

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 Mark Frezell with respect to the denial of a development permit application to construct a single-family dwelling on PID# 568220, located at Garden Lane in Donaldston, Prince Edward Island

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

**Mitchell O'Shea and
Christiana Tweedy**
Legal Services
Justice and Public Safety
95 Rochford Street, PO Box 2000
Charlottetown, PE

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

Mark Frezell
209 Legacy Point SE
Calgary, AB
T2X 3Z3

Appellant

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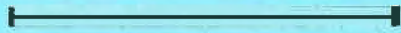
Appellant

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<u>Tab</u>	<u>Description of Record</u>
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- | | |
|----|--|
| 1. | Decision of the Minister denying the development permit application, dated September 19, 2024 |
| 2. | Notice of Appeal received by IRAC October 4, 2024 |
| 3. | Development Permit Application C-2024-0301 and attached Application Sketch for PID #568220 received August 14, 2024 |
| 4. | Coastal Hazard Assessment dated September 9, 2024 |
| 5. | Pre-Development and Subdivision Inspection Report dated September 19, 2024 |
| 6. | Interdepartmental Communications: <ul style="list-style-type: none">A. Email correspondence between Alan Robison, Don Walters, and Garth Carragher dated August 4, 2010B. Email correspondence between Scott Gamble, Dale Thompson, and Sarah MacVarish dated September 3, 2024 and September 10, 2024C. Email correspondence and attachments between Dale Thompson and Sarah MacVarish dated September 4, 2024 and September 18, 2024 |
| 7. | Other: <ul style="list-style-type: none">A. Geomatics – property information sheets generated on August 15, 2024 and August 19, 2024B. LIS Database Search Results generated on August 15, 2024C. Environment Map generated on August 15, 2024D. SSO Map generated on August 15, 2024E. Flood Hazard Map generated on September 9, 2024F. Schedule “A” – Property Description for PID# 568220 |

TAB



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Housing, Land
and Communities

Logement, Terres
et Communautés



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

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

September 19, 2024

Mark Frezell
209 Legacy Point SE
Calgary, AB T2X 3Z3

Dear Mr. Frezell:

Re: Development application – PID #568220, Garden Lane, Donaldston

The Department of Housing, Land and Communities has completed the evaluation of your development permit application that you submitted August 27, 2024, requesting permission to construct a single-family dwelling on property #568220 located on Garden Lane in Donaldston.

A. Decision

The Subject Property is within a geographic area where land use and development is 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 sections 3(2)(a), 5(a) and 16 (4) of the *Planning Act* Subdivision and Development Regulations, **the above noted application is Denied.** The reasons for this decision are explained in detail below.

B. Reasons

***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.

5. No approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate:

(a) where and environmental assessment or an environmental impact statement is required under the Environmental Protection Act, approval has been given pursuant to that Act.

16. (4) No person shall undertake any development, including a sewage disposal system, within a required buffer.

As stated in section 16. (4) of the **Planning Act Subdivision and Development Regulations** no development can occur within a wetland or buffer zone. The proposed single-unit dwelling is located within the buffer area on property #568220. There is no room for development outside of the buffer zone on the property. You may contact the Department of Environment, Energy and Climate Change to discuss and obtain more details as to where development may be suitable. Please contact 902-368-5049.

C. 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 regards to this decision, contact me at (902) 569-0573 or smacvarish@gov.pe.ca.

Sincerely,



Sarah MacVarish
Property Development Officer

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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 _____ (name of City, Town or Community) on the 4th day of October, 2024, wherein the Minister/Community Council made a decision to deny the Development permit for PID#568220 based on the fact that the proposed development falls within the required buffer.

(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)

The buffer zone GPS coordinates (as supplied by the Development Officer on behalf of The Ministry of The Environment) are incorrect and not aligned to the "top of the bank". If the buffer is plotted and measured correctly from the top of the bank there is sufficient setback allowance for both the cottage structure and the septic system to meet the planning requirements.

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)

An order reversing the denial of the development permit.

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

Name(s) of Appellant(s): Mark Frezell Signature(s) of Appellant(s): [Signature]
Please Print

Mailing Address: 403 - 1334 14 Avenue, SE City/Town: Calgary
 Province: Alberta Postal Code: T3C 0W2
 Email Address: frezell@yahoo.ca Telephone: 403-827-0179

Dated this 4 day of October, 2024
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.

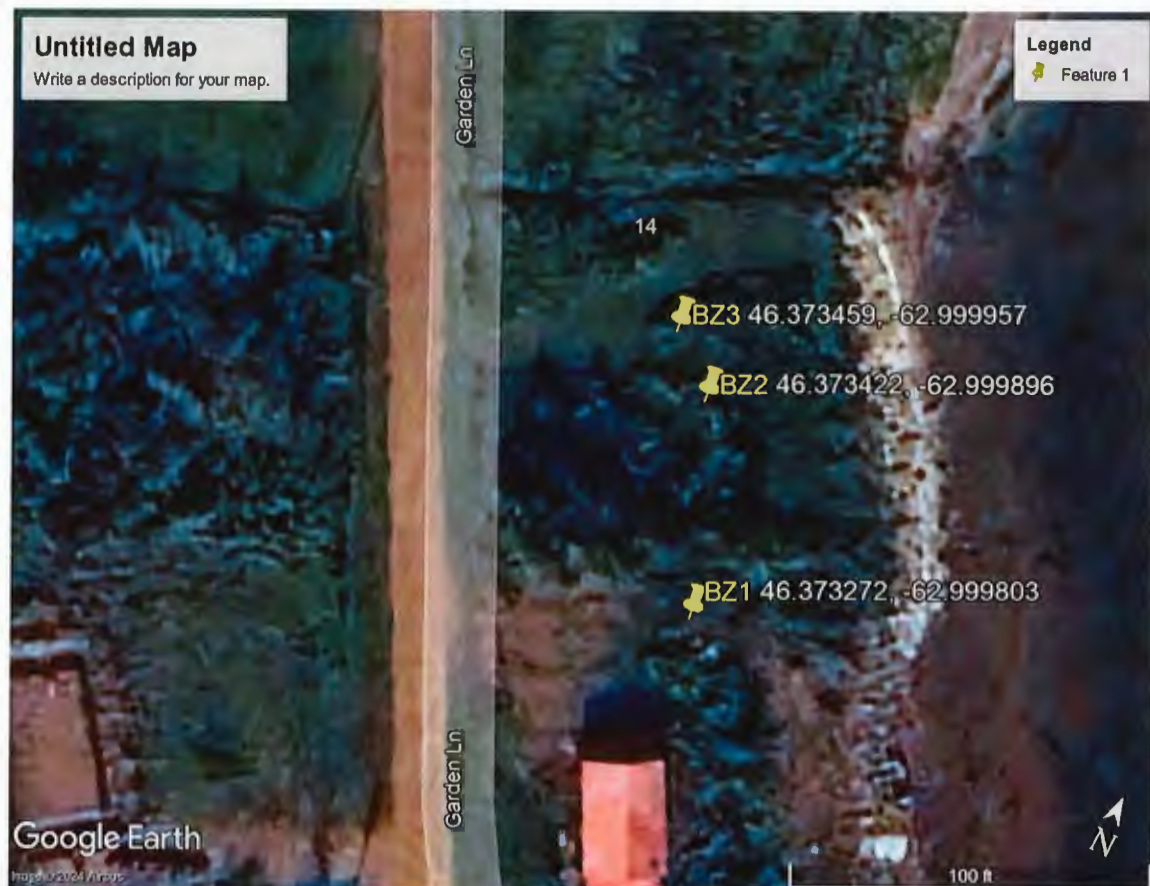
Service of the Notice of Appeal is the responsibility of the Appellant

