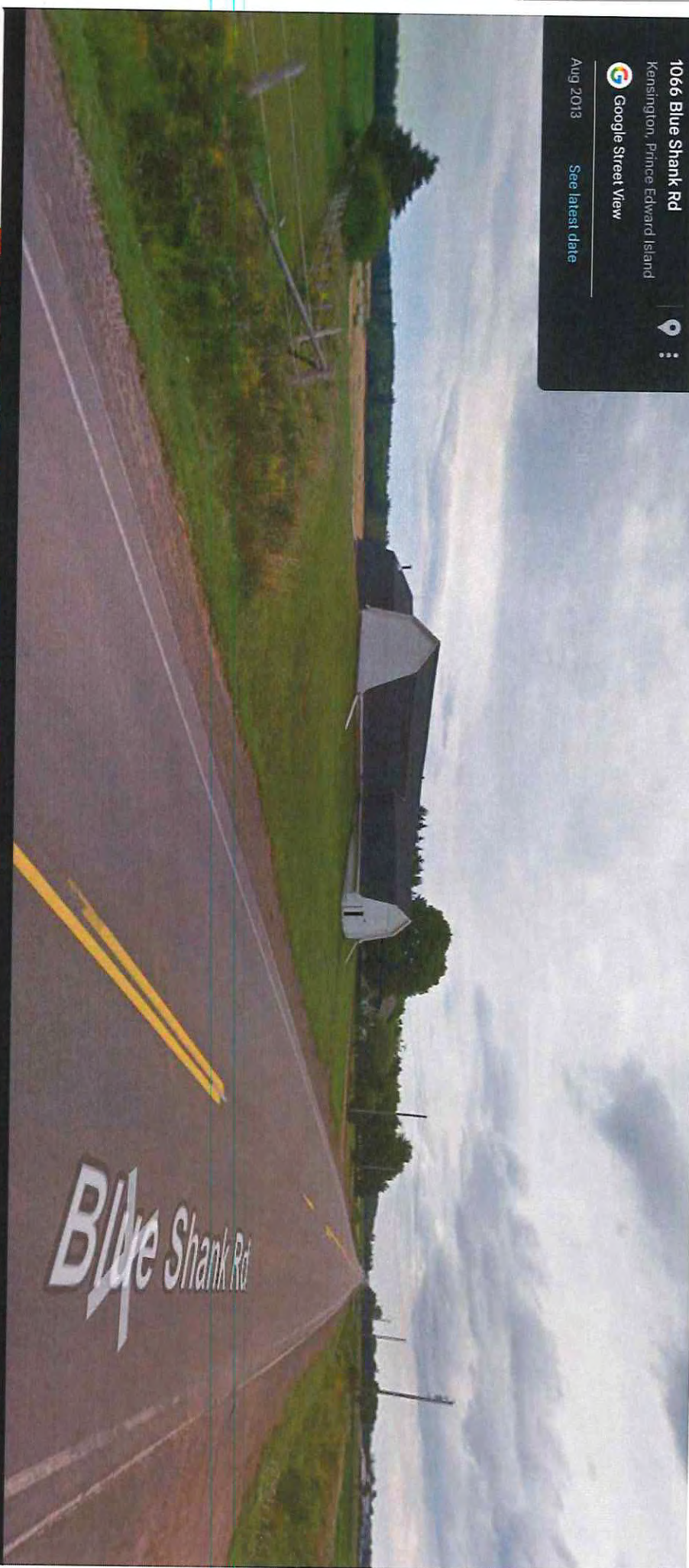






1066 Blue Shank Rd
Kensington, Prince Edward Island
Google Street View

Aug 2013 See latest date





1066 Blue Shank Rd

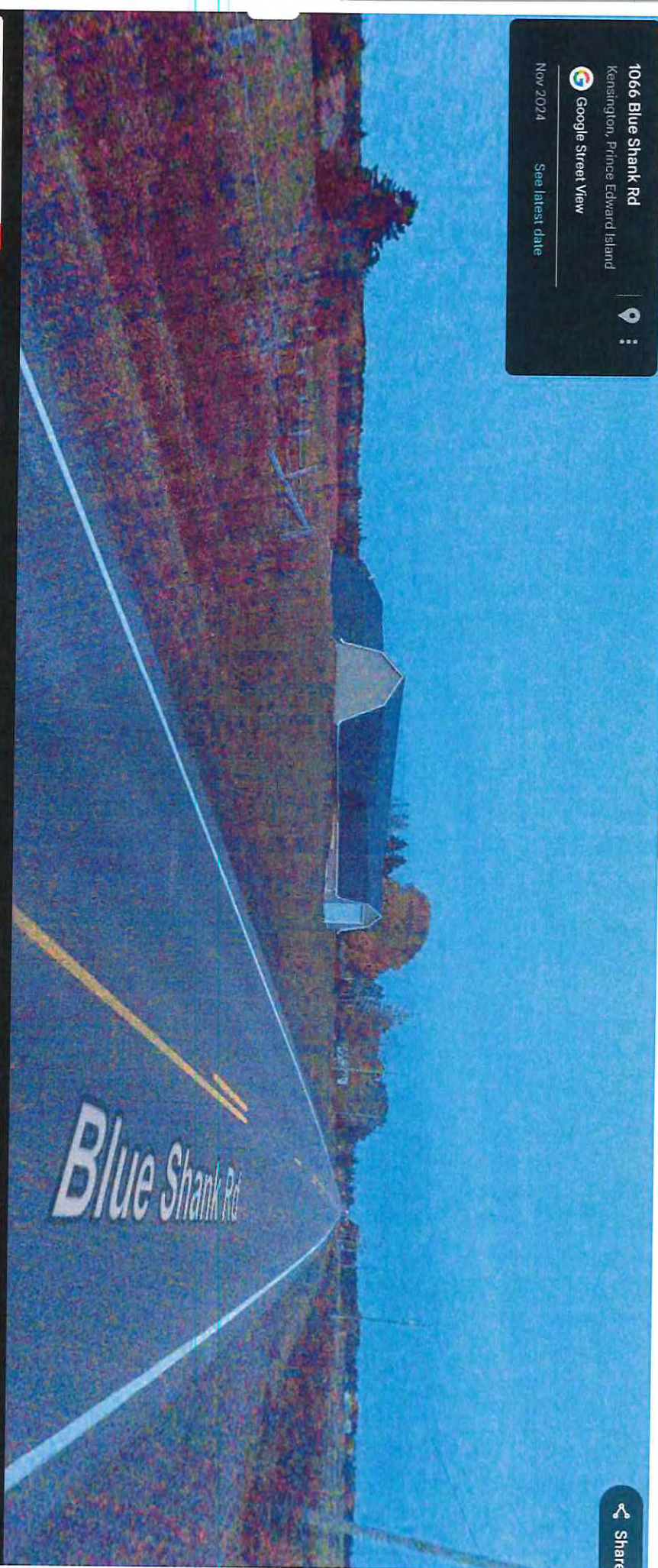
