

**ISLAND REGULATORY AND APPEALS COMMISSION**

**In the matter of Brown's Volkswagen, Phillips Suzuki,  
Centennial Auto Group and Cathy Feener v.  
City of Charlottetown**

**(Appeal LA19009)**

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**APPELLANTS' BOOK OF EVIDENCE**

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**NICOLE M. McKENNA  
Carr, Stevenson & MacKay  
65 Queen Street  
Charlottetown, PE  
Lawyer for the Appellants**

**DAVID W. HOOLEY, Q.C.  
Cox & Palmer  
97 Queen Street, Suite 600  
Charlottetown, PE  
Lawyer for the City of Charlottetown**

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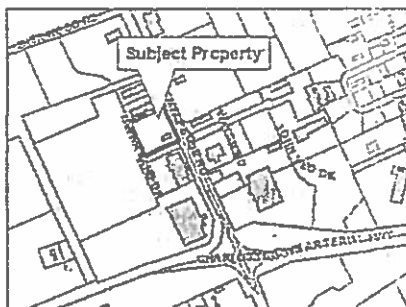
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**PUBLIC MEETING**

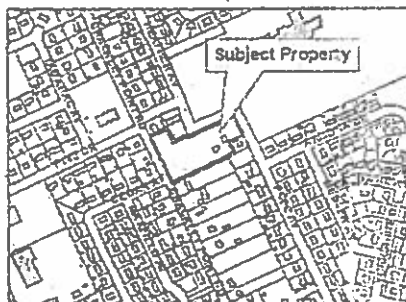
City Council will hold a Public Meeting to hear comments on the following:

**197 Minna Jane Drive (PID #469841)**

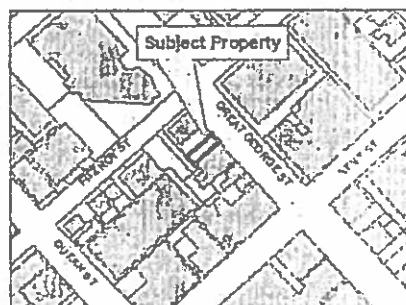
A request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.

**88 Brackley Point Road (PID #396770)**

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 50-unit apartment building on one lot and a townhouse development on the other portion of the lot.

**183 Great George Street (PID #344044)**

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.

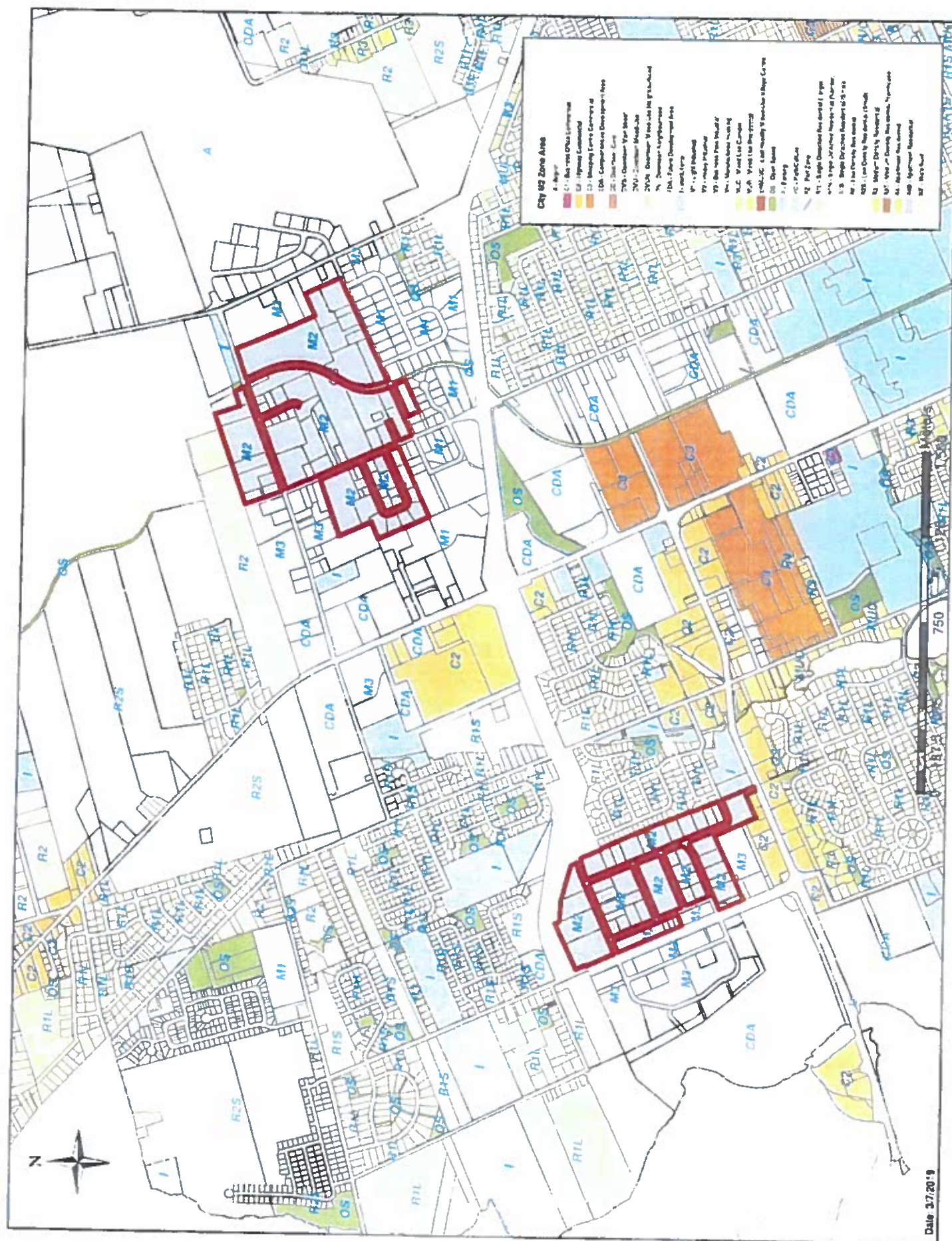
**Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)**