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 902-892-3601 or by email at info@irac.pe.ca.

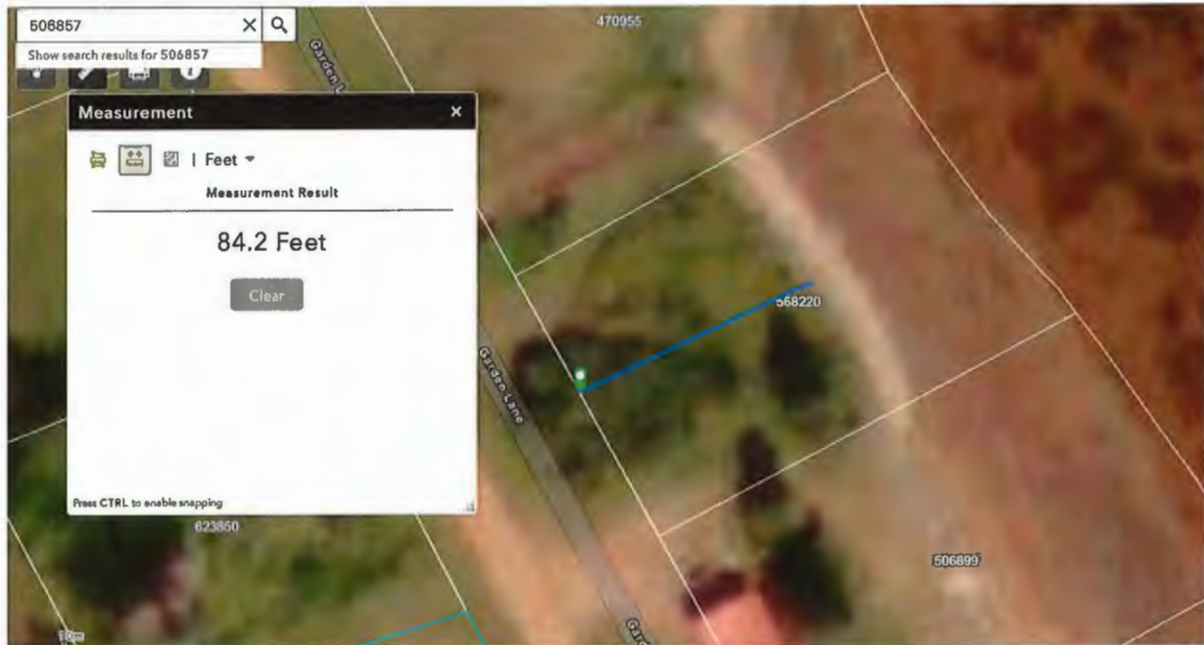
PID #568220 GPS Coordinates

Attach map(s) showing locations of stakes/flags on the ground		
Stake/Flag location (wetland boundary, buffer zone, etc)	GPS Coordinates	
	Lat	Long
1 BZ 1 (watercourse)	46.373272	-62.999803
2 BZ 2 (watercourse)	46.373422	-62.999896
3 BZ 3 (watercourse)	46.373459	-62.999957
4		
5 Wetland Buffer 1	46.37343	-63.00005
6 Wetland Buffer 2	46.37344	-62.99992
7		
8		

PID #568220 GPS Plot Map



PID #568220 Aerial Photograph with measurements



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Development Permit Application

RECEIVED

PAID

AUG 14 2024



AUG 27 2024

\$ 250.00

Land Division
CHARLOTTETOWN CANADA

H5625

Where you live will determine what Development Permit Application you will need to complete.

If you live **outside** of a municipal area, you will need to complete this application. As per the Provincial **PLANNING ACT SUBDIVISION AND DEVELOPMENT REGULATIONS**, no person shall, without first obtaining a development permit:

- commence the construction of any building or structure;
- locate any building or structure, or change the location of any building or structure on a lot;
- make any structural alterations that will change the exterior dimensions of any building or structure;
- change the use of any building or structure or land, or part thereof; or Intensify any non-conforming use;
- locate a travel trailer on any lot as the main or accessory use, other than in a travel trailer park where utility services are provided; or create a mobile home park

Office Use Only	
Sub. Case File #:	1475C (10 of 8)
Permit #:	
PID#:	568220
Permit Fee:	250.00
Received:	
PIC Verified:	<input checked="" type="checkbox"/> Aug 14/24 KCH

If you live **inside** a Municipal Area with planning authority you will need to apply for a **Development Permit from that local Municipal Office.**

Are you wanting to subdivide your parcel of land into smaller lots or change the official use of the property? If yes, you are required to complete the **Subdivision of Land/Change of Use Application** before completing this Development Permit Application and any Building Permit Applications.

Property Information: → 568220

Property Tax Number: 185941	Lot Number - If applicable: 568220
Civic Address Number: N/A Donaldston	Street Name: Garden Lane

Donaldston

Property Owner Information:

Full Legal Name: Mark Ronald Frezell		
Company Name:		
Street Address: 209 Legacy Point S.E		
Community: Calgary	Province: A.B	Postal Code: T2X 3Z3
Email: frezell@yahoo.ca	Phone: 403 827 0179	

Applicant Information If different from Owner:

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

C-2024-0301

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
 Vacant
 Other: _____

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

How will the new proposed structure receive sewer services?

- New on-site septic wastewater system*
 Existing on-site system
 Municipal wastewater treatment
 Private central wastewater treatment

* holding tank only, pumped out regularly.

Describe the current land use in detail. If the property is used for a livestock operation, include the type of livestock, the number of animals, whether there is a manure storage facility, and complete and attach a "Project Information Form - Commercial Livestock Operations".