Kensington, Prince Edward Island

Google Street View

Nov 2024 See latest date



Share



Nov 2024

Sep 2018



Aug 2013

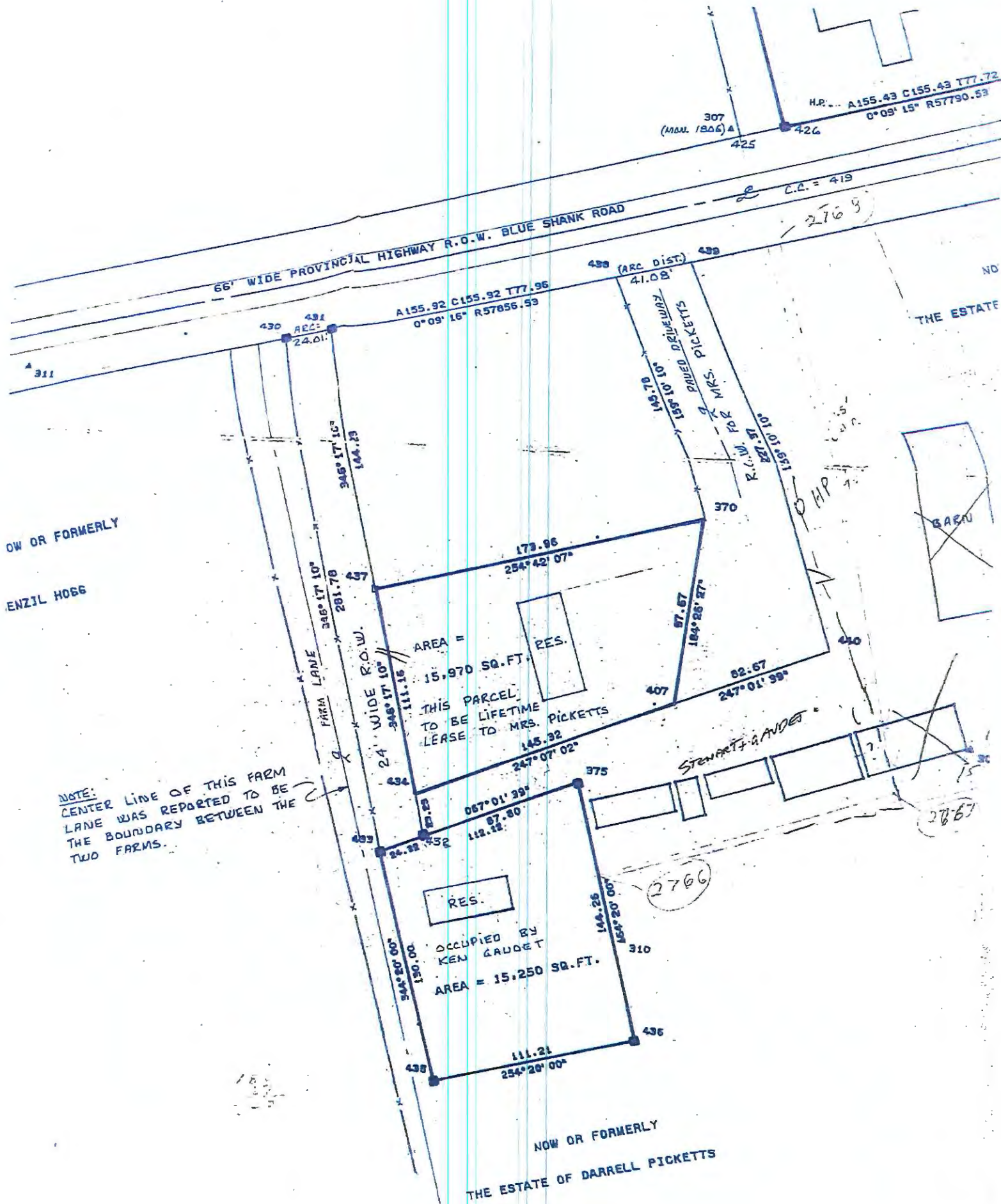


Sep 2009

TAB D

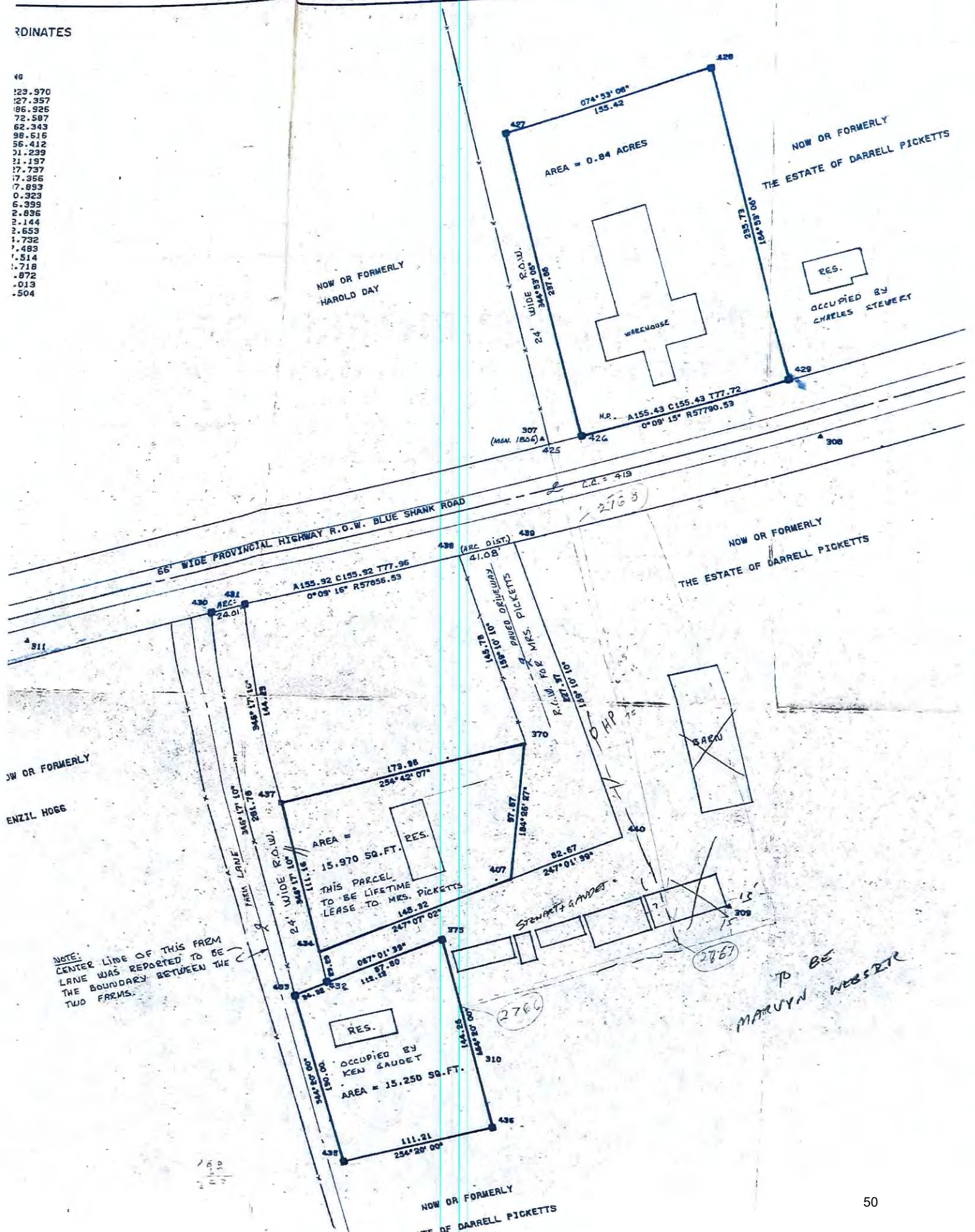
OW OR FORMERLY
ENZIL H066

NOTE:
CENTER LINE OF THIS FARM
LANE WAS REPORTED TO BE
THE BOUNDARY BETWEEN THE
TWO FARMS.



COORDINATES

46
123.970
127.357
186.926
72.587
62.343
98.616
56.412
31.239
31.197
17.737
17.356
17.893
0.323
6.399
2.836
2.144
3.653
1.732
1.489
1.514
1.718
1.872
1.013
1.504



ALL AZIMUTHS ARE
ALL GRID AZIMUTHS AND COORDINATES ARE REFERENCE THE
P.E.I. STEREOGRAPHIC PROJECTION.