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

**Secondary and Garden Suite Registry By-law**

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at [www.charlottetown.ca](http://www.charlottetown.ca). Please have any written comments submitted to the Planning Department before 12:00 p.m. on Thursday, March 28, 2019. Comments may also be emailed to [planning@charlottetown.ca](mailto:planning@charlottetown.ca). Any responses received will become part of the public record.

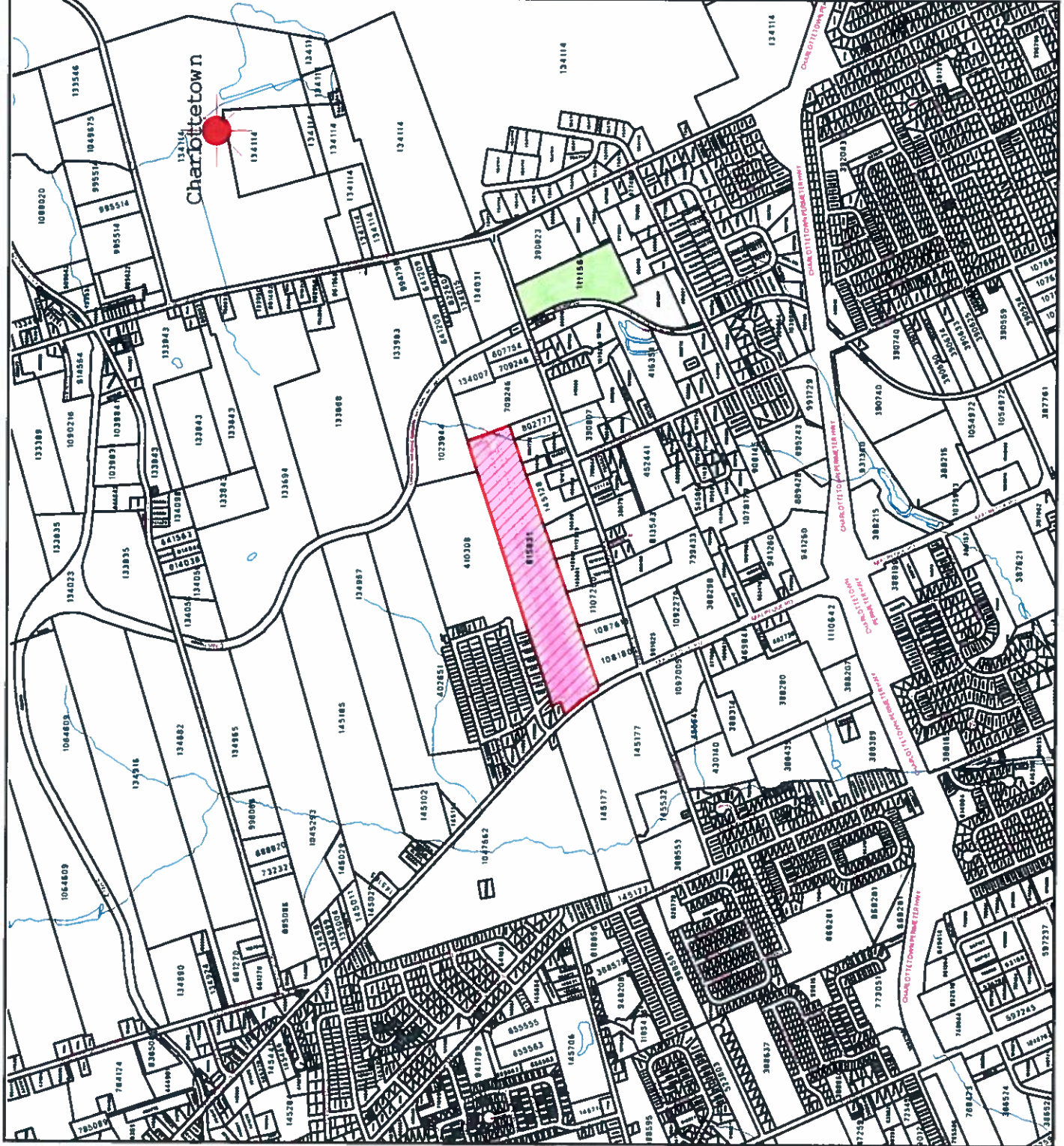




PEI GEOMATICS  
INFORMATION CENTRE

Owner Name: IRVING P & VIVIAN FRIZZELL

Location: null



PROVINCE OF PEI DEPARTMENT OF  
PROVINCIAL TREASURY  
GEOMATICS INFORMATION CENTRE  
11 KENT ST. CHARLOTTETOWN  
PEI C1A 7N8

PHONE: 902-368-5178  
FAX: 902-368-4399

WHILE THIS MAP MAY NOT BE FREE  
FROM ERROR OR OMISSION, CARE HAS  
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EXACT DIMENSIONS OR AREAS.