Vacant

Are there existing buildings on the property?
 Yes
 No

Please describe the use of each building in detail:

What type of development or activity are you proposing? Please check all that apply:

- New detached structure
 Addition to existing structure
 Relocation of structure
 Change the use of existing structure

What will the proposed development be used for? Please check all that apply:

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

Will the proposed structure be the main structure on the property?
 Yes
 No

Please describe how the proposed structure will be used in detail:

Summer seasonal cottage
 Note: lot was subdivided March 20, 1970, therefore eligible for 50' set back front of bank for septic and structure.

What are the dimensions of the structure that you are proposing?

Width (ft):	30'	Number of Storeys:	1-5
Depth (ft):	20'	Main Floor Area (ft ²):	600'
Height of Structure:	25'	Total Floor Area (ft ²):	720'

What type of foundation are you proposing for the structure?

Standard Concrete Insulated Concrete Form (ICF) Wood Posts Other: _____

What siding material are you proposing for the structure? Hardi-board.

What roofing material are you proposing for the structure? Asphalt Shingles

If your proposed development is Multi-unit residential, how many units are you proposing? N/A

If your proposed development is Industrial, Commercial, Institutional, Recreational or Home-Based Business please answer the following: N/A

- What will be the hours of operation? _____
- How many staff are you intending on having at his location? _____
- Will there be onsite parking for staff? Yes No N/A
- Will there be shipping and/or receiving operations? Yes No N/A

Describe in detail the Industrial, Commercial, Institutional, Recreational or Home-Based Business operations you will be undertaking at this site:

N/A

Please provide the name, email and phone number for the various individuals that will be involved in your proposed development:

	Name	Email Address	Phone Number
Surveyor:	TBD		
Site Assessor:	TBD		
Septic Contractor:	<u>N.I. required</u>		
Lawyer:	<u>Ryan P. Johnson</u>	<u>assistant@rjohnsonlaw.ca</u>	<u>902 888 2070</u>
Engineer:	TBD		

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. Staff may also carry out a site inspection.

Declaration

I, Mark Frezell 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

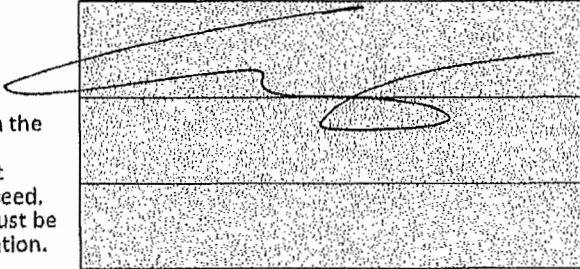
and hereby declare that all statements contained within this application are complete and true.

Signatures

Registered Owner(s):

or

Written confirmation from the current property owner(s) allowing this Development Permit Application to proceed. This documented proof must be supplied at time of application.



Date Aug 13, 2024
Date
Date

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 Moyses Dr, Summerside, PE
- Access PEI Montague – 41 Wood Islands Rd, Montague, PE

Office Use Only	
DEVELOPMENT PERMIT FEES	
Residential (\$250)	=
Industrial/Commercial/Institutional/Recreational (\$600)	=
Resource (\$500)	=
Other Applicable Fees	=
Total	=

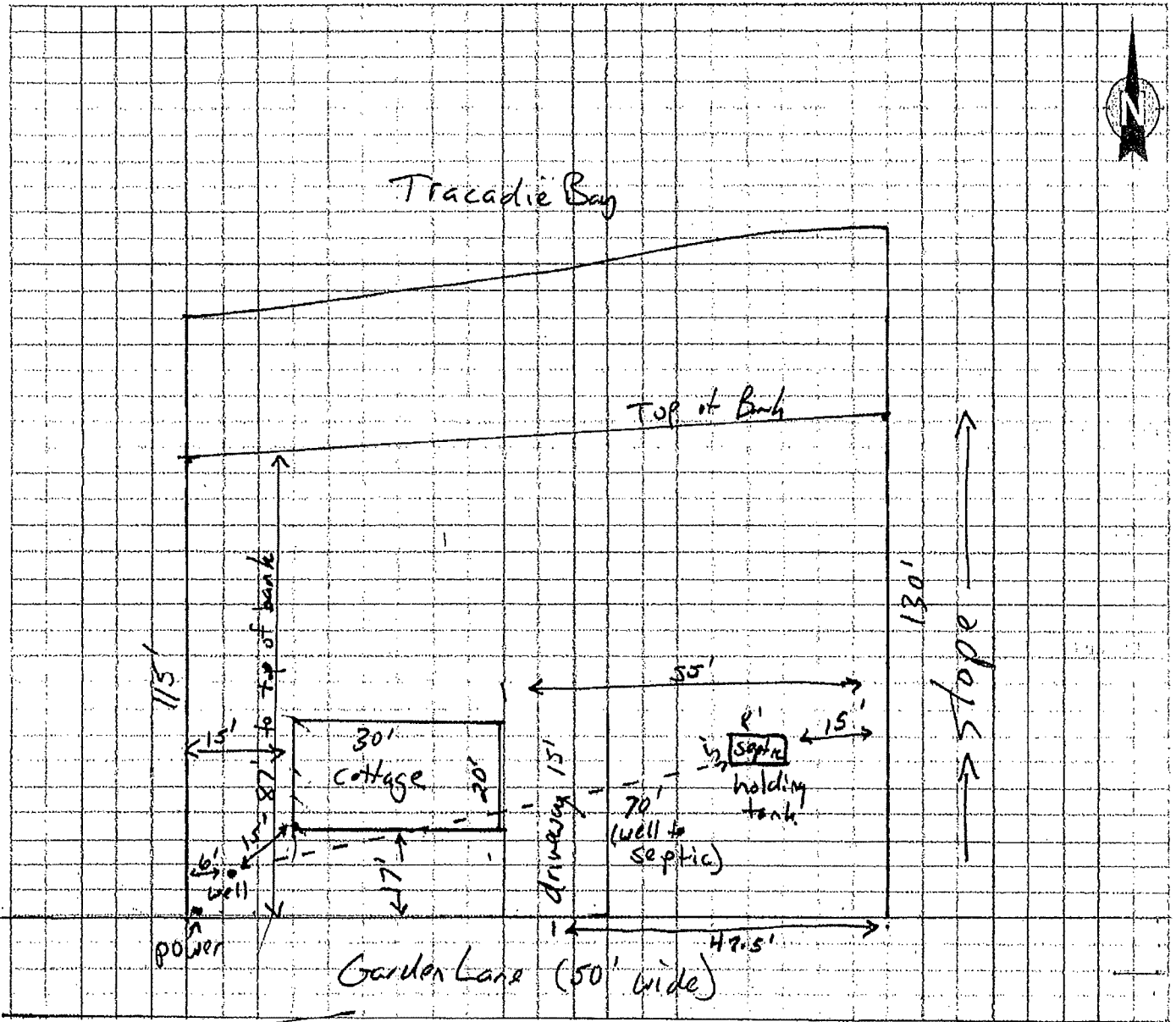
Personal Information on this form is collected under section 8 (1)(d) of the Planning Act. If you have any questions about the collection of personal information, you may contact landdivision@gov.pe.ca for more information.