REV. NO.	REVISION	DATE
WINDSOR ENTERPRISES INC. KENSINGTON — R.R. 6, P.E.I. COBIMO — PH: 902-836-3136		
TITLE PLAN OF SUBDIVISION OF ESTATE OF DARRELL PICKETTS		
LOCATION WILMOT VALLEY PRINCE COUNTY		
LOT 25		

TABLE OF ADJUSTED COORDINATES
EXPRESSED IN FEET

POINT	EASTING	NORTHING
307	329836.220	392223.970
308	330035.077	392227.357
309	329973.086	391886.926
310	329803.426	391772.587
311	329470.622	392062.343
370	329829.894	391998.616
375	329774.799	391856.412
407	329822.331	391901.239
425	329840.943	392221.197
426	329864.037	392227.737
427	329802.014	392457.366
428	329952.056	392497.893
429	330013.523	392270.323
430	329604.769	392086.399
431	329627.903	392092.836
432	329693.960	391822.144
433	329671.572	391812.653
434	329688.448	391844.732
435	329706.677	391687.483
436	329813.755	391717.514
437	329662.096	391952.718
438	329778.052	392134.872
439	329817.589	392146.013
440	329898.444	391933.504

TAB E

THENCE on an azimuth of $338^{\circ} 49' 22''$ a distance of 11.00 feet to a point marked by Survey Marker Number 1787, on said plan, and having co-ordinates E.279067.034 feet and N.449353.973 feet;

THENCE on an azimuth of $338^{\circ} 49' 22''$ a distance of 428.98 feet to a point marked by Survey Marker Number 1788, on said plan, and having co-ordinates E.278912.064 feet and N.449753.980 feet;

THENCE on an azimuth of $50^{\circ} 37' 06''$, along the southerly boundary of lands owned now or formerly by David Birch, a distance of 132.87 feet to a point marked by Survey Marker Number 1789, on said plan, and having co-ordinates E.279014.762 feet and N.449838.282 feet;

THENCE on an azimuth of $159^{\circ} 06' 24''$, along the westerly boundary of lands owned now or formerly by Paul John Maynard and Charlotte Maynard, a distance of 375.76 feet to a point marked by Survey Marker Number 1790, on said plan, and having co-ordinates E.279148.769 feet and N.449487.229 feet;

THENCE on an azimuth of $72^{\circ} 55' 04''$, along the southerly boundary of said lands of Paul John Maynard and Charlotte Maynard a distance of 422.65 feet to the point or place of commencement.

CONTAINING approximately Two point Four One (2.41) acres of land, a little more or less. All azimuths are grid azimuths. All grid azimuths and co-ordinates are referenced to The Prince Edward Island Stereographic Projection, prior to July 1, 1979.

PARCEL #4 PID 82040

ALL THAT PARCEL of land situate, lying and being in Lot 19, Prince County, Province of Prince Edward Island, being the warehouse and lot shown and delineated on a Plan of Subdivision of the Estate of Darrell Picketts, prepared by Windsor Enterprises Inc., dated March 24, 1980, as Drawing Number 801928, and being more particularly bounded and described as follows, that is to say:

COMMENCING at a point on the North margin of the Blue Shank Road at a point Twenty-four (24') feet East of the Southeast angle of lands of Harold Day at Steel Survey Marker 426 on the aforementioned plan;

THENCE $344^{\circ} 53' 06''$ a distance of Two Hundred and Thirty-seven point Eight Six (237.86') feet to Steel Survey Marker 427;

THENCE $074^{\circ} 53' 06''$ a distance of one Hundred and Fifty-five point Four Two (155.42') feet to Steel Survey Marker 428;