SCALE: 1:20000  
DATE: Nov 12, 2019  
TIME: 07:28:20 PM  
ACREAGE: 41.86  
WORK UNIT: 2391

**MacMillan, Cindy**

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**From:** .com>  
**Sent:** June 10, 2019 5:45 PM  
**To:** MacLeod, Terry  
**Cc:** Ramsay, Kevin; Rivard, Greg; Bernard, Terry; Duffy, Mike; Jankov, Alanna  
**Subject:** Asphalt Plants

City councilors ,wasn't the disapproval from residents and business on asphalt plants within city limits enough to reject any further discussions on this matter, it would seem someone is looking to reapply for a plant, this almost looks like back door work to me, why would any city council want this within their city limits & so close to the gateway to PEI "Airport", PLEASE VOTE NO TO THIS.

Yours Truly

President



## MacMillan, Cindy

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**From:**  
**Sent:** June 14, 2019 11:18 AM  
**To:**  
**Cc:** Mayor of Charlottetown (Philip Brown); Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; McCabe, Julie L.; Bernard, Terry; Forbes, Alex  
**Subject:** Re: Amend Section 36

I am inquiring when the public meeting will be held to discuss allowing more asphalt/concrete plants on the Sherwood Road.

Mitchell Tweel was quite clear on his motion to defer to include a public meeting before council votes on this very important matter.

Please refer to the video from Monday's Council meeting. Thank you.

On Jun 10, 2019, at 9:48 AM

· wrote:

To follow up on my earlier email, I am requesting a deferment on the first reading and a request for a public meeting with council on this very important matter. Thank you

On Jun 10, 2019, at 9:29 AM,

· wrote:

First of all I want to say that is totally against the request to amend the zoning to allow for more Asphalt Plants and Concrete plants on the Sherwood Road. The reasons why we oppose more Asphalt Plants and/or concrete plants on the Sherwood Road is the dangerous heavy truck traffic this would cause. Currently we have an Asphalt Plant on the Sherwood Road. They built over 60 years ago in an area that was considered "way out in country". They did not build their asphalt plant in the City. The City, through amalgamation, came to them. We have accepted the current truck traffic, but any more will be detrimental to our business.

If there wasn't an asphalt plant currently in the City, certainly the City shouldn't ever consider approving an Asphalt Plant today within City Limits. We currently experience truck traffic with heavy loads on the Sherwood Road with the current Asphalt Plant. Our customers and employees have to take extra precautions when they are entering or exiting our . These trucks are carrying heavy loads of asphalt and gravel and other aggregate and it is impossible for them to make an

emergency stop. If this proposal goes ahead and more asphalt/concrete plants are built, the dangerous heavy truck traffic will more than double!

The Sherwood Road is narrow and the condition of the Road is constantly being compromised. If this amendment goes ahead, the Sherwood Road will become the most dangerous Road not only in Charlottetown but also in PEI!

For the past 10-20 years, the dynamics have really changed on the Sherwood Road. We have the Humane Society, several Auto and recreation dealerships, Window Business, Parts for Trucks, EMS, a church and 2 tractor dealerships. All of these businesses compliment each other quite well and help drive traffic to their business. We have invested millions of dollars on the construction of a new building for our

We have found the location to be good and only will get better with more businesses moving onto the Sherwood Road that will compliment our business and help drive more retail traffic. Having more Asphalt/concrete Plants, will not only hurt the value of our new building, it will drive people away from the Sherwood Road, because it will get the reputation as being an unsafe road. I ask the City Councillors to vote down this amendment.

Thank you,

Owner

**MacMillan, Cindy**

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**From:** \live.com>  
**Sent:** June 17, 2019 11:13 AM  
**To:** Mayor of Charlottetown (Philip Brown); Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; McCabe, Julie L.; Bernard, Terry  
**Subject:** FW: SHERWOOD ROAD ASPHALT PLANT

Dear Councillors: P.S. See attached email below also  
 I certainly object to this proposed amendment to allow this plant in that zone when last year the residents spoke out loud & clear they did not want the plant there.  
 I am not certain what the actual zoning of this property is but if it is adjacent to the residents and quiet businesses, then you are not looking out for the citizens of Charlottetown.  
 I know the importance of asphalt to us all but the making of asphalt should not disturb residents who already have money invested in their homes to put up with the noise and pollution for the rest of their lives.  
 It is ONE THING TO MOVE NEXT TO AN ASPHALT PLANT knowing the problems but IT IS ANOTHER THING TO HAVE AN ASPHALT PLANT TO MOVE NEXT TO YOU!!  
 Councillors... please give your head a shake... would you want it next to your home!!!!