Development Permit Application Sketch

Pursuant to the Planning Act

This sketch is required as part of the Development Permit Application and needs to include the following:

- | | |
|--|--|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> All Property lines with their lengths (in ft) <input checked="" type="checkbox"/> Road(s), including their name(s) <input checked="" type="checkbox"/> All Buildings with their sizes listed (in ft) <input checked="" type="checkbox"/> Distance from centre of road to building (in ft) () <input checked="" type="checkbox"/> Distance from buildings to property lines (in ft) () <input checked="" type="checkbox"/> Distance from septic tank/field to property lines (in ft) () <input checked="" type="checkbox"/> Distance from well to building (in ft) () | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Show any watercourse, wetlands, top of bank, or sand dune located on the property <input checked="" type="checkbox"/> Distances from watercourse, top of bank, or sand dune to any structures (building or septic) (in ft) () <input checked="" type="checkbox"/> Arrow showing the natural slope of the land <input checked="" type="checkbox"/> Distance from the centre of driveway to the nearest neighbouring property line (in ft) () <input checked="" type="checkbox"/> Distance between well and septic system (in ft) () |
|--|--|



Property Owner's Signature or Applicant
Aug 13, 2024
Date

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Coastal Hazard Assessment

Property Identification Number (PID):	568220		
Civic Address/Lot Number:	Garden Lane		
Community/Municipality:	Millcove		
Shoreline Classification Type:	Low Plain, Estuary exposure		
Watershed Name:	Kellys Point	Watershed ID:	WS_89

Prince Edward Island's coastline is ever-changing, shaped by the forces of wind, waves, tides, and changes in sea level. Residents, businesses and visitors value coastal properties. However, coastal hazards, like erosion and flooding, are common and they are growing.

A Coastal Hazard Assessment (CHA) provides information on a property's potential erosion and flood hazards. This information can help you make decisions before you purchase or develop a property. Actual or potential damage to all property assets are beyond the scope of this assessment. This includes, but is not limited to, building structures and on-site services. The CHA should not be considered a definitive statement as to where and when future damage may occur.

This CHA is not based on a site visit. Instead, it is based on the interpretation of remotely sensed data and climate modeling.

Recovering from erosion and flood damage can be expensive. Disaster financial assistance programs are available, but not everyone is eligible. New development in flood prone areas are not eligible for disaster financial assistance provided through Public Safety Canada's Disaster Financial Assistance Arrangements, unless steps have been taken during design and construction to protect against a 100-year-flood. Information on a 100-year-flood, sometimes called a floodplain, is available for coastal areas of Prince Edward Island.

Please consider the following steps before you purchase, develop or subdivide a coastal property:

- * talk to a qualified professional to get advice on the design and location of any coastal development,
- * think about how long you want your development to last, how much you want to invest, and how comfortable you are with risk,
- * learn about previous erosion and flood damage to the property, and
- * talk to your insurance agency about potential coverage.

For more information on coastal hazards, please visit: www.princeedwardisland.ca/coastalhazards

Limitation of Liability: Government, its agents, representatives, and employees shall not be liable for any claims, demands, losses, costs, damages, actions, suits or proceedings of every nature and kind, whatsoever, arising out of or resulting from any reliance on the Coastal Hazard Assessment.

What is coastal erosion?

Coastal erosion is the natural breakdown and removal of rocks and soil along the coastline. Both the annual freeze-thaw cycle and wave action cause erosion.

Typically, most coastal erosion takes place during storms (e.g., strong waves, high wind, and storm surge conditions). Other factors that influence the erosion rate of a property include the shoreline type (e.g., cliff, low bank, sand dune, wetland), the geology or soil type, the orientation of the shore, the exposure or fetch (i.e., the width of the open water in front of the shore), development or other disturbances on the land adjacent to the bank, and the presence or absence of vegetation.



Figure 1. Example of bank erosion at Victoria's Provincial Park



Figure 2. Example of cliff erosion at Cape Egmont

How much is PEI's coastline eroding?

By using historical (1968-2020) data, we can assess the amount of erosion that an individual property has experienced over time. On average, PEI's coastline has eroded at a rate of 30 cm each year. However, erosion is not always a gradual process; in some instances, significant amounts of land (8-10 m) have been lost in a single storm event, while other areas have barely been impacted at all. This is why it is important to inform yourself about the specific erosion hazard of your property.

What are my options for adapting to coastal erosion?

For properties with moderate to high erosion hazards, the PEI Department of Environment, Energy and Climate Action recommends relocating existing buildings and locating new buildings farther inland. The department does not recommend shoreline stabilization, as a first alternative, along PEI's coastline.

If you are considering installing shoreline stabilization on your coastal property, you must obtain a Watercourse, Wetland and Buffer Zone Activity Permit or hire a licensed contractor. For more information, please visit: www.princeedwardisland.ca/en/service/apply-watercourse-wetland-and-buffer-zone-activity-permit.

How will PEI's coastline erode in the future?

As a result of climate change the sea level is rising, intense storms are occurring more frequently, and during the winter months there is less sea ice coverage. All of these factors are expected to lead to increased erosion in coastal areas in the future.

What is the Erosion Hazard Classification for a single property?

By using the average historical (1968-2020) rate of erosion, the level of hazard can be attributed to an individual property. Hazard classifications are as follows:

High Erosion Hazard:	more than 90 cm per year
Moderate Erosion Hazard:	30-90 cm per year
Low Erosion Hazard:	less than 30 cm per year

This hazard classification is based on historical coastal change and is likely to be an underrepresentation of the future erosion rate (i.e., as the climate continues to change, the erosion rate is likely to increase). Furthermore, if the coastline of your property has been altered (e.g., shoreline armouring) the historic rate of erosion may not accurately reflect current conditions.

Please note that the historical rate of erosion is currently not available for coastlines adjacent to saltmarshes. Saltmarshes can provide a natural barrier between coastal properties and the impacts of storm surge flooding. Without interference from coastal development, saltmarshes are expected to expand (inland) as sea level continues to rise.

Coastal Erosion Hazard Assessment

Average Coastal Erosion Rate (cm/year):	30
Maximum Coastal Erosion Rate (cm/year):	34
Coastal Erosion Hazard Classification:	Low

Comments:

This assessment is based on historical coastal change (1968-2020) and is likely to be an underrepresentation of the future erosion rate (as the climate changes, the erosion rate is likely to increase).

When the average historical rate of coastal change is between 0-30cm/yr it is considered low risk; between 30-90cm/yr it is considered moderate risk; and greater than 90cm/yr is high risk.