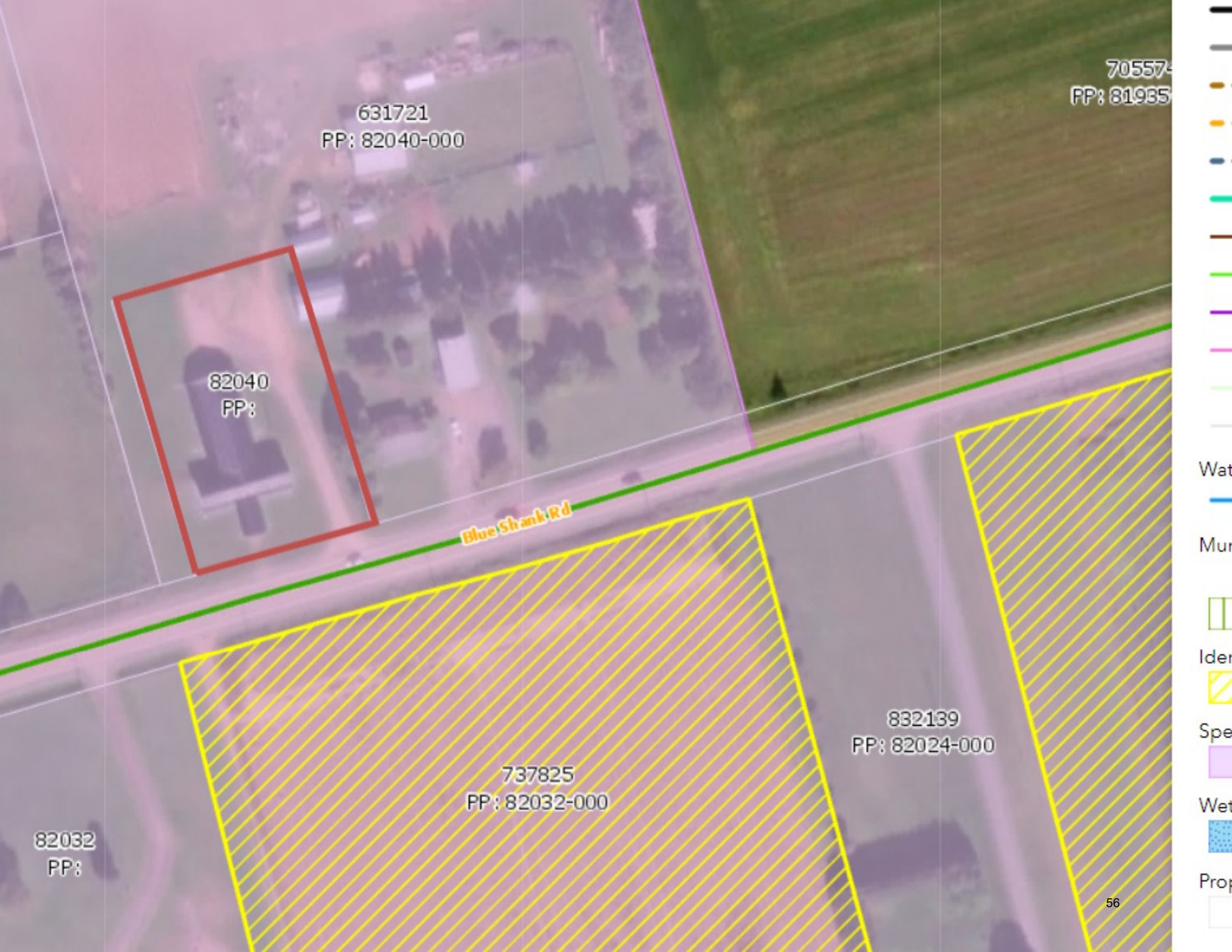
THENCE $164^{\circ} 53' 06''$ a distance of Two Hundred and Thirty-five point Seven Three (235.73') feet to Steel Survey Marker 429 at the North margin of the Blue Shank Road;

THENCE Westerly along the North margin of the Blue Shank Road a distance of One Hundred and Fifty-five point Four Three (155.43') feet to the point at the place of commencement.

CONTAINING an area of ZERO POINT EIGHT FOUR (0.84') ACRES OF LAND, a little more or less.

TAB

F



631721
PP: 82040-000

705574
PP: 81935

82040
PP:

Blue Shank Rd

832139
PP: 82024-000

737825
PP: 82032-000

82032
PP:

- Water
- Municipal
- Ident
- Spec
- Wet
- Prop