Just seeing the opinion letter this morning in the Guardian...  
 I realize my below (sent) email to our Floating Dock people may be too late for them to contact you but trust me the bad ramifications of your decision to allow this amendment will ring through Charlottetown loud and clear after the fact. I invite you to read it below.

Please trust me & act on behalf of those citizens.

Charlottetown

(902) Cell ( 902)

Sent from Mail for Windows 10

**From:**  
**Sent:** Monday, June 17, 2019 10:  
**Subject:** 2 VIP Opinions in today's Guardian, Mon. June 17th

Hi Everyone,

(1) Floating Dock by David MacCallum - Thank you! Thank you!

(2) \*\* DEMOCRATIC RIGHTS by George Crawford -Thank You !

Apology folks: I thought I would never want to or have to speak up or out on anything on Town Planning ever again..... you may be safe where you live. On the other hand some of your family members or friends in Charlottetown may be affected now or in the future with proposed trampling of our citizens' rights in Charlottetown.

URGENT:

If you want to help people in Sherwood.... you only have until 11:30 am this morning Monday, June 17th to do so!

I have checked the City website calendar right now. The Special CLOSED Meeting of City Council is being held at 12 noon .

FASTEST WAY NOW..... IS PHONE CITY HALL..... (902) 566-5548 LODGE YOUR COMPLAINT with the receptionist or go to the Mayor's office's secretary.

PLUS... phone , email, text your councillor if you know the info #'s NOW.

We know all about these Closed City Council meetings - we have dealt with 2 changes of them with the Floating Dock. NOT GOOD FOR ALL CITIZENS!!!!

My quick review of George's article: It is on the proposed Sherwood Rd.Asphalt plant.

The meeting is dealing with Town Planning Board 's  
proposed Bylaw amendment to allow an asphalt  
plant in that particular zone quietly with NO  
public input whatsoever!!!

The residents in this area last year spoke out loud and clear they did not want this plant. It was turned down! This time they have no voice!!!!

In addition, these CLOSED City Council meetings have to STOP. They are only supposed to be about dealing with City personnel ( Human Resources) or City Finances.

Floating Docks & Asphalt plants have nothing to do with either of the above.

This is the way City Council of the last few years has been changing the rules when public opposition have indicated something is NOT wanted in their area.

I was on Town Planning Board for 3 years 30 years ago! I learned the Bylaws.

These amendments have always been there but this type is beginning to become normal. We, the citizens don't realize they are happening.

The information, usually advertised in Guardian & going to a Public Meeting with a lot of other things, don't usually entail the whole wording of the sentence they want to change. Ex: proposed is to add the word " and asphalt ( or whatever item) to Ex: Section D : (4) b. Or it just may say " amendments to the bylaw". No one has a clue.

I think City Council is just about to open a long, festering hornet's nest with their residents all across the City of Charlottetown.

If this goes through today at the secret closed meeting, it just paves the way for anything to be changed in any residential or large apartment zones.

Be a good citizen, help your neighbours!!! P.S. I am sending a copy of this email to all of City Council without your email addresses of course!

Sent from Outlook

**MacMillan, Cindy**

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**From:**  
**Sent:** June 20, 2019 9:20 AM  
**To:** MacLeod, Terry  
**Subject:** Sherwood Road Amendment  
**Attachments:** image001.png; image002.jpg

Good morning Terry,

I am just taking this time to reach out to you to voice my opinion and the opinion of \_\_\_\_\_, and our disapproval with the recent amendment to the zoning on Sherwood Road. As a company that has a number of businesses in the area, namely \_\_\_\_\_, and \_\_\_\_\_ we are very unhappy with this change that will allow the type of business that is detrimental to our type of businesses. We employ approximately 60 employees in the immediate area, and we are of course concerned about their well being. We go to great lengths to ensure that the environment they work in is as clean and healthy as it can be. We are under the understanding that this amendment will allow for the property to be used for many heavy industrial uses, one being the rumoured asphalt facility. This is a huge mistake for the area. We already deal with one asphalt plant, and know first hand the pollution that comes from those plants. On a day when the existing plant is in full production we can take a white rag and wipe black snot off our vehicles on the lot. This same pollution is being breathed by everyone in the area, and you can assure with the right wind it will be breathed by any residents within a 5 km radius. Why would Charlottetown even consider allowing this type of heavy industrial within city limits? That is only one issue, along with the pollution, we will also be faced with double the heavy truck traffic, noise, dust, and everything else that has no place in an area that over the past number of years has been becoming more and more retail focused.

I am under the understanding that there is one more opportunity to shut this down, there is a final reading to be voted on. Councillor MacLeod, you must do the right thing for the people you represent. Vote against this hugely unpopular change, (proven by last years meeting at the Charlottetown Hotel). It is clear that the people of Charlottetown do not want this. The businesses of the area do NOT want this.

I trust you will consider our thoughts, feel free to reach out to me to talk about my concerns.