The average erosion rate for this property is classified as low because it falls within the 0 cm/year - 30 cm/year classification.

However, it is worth noting that its proximity to the shore places existing or proposed development (including any structure, well, or septic system) at elevated risk.

Due to the limited lot depth, options to adapt to this risk (i.e. receding shoreline) are limited.

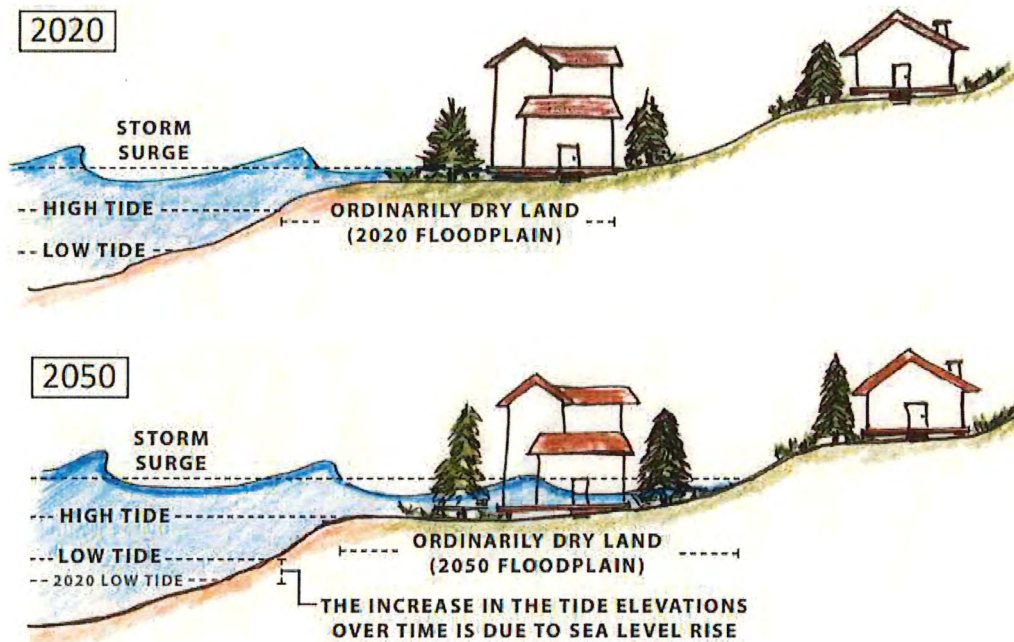
Coastal flood Hazard Assessment

What causes coastal flooding?

Coastal flooding occurs when seawater flows temporarily over low-lying (but normally dry) coastal land. Flooding often happens during storm surge events, and can be particularly damaging if the storm takes place during a high tide. A storm surge is a temporary rise in sea level that results when atmospheric pressure drops and strong winds push the water towards the shore.

As a result of climate change, PEI's sea level is expected to rise by approximately 1 m (3.3 ft) this century. As the sea level rises it will permanently flood low-lying coastal land and coastal saltmarshes will expand inland. Although this will be a gradual process, over time the coastline will become more susceptible to flooding and storm surge flood waters will reach higher elevations more frequently.

The coastal floodplain is the area of land adjacent to the shoreline that will be affected by a coastal flooding event (i.e. storm surge) with a 1% chance of happening annually. This storm level is often referred to as the 1-in-100 year flood. Properties located within the coastal floodplain have at least a 22.2% chance of flooding over the course of a 25-year mortgage



If you require additional information to support detailed design criteria, such as risk tolerance and minimum design standard thresholds, a **Watershed Flood Project Report (WFPR)** is available to download from: www.princeedwardisland.ca/coastalhazards. The WFPR is intended for researchers and design professionals. This additional data is applicable to all properties within the watershed in which your property is located.

Is my property in a flood hazard zone?

PEI is fortunate to have access to detailed information on the elevation of all coastal properties. By using climate models of projected sea level rise, this information can be used to assess the coastal flood hazard of a single property.

High Flood Hazard:

This area of the property falls within the current (2020) coastal floodplain. This low lying coastal land may experience flooding now during extreme storm events, and will be impacted more often as sea level rises and storm water levels reach higher elevations more frequently. As mean sea level continues to rise, a portion of this area will be permanently inundated by sea water during regular high tides.

Moderate-High Flood Hazard:

This area of the property falls within the 2050 coastal floodplain. It is less likely that this area will experience flooding now, but the likelihood of flooding during an extreme storm event will increase over time.

Moderate-Low Hazard:

This area of the property falls within the 2100 coastal floodplain. It is unlikely that this area will experience coastal flooding now, but the likelihood of flooding during an extreme storm event will increase over time.

Minimal Flood Hazard:

This area of the property is elevated above the 2100 coastal floodplain.

A worst-case-scenario designated flood elevation, indicating an additional 0.65m of sea level rise, is also provided on the CHA map of the property. All land above this elevation is considered outside the coastal flood hazard zone.

Coastal Flood Hazard Assessment

	Approximate area of the property within the hazard area
High flood Hazard:	30
Moderate-High Flood Hazard:	55
Moderate-Low Flood Hazard:	15
Minimal Flood Hazard:	0

Comments:

This property has a Moderate-high Flood Hazard.

Approximately 30% of this property falls within the High Flood Hazard Zone, 55% falls within the Moderate-High Flood Hazard Zone, 15% falls within the Moderate-Low Flood Hazard Zone, and none falls within the Minimal Flood Hazard Zone.

Portions of the adjacent road fall within the High Flood Hazard Zone and may compromise access or egress during a flood event.

If available, local knowledge of previous occurrences of flooding will also help to inform the property owner regarding current and future flood risk.

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PRE-DEVELOPMENT AND SUBDIVISION INSPECTION REPORT

(updated July 18-2024 v1.2)

Section 1 - General Information

APPLICANT: Mark Frezell
SUBDIVISION CASE #
PROPERTY # 568220

LOCATION: Donaldston
DEVELOPMENT PERMIT # C-2024-0301
DATE OF INSPECTION

Section 2 - Property Information - FLEXVIEW

- 1. Is the property identified? Attach confirmation. IRAC
2. Is the property in a Special Planning Area?
3. Is the property in a municipality with its own official plans and bylaws?
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?
6. Are there any existing structures on the property?
7. Existing land use Residential Proposed land use Residential
8. Is the lot existing? (created before 1979)
9. Was the lot approved previously?
10. Is a Coastal Hazard Assessment required?
Average Erosion Rate Calculated Setback Distance

11. Reference Cases:

Section 3 - Soil & Septic Information - ENVIRO

- a) What is the soil categorization? Cal 1 Permit # 17870
b) Previously Assessed? 1475C Case # Assumed Permeable Soil
Assessor n/a Registered Document # n/a
c) If multi-lot subdivision, has an SSA been submitted for each lot?
d) Is there an existing septic system on site?
e) Has a Sewage Disposal Form been submitted?
f) Does the existing septic exceed 1500 gallons / day

proposed holding tank

Section 4 - Road Information - DTI MAP

- a) Name of highway Garden Lane Route #
b) Highway classification Arterial, Arterial 2, Seasonal, Collector, C1, C2, C3, Subdivision, Heritage, Private, Infilling, Other:
c) Is an EWP required? (Seasonal/Arterial)
d) Is the proposal to access a new private road?
e) # of lots approved of private road since 2009?
f) Highway access (culvert) new culvert required, existing entrance, relocate existing entrance

Notes:

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: *high flood hazard*
- b. Fire Marshal's Office No Yes N/A Notes:
- c. Environment No Yes N/A Notes: *within buffer*
- 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: *not enough space outside of buffer to develop*

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:
August 19/24- Summer cottage, application indicates holding tank for septic

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:
5(a) & 16(4)

[Signature]

Officer

Sept 19th 2024

Date

TAB

6

TAB

A

From: Alan Robison
To: Don Walters; Garth Carragher
Date: 8/4/2010 10:29 AM
Subject: Aneas MacIntyre Subdivision, MacIntyre Shore Road, Donaldston - Case # 1475C

With respect to the above noted subdivision located in Donaldston we have identified some possible servicing issues, with respect to septic systems, that should be addressed or at the very least cause a 'red flag' be posted on a development plan. Based on the PEI Soils Map (1988) this subdivision has a total of 48 lots identified to be located within the **Winsloe (Wn)** soils classification. Soils in this class are identified to have a limiting factor of seasonal high water table, for septic filter fields.

Although there are a few of these lots that have cottages located on them, we have found that with three (3) recent site assessments seasonal high water table was evident. One of those assessments which was done in the spring of this year did identify a high water table and the lot was categorized as Cat V (undevelopable). The other two assessments also showed mottling of the soil at a depth of less than two feet which would also suggest a possible Cat V categorization.

I am suggesting that at the very least we should be asking for spring testing on any new assessments that we receive for any of the lots within the 48 lot area we identify as potential problem lots for sewage disposal systems. All of these lots are undersized approved lots (<15,000 sq. ft.) so any assessments will have to be done by our department or a consultant.

To be more specific, as I stated there are about 48 lots within this soils class (based on the soils map) and there are approximately three that have structures on them (lot # 11,12 & 34) and as of last week four additional assessments were done (lot # 7,21,34,35), all suggested a high water table issue. Of the remaining properties five lots (lot # 5,8,9,10,12) appear to have been previously assessed. That leaves a total of 35 lots which we should be identifying to be spring tested only. It does appear from the property map that nine (9) of these lots may be approved under a different case number, since they do not appear on the plan for Aneas MacIntyre. These lots do not have an identifying lot number attached to them.

The property we identified to be a Cat V lot was permitted to install a holding tank as an option for servicing since it was an existing approved (undersized) lot. This option should also be available to the property owners of the remaining 35 lots we are suggesting spring testing designation.

If you would like to discuss this suggestion in more detail please contact me at 5048.

Alan M. Robison C.E.T.
Senior Drinking Water Technologist
Environment, Energy & Forestry
368-5048; fax 368-5830
amrobison@gov.pe.ca

TAB

B

RE: C-2024-0301 - PID 568220 - Donaldston

From Scott Gamble <SEGAMBLE@gov.pe.ca>

Date Tue 9/10/2024 9:52 AM

To Sarah MacVarish <smacvarish@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; coastalproperty <coastalproperty@gov.pe.ca>

Hi Sarah. It appears that there is only room for a holding tank for this proposed development. I would caution the property owner that holding tank pumping fees are expensive and we don't recommend them to be installed for new developments for that reason. The other option would be to consult with an engineer to design a system that may fit the area.

Scott Gamble
On-Site Septic Coordinator
Department of Environment, Energy, and Climate Action
45 East Dr, PO Box 8
O'Leary, PE
C0B 1V0
902-218-4831

From: Sarah MacVarish <smacvarish@gov.pe.ca>

Sent: Tuesday, September 3, 2024 3:15 PM

To: Dale Thompson <DETHOMPSON@gov.pe.ca>; coastalproperty <coastalproperty@gov.pe.ca>; Scott Gamble <SEGAMBLE@gov.pe.ca>

Subject: C-2024-0301 - PID 568220 - Donaldston

Good afternoon,

Please see attached development permit application and provide comments when possible. There is very limited space for development with the buffer and its showing as poor soil.

Scott, can you determine if a septic system would be feasible on this parcel? They are proposing a holding tank, but that should be the last resort.

I will be reaching out to the applicant to have a surveyor create a plan to ensure that the setbacks are being met.

Thanks,

Sarah MacVarish, BCD
Property Development Officer
Development Control and Land Use Planning
Dept. of Housing, Land & Communities
(902) 569-0573

TAB

C



Outlook

FW: C-2024-0301 - PID 568220 - Donaldston

From Dale Thompson <DETHOMPSON@gov.pe.ca>

Date Wed 9/18/2024 2:00 PM

To Sarah MacVarish <smacvarish@gov.pe.ca>

 1 attachments (387 KB)

buffer map.pdf;

From: Dale Thompson

Sent: Wednesday, September 18, 2024 2:00 PM

To: Dale Thompson <DETHOMPSON@gov.pe.ca>

Subject: RE: C-2024-0301 - PID 568220 - Donaldston

Hi Sarah,

There does not appear to be sufficient area for development of this property outside the 15 m buffer zone – see attached map and buffer zone coordinates. I'll leave it to you to confirm but no development would be permitted in the buffer and, if no other option exists, **this application should be denied.**

Tks, Dale

Dale Thompson

Environmental Assessment Officer

PEI Department of Environment, Energy and Climate Action

(902)368-5049

From: Dale Thompson

Sent: Wednesday, September 4, 2024 7:12 AM

To: Sarah MacVarish <smacvarish@gov.pe.ca>

Subject: RE: C-2024-0301 - PID 568220 - Donaldston

Hi Sarah,

I will provide coordinates for the buffer zone so it might be best to wait for these before requesting a survey plan,

Tks, Dale

From: Sarah MacVarish <smacvarish@gov.pe.ca>

Sent: Tuesday, September 3, 2024 3:15 PM

To: Dale Thompson <DETHOMPSON@gov.pe.ca>; coastalproperty <coastalproperty@gov.pe.ca>; Scott Gamble <SEGAMBLE@gov.pe.ca>

Subject: C-2024-0301 - PID 568220 - Donaldston

Good afternoon,

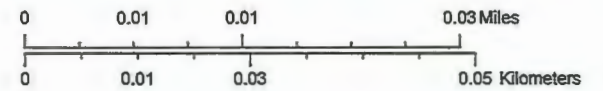
Please see attached development permit application and provide comments when possible. There is very limited space for development with the buffer and its showing as poor soil.