This message, including any attachments, is privileged and may contain confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. Communication by email is not a secure medium and, as part of the transmission process, this message may be copied to servers operated by third parties while in transit. Unless you advise us to the contrary, by accepting communications that may contain your personal information from us via email, you are deemed to provide your consent to our transmission of the contents of this message in this manner. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.



**MacMillan, Cindy**

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**From:**  
**Sent:** June 20, 2019 1:42 PM  
**To:** Jankov, Alanna  
**Cc:**  
**Subject:** Making a Difference

Dear Alanna,

Your vote to approve more asphalt and concrete plants within our City has put a lot of stress on myself and our family business. I've worked extremely hard over the last 25 years to build a successful business and invested millions of dollars recently to build a new dealership on the Sherwood Road in the City of Charlottetown. With you voting in favour to allow more asphalt and concrete plants on the Sherwood Road will have a major negative impact on the value of our property and will make the Sherwood Road a dangerous road for our customers and employees.

If I offended you with my text after the meeting, I apologize. But you have to understand the stress this has caused for me and my business. If this amendment goes ahead, it will not only reduce our business property value, it will also deflate any future growth and other retail opportunity we have been exploring on the Sherwood Road. And for what? To benefit ONE BUSINESS,...Chapman Brothers (who never lived or operated a business in Charlottetown!)

The City of Charlottetown is promoting "Reducing our Carbon Footprint ". By adding more asphalt and concrete plants into our City, will not only increase our carbon footprint, but also set us back decades. It will kill future retail and light commercial development and residential opportunities. We will go from having 1 asphalt plant to 2 or more. Please don't open this Pandora's Box.

You still have a chance to make a positive decision and vote down more asphalt and concrete plants within our City!

If you vote this amendment down, there is a real possibility that there will be NO asphalt plants within the City of Charlottetown in the near future . I've recently had a conversation with the owners of Island Construction (the only asphalt plant in the City), they indicated to me that they will most likely be moving their asphalt plant outside of the City within the next number of years. With the rapid increase in commercial property value in the City, there is a real possibility they will either sell their land or develop it for light commercial much like most of the development on the Sherwood Road. Wow! What an opportunity to make our City Better!

I'm currently working on a plan to move ALL aggregate from coming into the Charlottetown Port. I'm proposing to move all ships and barges from offloading their aggregate from Charlottetown to the Fabrication Yard in Borden Carlton. This would be a "Game Changer" for Charlottetown. No more noisy, dangerous heavy trucks loading gravel and other aggregate at our beautiful waterfront. No more pollution and dust next to condominiums and where our cruise ships dock. The City roads won't be taking a beating with these heavy trucks anymore. Residents will be able to sleep with these trucks gone (every gravel barge that comes into our City Port requires over 2,200 heavy trucks to unload it! That's just 1 barge. There are quite a number of barges and ships that drop off aggregate to our City Port every year.

I'm in the process of developing a advisory committee to lobby all levels of Government to move barges and ships of aggregate from Charlottetown to The Fabrication yard in Borden. If you vote against this amendment, I would like to invite you to be part of this committee, as I feel you are the Councilor who best represents the environment for the City of Charlottetown. We will have Dennis King, Peter Bevan Baker and Robert Mitchell involved to make this happen. As well, we will have Federal support from our local MP's.

This will be a game changer for Charlottetown and it will be something that Alanna Jankov will be remembered by and be proud of "Making a Difference ".

In conclusion, I urge you to vote against this amendment so that we help move Charlottetown forward in the right direction.

Yours truly,

**MacMillan, Cindy**

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**From:** |@live.ca>  
**Sent:** June 20, 2019 10:06 PM  
**To:** Ramsay, Kevin  
**Subject:** Purposed Ward 8 Asphalt & Concrete Plant

Dear Mr. Ramsay,

My name is , I am a resident of Ward 8 living in the MacLean subdivision off Brackley Point Road. It has just been brought to my attention that there are plans to amend zoning bylaws to allow for the construction of asphalt and concrete plants on the corner of Brackley Point Road and the Sherwood Road. As someone that lives within the immediate area I am vehemently opposed to the ridiculous notion of having an asphalt plant in my backyard and would ask that you reconsider your position on this matter and vote AGAINST these purposes bylaw amendments. Although perhaps if you are adamant about having the project move forward you might consider making a motion to have it done in YOUR Ward.

**MacMillan, Cindy**

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**From:** / < / @gmail.com>  
**Sent:** June 20, 2019 11:06 PM  
**To:** Ramsay, Kevin  
**Subject:** Allowance of Asphalt Plants in Ward 8

Dear Councillor Ramsay,

I am a resident of Ward 8 and have lived in the Sherwood area my entire life. I was appalled to hear of the plans to amend zoning bylaws in order to set up and operate asphalt and concrete plants on the property adjacent to the Sherwood Motel. I was even more appalled to learn the decision to vote on this matter was made without informing Charlottetown residents. As an elected official it is not only your job to inform the people you represent, but to listen to what they have to say. To be quite frank, it is difficult to hear the thoughts and opinions of those residents when you fail to inform them in the first place. To say I am disappointed that this decision was made without the input of Charlottetown residents would be an egregious understatement. I feel it is not an exaggeration to say such a thing goes against the essence of democracy.

I would be shocked to hear any member of the Council say they would want such a project developed in their Ward— and it is my understanding that Jason Coady, Councillor of Ward 8, is vehemently against this proposal, as I can only imagine you would be if this proposal affected your Ward.

To be perfectly clear, I am wholeheartedly against the amendment of zoning bylaws in order to construct and operate asphalt and concrete plants anywhere in Ward 8. I hope you fulfill your duty as an elected official in listening to the very people who have allowed you the opportunity to serve Charlottetown.

**MacMillan, Cindy**

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**From:** @yahoo.com>  
**Sent:** June 20, 2019 11:35 PM  
**To:** Jankov, Alanna  
**Subject:** Proposed amendment to rezoning bylaw for Ward 8

Dear Councillor Jankov,

As a resident of Ward 8 I would respectfully ask you to reconsider your support of amending rezoning bylaws to allow for the set up and operation of asphalt and/or concrete plants on the property adjacent to the Sherwood Motel at the corner of Brackley Point and Sherwood Roads.

As you can imagine we want this operation in our Ward as much as you want it in yours, which I expect is not at all, and for the same reasons.

I am very disappointed in the elected councilors of Charlottetown City Council in their attempt to slip this issue through without an informed public consultation. As a resident of Charlottetown and particularly Ward 8, the lack of public consultation and transparency regarding this proposed amendment reads underhanded to me.

Just so I am clearly understood, I, a resident of Ward 8 who would daily be affected by such an amendment both from the negative environmental impacts and property values, AM NOT IN FAVOR of such an amendment that would allow asphalt and/or concrete plants to set up and operate on the property adjacent to the Sherwood Motel at the corner of Brackley Point and Sherwood Roads. Quite frankly when we purchased our home in Ward 8 almost 21 years ago the entire area that we purchased in was residential. Since that time, it has been rezoned much to our frustration. It is time to STOP going against the wishes of the residents of this Ward who are directly impacted by these actions. Enough is enough.

I'm certain the existing business owners of the Sherwood Motel are horrified by the thought of this proposal as it would certainly have a major negative impact on their livelihood.

I would also venture a guess that Tourism PEI would prefer something less industrial to greet visitors to our beautiful Island as they arrive and depart from the Charlottetown Airport.

Thank you for revisiting this matter before voting and for considering the negative impact such an amendment would have on the residents of Ward 8. We have already made substantial financial investments in our homes and properties and do not want them to depreciate, especially when it is so unnecessary.

Regards,



**MacMillan, Cindy**

---

**From:** i@yahoo.com>  
**Sent:** June 20, 2019 11:39 PM  
**To:** MacLeod, Terry  
**Subject:** Proposed amendment to rezoning bylaw for Ward 8

Dear Councillor MacLeod,

As a resident of Ward 8 I would respectfully ask you to reconsider your support of amending rezoning bylaws to allow for the set up and operation of asphalt and/or concrete plants on the property adjacent to the Sherwood Motel at the corner of Brackley Point and Sherwood Roads.

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Thank you for revisiting this matter before voting and for considering the negative impact such an amendment would have on the residents of Ward 8. We have already made substantial financial investments in our homes and properties and do not want them to deprecate, especially when it is so unnecessary.

Regards,

Charlottetown, PE

**MacMillan, Cindy**

---

**From:** Bernard, Terry  
**Sent:** June 20, 2019 11:50 PM  
**To:**  
**Cc:** Mayor of Charlottetown (Philip Brown); Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Ramsay, Kevin; Rivard, Greg  
**Subject:** Re: Zoning change in Ward 8

Hello , thanks for your comments. First i want to let you know the recommendation to amendment the bylaw in the Heavy Industrial zone was voted on 3 months ago. It then went to a public meeting and from there first reading which was last week and second reading tomorrow. This has been a recommendation from planning and has been discussed for at least 3 months. Thank you

Sent from my iPhone

> On Jun 20, 2019, at 11:27 PM, \_\_\_\_\_ @gmail.com> wrote:

>

> As a long time resident of Ward 8, I am opposed to the to rezoning to allow asphalt and cement plant at the corner of Sherwood and Brackley point road. In addition, we were not even notified that a vote was taking place on June 21, 2019 and have had no opportunity to voice any concerns or be informed this was taking place.

>

> Respectfully submitted,

>

>

**MacMillan, Cindy**

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**From:** Jankov, Alanna  
**Sent:** June 21, 2019 6:33 AM  
**To:**  
**Subject:** Re: Purposed Ward 8 Asphalt & Concrete Plant

Hello , thank you for your comments. First i want to let you know the recommendation to amend the bylaw in the Heavy Industrial zone was voted on 3 months ago. It then went to a public meeting and from there first reading which was last week and second reading tomorrow. This has been a recommendation from planning and has been discussed for at least 3 months. Thank you and please contact me anytime

Alanna

Alanna Jankov  
 City Councillor-Ward 1  
 City of Charlottetown  
[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)  
 9023933999

On Jun 20, 2019, at 10:05 PM, \_\_\_\_\_ @live.ca> wrote:

Dear Ms. Jankov,

My name is \_\_\_\_\_, I am a resident of Ward 8 living in the MacLean subdivision off Brackley Point Road. It has just been brought to my attention that there are plans to amend zoning bylaws to allow for the construction of asphalt and concrete plants on the corner of Brackley Point Road and the Sherwood Road. As someone that lives within the immediate area I am vehemently opposed to the ridiculous notion of having an asphalt plant in my backyard and would ask that you reconsider your position on this matter and vote AGAINST these purposes bylaw amendments. Although perhaps if you are adamant about having the project move forward you might consider making a motion to have it done in YOUR Ward.