Environment



September 18, 2024 This map is not intended for legal description or to calculate exact land dimensions.

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Statistics Canada



Scale: 1:1,128

Attach map(s) showing locations of stakes/flags on the ground		
Stake/Flag location (wetland boundary, buffer zone, etc)	GPS Coordinates	
	Lat	Long
1 BZ 1 (watercourse)	46.373272	-62.999803
2 BZ 2 (watercourse)	46.373422	-62.999896
3 BZ 3 (watercourse)	46.373459	-62.999957
4		
5 Wetland Buffer 1	46.37343	-63.00005
6 Wetland Buffer 2	46.37344	-62.99992
7		
8		

TAB

7

TAB

A

Parcel	Original Parcel Number	Map #	Property Location	Owner Name & Mailing Address
568220	N/A	11L068C1-1	DONALDSTON	MARK FREZELL 209 LEGACY POINT CALGARY AB T2X 3Z3
School District:	2152			
Work Unit:	2387			
Lot/Township #:	35			
School Unit #:	3			

Parcel & Lease	Acreage	Assessment Values (2024)	Taxable	Designated Taxpayer & Mailing Address
Account Status: A	0.28	Commercial: \$0.00	\$0.00	MARK FREZELL
Farm Quality: N		Non-Commercial: \$39,000.00	\$39,000.00	CALGARY AB
Municipality: East River		Residential: \$0.00	\$0.00	T2X 3Z3
Region Number: 2		Farm: \$0.00	\$0.00	Dates
Assessor: MACDOUGALL AARON		Buildings		Last Inspection: 05-JUL-90
% in Municip: 100		Line No: Building Type:		Last Owner Chg: 22-AUG-23
Spec Prop Code:				Initially Filed: 01-JAN-00
MHI Number:				Dormant:
Owner ID Code:				
Ownership Code: A02				
Tax Exempt Code:				

Map



Parcel

568220

Original Parcel Number

N/A

Property Location

-

Owner Name

MARK FREZELL

Acreage

0.28

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
568220	N/A	11L068C1-1	DONALDSTON	MARK FREZELL 209 LEGACY POINT CALGARY AB T2X 3Z3

DOCUMENTS FILED ON PARCEL

Year	Description	Type	Document Number	Liber/Book	Folio/Page	Consideration
	REFER TO PARENT PROPERTY	PP	00143594			
2023	DEED	11	6834	6035		\$0.00
2011	DEED	11	4166	5368		\$55,000.00
1998	DEED	11	5605	954	23	\$0.00
1995	DEED	11	19955804	788	33	
1977	DEED	11	19770363	231	3	
1976	DEED	11	19766915			

SURVEY PLANS

Parcel Number	Plan
568220	N7 886

PROPERTY INFORMATION



CREATED ON 2024-08-15 2:24 PM

PARCEL NUMBER

568220

SCALE

1:400

ACREAGE

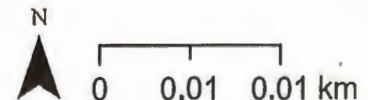
0.28

OWNER

MARK FREZELL

ADDRESS

DONALDSTON



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.

**GOVERNMENT OF PRINCE EDWARD ISLAND
DEPARTMENT OF FINANCE
TAXATION AND PROPERTY RECORDS DIVISION**

95 Rochford Street
1st Floor Shaw Building - South
Charlottetown, PE C1A 7N8

Office: (902) 368-4070
Fax: (902) 368-6164
taxandland@gov.pe.ca

PROPERTY INFORMATION



CREATED ON 2024-08-19 9:50 AM

PARCEL NUMBER

568220

SCALE

1:400

ACREAGE

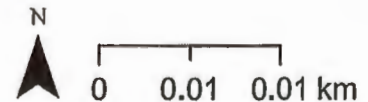
0.28

OWNER

MARK FREZELL

ADDRESS

DONALDSTON



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Fax: (902) 368-6164
taxandland@gov.pe.ca

TAB

B



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Identified Parcel Search Results

PLEASE NOTE:

The Land Information System database is based on information filed as part of applications made under the [Lands Protection Act](#). The Commission does not warrant the accuracy of the information. Without limiting the generality of the foregoing, certain information may have changed after processing the applications including, in some cases, the assignment of new parcel numbers to identified land. The new parcel numbers are not necessarily contained in the database. The database does not include parcels that were identified prior to 1979.

Email questions to: lpqinquiries@lrac.pe.ca.

Please enter parcel number (you must enter 6 or 7 digits):

No match found!

TAB

C

Environment

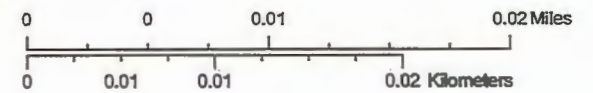


August 15, 2024

This map is not intended for legal description or to calculate exact land dimensions.

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Statistics Canada

- | | | |
|-----------------------|----------------------------------|-------------------------------|
| Farming Not Permitted | Imperfect | OPEN WATER OR MARSH COMPONENT |
| Highway | Poor | SALT OR BRACKISH MARSH |
| Secondary | Watercourse | SAND DUNE |
| Street | LAND LOCKED POND | Property |
| Unpaved | NO OPEN WATER OR MARSH COMPONENT | |



Scale: 1:564

TAB

D

SSU

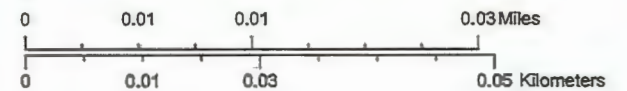


August 15, 2024

This map is not intended for legal description or to calculate exact land dimensions.