**MacMillan, Cindy**

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**From:** @pei.aibn.com>  
**Sent:** June 21, 2019 7:40 AM  
**To:** Jankov, Alanna  
**Subject:** RE: Asphalt/Cement plants

The only comment I have on this, is the public meeting was very poorly advertised, and I think the public outcry against it last year would have been enough, and I am very sure there is a motive behind this and as soon as it is finally approved we will see why, it's called "grease"

-----Original Message-----

**From:** Jankov, Alanna [mailto:ajankov@charlottetown.ca]  
**Sent:** Friday, June 21, 2019 6:34 AM  
**To:**  
**Subject:** Re: Asphalt/Cement plants

Hello , thank you for your comments. First I want to let you know the recommendation to amend the bylaw in the Heavy Industrial zone was voted on 3 months ago. It then went to a public meeting and from there first reading which was last week and second reading today. This has been a recommendation from planning and has been discussed for at least 3 months.

Thank you and please contact me anytime

Alanna

Alanna Jankov  
 City Councillor-Ward 1  
 City of Charlottetown  
[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)<mailto:ajankov@charlottetown.ca>  
 9023933999

On Jun 19, 2019, at 4:21 PM, @pei.aibn.com<mailto: @pei.aibn.com>> wrote:

Alanna, first I would like to introduce myself to you, my name is ' a 38 yr resident and business owner in our great city of Charlottetown. I own Ltd on the Sherwood Rd. No doubt you have by now heard of the application that was put forward last year and the backlash that came from it. I was very, very disappointed that there was a motion put forward by a city councilor to amend the bylaw to allow such a polluting industry to set up in our fine city. We are trying to lower our carbon footprint and by allowing this type of industry would increase our footprint. Another concern I have is why would the city consider allowing an asphalt plant to be built at the Gateway to PEI, Charlottetown Airport where thousands of tourists come every year & the first thing they see is an asphalt plant, doesn't make sense. Also has anyone done a survey on the amount of heavy truck traffic that use Brackley Pt, Sherwood & Mt Edward Rd's every day, by adding this will lead to a lot more accidents in this area, also what about the environmental impact from all the dust, pollutions from plant, extra traffic, etc. We the residents voted the councilors in to do what is in the best interests of the city and its residents and for someone to put this motion forward "for someone's benefit" and then for councilors to support it is truly unbelievable. I would hope being that you are a person interested in the best interests of the environment and the Great city of Charlottetown, that you would really think of

the long term lasting impact that this vote and reconsider what is in the best interest of the city. I surly hope you will change your vote to what should have been from the beginning.

Sincerely Yours

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This email has been checked for viruses by AVG.  
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**MacMillan, Cindy**

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**From:** @gmail.com>  
**Sent:** June 21, 2019 10:03 AM  
**To:** Jankov, Alanna  
**Subject:** Re: Rezoning for proposed asphalt plant

Well, it never had my attention before. Now it does.

Sent from my iPhone

> On Jun 21, 2019, at 9:43 AM, Jankov, Alanna <[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)> wrote:

>

> Hello , thank you for your comments. First i want to let you know the recommendation to amend the bylaw in the Heavy Industrial zone was voted on 3 months ago. It then went to a public meeting and from there first reading which was last week and second reading today. This has been a recommendation from planning and has been discussed for at least 3 months. Thank you and please contact me anytime

>

> Alanna

> Alanna Jankov

> City Councillor-Ward 1

> City of Charlottetown

> [ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)

> 9023933999

>

>

>> On Jun 21, 2019, at 9:23 AM, @gmail.com> wrote:

>>

>> I'm writing today because I am disheartened and frankly frustrated to hear of a special council meeting being held today, June 21, 2019, regarding a vote by councilors to change the zoning bylaws on the corner of Brackely Point Rd and Sherwood Rd, to allow for Chapman Bros to construct a new asphalt plant, the second of such plants in the immediate area.

>>

>> The optics of the situation, on the part of council is very poor. To hold a special council meeting (not a regular meeting), no less at noon, on a regular working day, lends itself to a diabolical plan for councilors (in support of this plant) to pass the zoning bylaw with no consultation with local residents, for which this plant will 'directly impact'. I expect much more than this from our elected council. No environmental or health information has been provided to us. I am deeply concerned that that council, does not seem to have the health and welfare of their voting constituents in mind. Rather, this vote seems to be staunchly the contrary. It seems council doesn't care if they add additional cancer causing pollutants in the air, or if my property value plummets, while my taxes keep rising.