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

- | | | | | |
|-----------------------|--------------|-----------|-------------|---------|
| 15m Buffer | No | L Access | Resource | Service |
| Civic Address | Yes | Collector | Ramp | Remove |
| Property Boundary | Watercourse | Local 1 | Federal | |
| Wetland | Arterial | Local 2 | Private | |
| Special Planning Area | 2nd Arterial | Local 3 | Residential | |

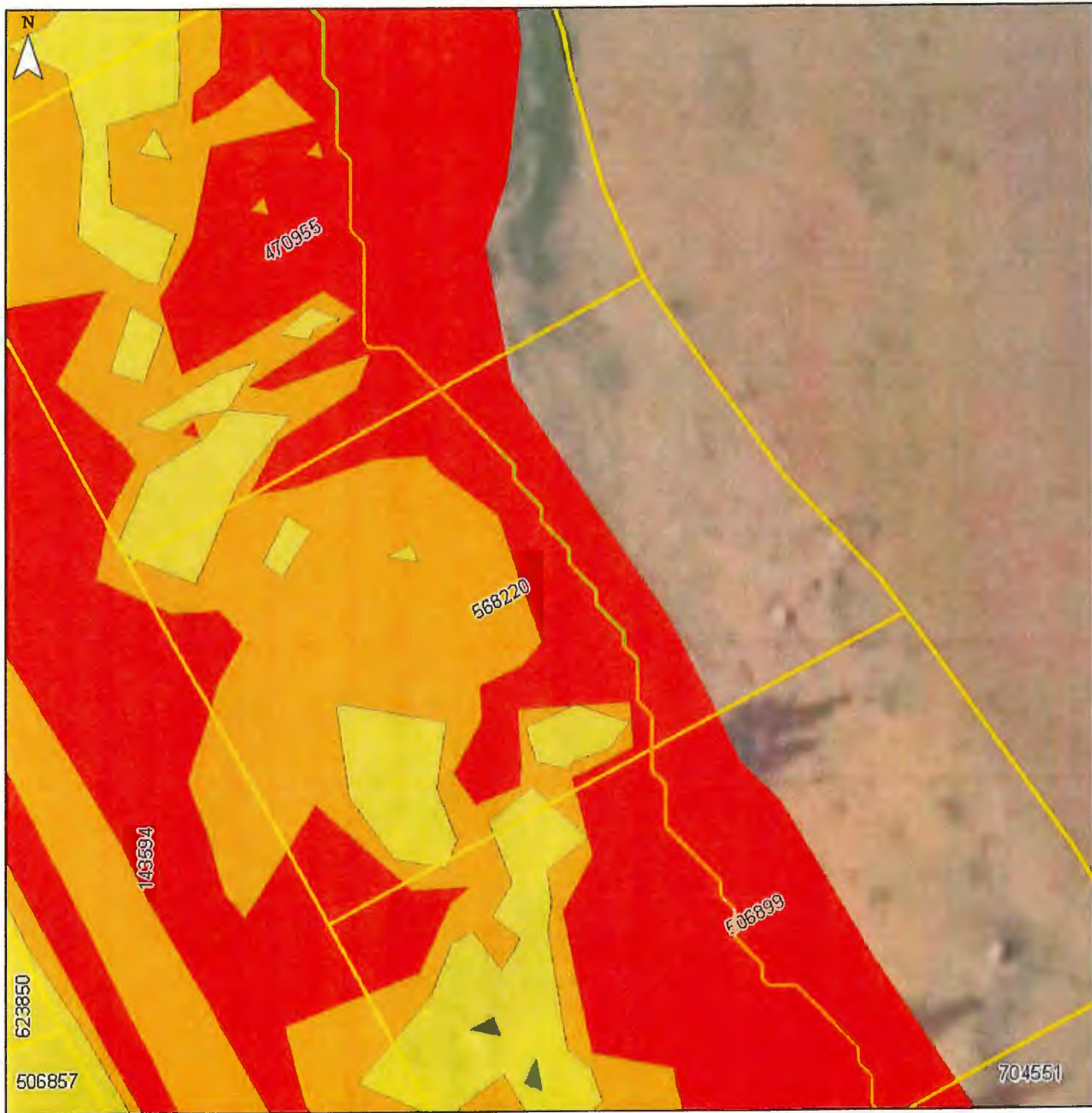


Scale: 1:1,128

TAB

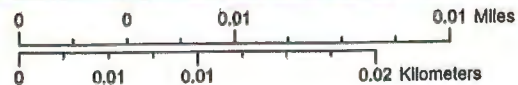
E

PID 568220



September 9, 2024.

Scale: 1:564



- | | | |
|----------------------------------|-----------------------------------|------------------------|
| Mod. Erosion Risk (30-90cm/yr) | SAND DUNE | Extreme Flood Scenario |
| Low Erosion Risk (0-30cm/yr) | Property | Highway |
| LAND LOCKED POND | High Flood Hazard (2020) | Secondary |
| NO OPEN WATER OR MARSH COMPONENT | Moderate-High Flood Hazard (2050) | Street |
| OPEN WATER OR MARSH COMPONENT | Moderate-Low Hazard (2100) | Unpaved |
| SALT OR BRACKISH MARSH | | |

This map is not intended for legal description or to calculate exact land dimensions.

TAB

F

SCHEDULE "A"

ALL THAT PARCEL of land situate, lying and being on Lot or Township Number Thirty-five (35) in Queens County, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a point on the Eastern side of a 66' right of way running North and South through lands now or formerly owned by Aeneas MacIntyre and as shown on a plan of subdivision entitled "Proposed Addition to Aeneas MacIntyre Subdivision, Donaldston, Queens County, P.E.I.", drawn by Carl G. MacDonald on March 20, 1970, as drawing number S-70-3, and approved (Lots 1-38) on April 21, 1970, by the Municipal Affairs Department as file number 1475C (the said survey plan being erroneously referred to as a plan "made by M. Farmer, May 24, 1966, and signed by C.G. MacDonald, P.L., P.L.S., as number 170576 and filed as number 886 with the Department of Community Services" in the two previous deeds to this property which are noted at the end of this description), which point is at the southwest angle of Lot 9 as shown on said plan.

THENCE by a line Eastwardly along the Southern boundary of Lot #9 for the distance of One Hundred and Fifteen (115) Feet more or less or to the shore of Tracadie Bay;

THENCE by a line Southwardly following the various courses of the shore of Tracadie Bay to the Northeastern angle of Lot #7 as show on said plan;

THENCE by a line Westwardly along the Northern boundary of Lot #7 for the distance of One Hundred and Thirty (130) Feet more or less or to the Eastern boundary of said right of way;

THENCE by a line Northwardly along said right of way for the distance of One Hundred (100) Feet or to the point at the place of commencement, the lot being conveyed and intended to be conveyed being Lot #8 as shown on said plan.

TOGETHER WITH the uses of all rights of way as shown on the said plan and the use of the open areas in common with other owners of lands on said plan to the use of the Grantee his heirs and assigns for all purposes.

AND BEING similarly described in a Deed of Conveyance from Claude Trudel to Doreen McCormack-Crombie dated the 6th day of July, 1995, and registered the 31st day of October, 1995, in Liber 788, Folio 33, as Document No. 5804 in the Registry Office for Queens County.

AND ALSO BEING similarly described in a Deed of Conveyance from Doreen McCormack-Crombie to David L. Faulkner and Rosemary G. Faulkner dated August 31, 1998, and registered on September 2, 1998, in Liber 954, Folio 23, as Document No. 5605, in the Registry Office for Queens County.