>>

>> We already have far too much industry surrounding the immediate area. Why add yet another major polluter, simply because Chapman Bros want to be more competitive with Island Construction. Surely, there are other more suitable areas for this plant that are less populated. There must be rural areas, in east royalty. If they were truly concerned with being cost competitive, they would construct this plant in the Stratford area.

>>

>> My wife and I are proud of our community, residing in ward 8 for 35 years, and we have put up with a lot, and I mean 'a lot' of noise and air pollutants and irritants over the years, as the city and province has grown, and so too has the level of infrastructure and supporting construction. But we will not stand for this. Not this time.

>>

>> We know what is it like to have our walls shaking because because of airport traffic and smell jet fuel when the planes are refueling. We know what is it like to have the noxious sent of fumes from the exiting Island Construction plant, burn your eyes and nose, or fill your lungs, when we are trying to enjoy a walk or job on the confederation trail. We know what is is like to hear the sound of dump trucks, all hours of the day and night, when loads of gravel are being offloaded at Island Construction or Schurman Concrete. We know what it is like to take our lives in our hands and use the crosswalk at the arterial highway with the existing level of heavy truck traffic - not to mentioned adding more.

>>

>> Please, don't vote in favor of changing the zoning bylaws. There are other, more suitable areas for this plant. I will do my best to be at the meeting today at noon.

>>

>> My eyes, and the eyes of other concerns neighbors, this is note just a vote on a zoning bylaw, this is a vote on the integrity of council.

>>

>> Regards,

>>

>> Concerned constituent of Ward 8

>>

>> Charlottetown

>>

**MacMillan, Cindy**

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**From:**  
**Sent:** June 21, 2019 10:32 AM  
**To:** Rivard, Greg  
**Subject:** Re: Sherwood Road Amendment

Thanks for the reply Greg. I guess at the end of the day, the change will allow an asphalt plant in a location where it isn't allowed to be now. That is the concern I have. I'm sure there is a day coming soon when the area land value will be significantly appreciated to the point where even island construction will be compelled to sell and relocate. I am positively waiting on that day. That will not happen if there is a second plant across the road.



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On Jun 20, 2019, at 1:36 PM, Rivard, Greg <[grivard@charlottetown.ca](mailto:grivard@charlottetown.ca)> wrote:

Hey →,

Thanks for the email. The amendment is not a rezoning. The current zoning is M2 which is heavy industrial with a number of permitted as of right uses. The amendment is to add asphalt plant as a permitted use.

When we did the bylaw review last fall, we ended up taking the use of an asphalt plant out of the airport zone as a discretionary use. To be fair, we removed all discretionary uses. The question from someone was then posed, if I were to make application for a plant, what zone would it fall under...and the description in the M2 zone now doesn't specifically say..asphalt plant, but it has uses that it may fall under. This is why staff brought the amendment forward. This is what we have been debating and voting on.

That's just a bit of a background

Thanks  
 Greg

Sent from my iPhone

On Jun 20, 2019, at 9:19 AM,

wrote:

Good morning Greg,

I am just taking this time to reach out to you to voice my opinion and the opinion of [redacted] and our disapproval with the recent amendment to the zoning on Sherwood Road. As a company that has a number of businesses in the area, namely [redacted], we are very unhappy with this change that will allow the type of business that is detrimental to our type of businesses. We employ approximately 60 employees in the immediate area, and we are of course concerned about their well being. We go to great lengths to ensure that the environment they work in is as clean and healthy as it can be. We are under the understanding that this amendment will allow for the property to be used for many heavy industrial uses, one being the rumoured asphalt facility. This is a huge mistake for the area. We already deal with one asphalt plant, and know first hand the pollution that comes from those plants. On a day when the existing plant is in full production we can take a white rag and wipe black soot off our vehicles on the lot. This same pollution is being breathed by everyone in the area, and you can assure with the right wind it will be breathed by any residents within a 5 km radius. Why would Charlottetown even consider allowing this type of heavy industrial within city limits? That is only one issue, along with the pollution, we will also be faced with double the heavy truck traffic, noise, dust, and everything else that has no place in an area that over the past number of years has been becoming more and more retail focused.

I am under the understanding that there is one more opportunity to shut this down, there is a final reading to be voted on. Councillor Rivard, you must do the right thing for the people you represent. Vote against this hugely unpopular change, (proven by last years meeting at the Charlottetown Hotel). It is clear that the people of Charlottetown do not want this. The businesses of the area do NOT want this.

I trust you will consider our thoughts, feel free to reach out to me to talk about my concerns.

Cell 902-

<image001.png> <image002.jpg>

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**MacMillan, Cindy**

---

**From:** Duffy, Mike  
**Sent:** June 21, 2019 10:41 AM  
**To:**  
**Cc:** Bernard, Terry  
**Subject:** RE: Purposed Ward 8 Asphalt & Concrete Plant

Good morning,

Thank you for your note.

Whoever has told you that there has been an amendment put forward so that an Asphalt plant could be constructed on the corner of Brackley Point Road and the Sherwood Road has misinformed you. In order to construct an Asphalt plant, the construction would have to take place on land that is zoned M-2 (Heavy Industrial). The land that you are referring to is Zoned M-3 (Business Park Industrial).

You should circle back and ask your friend where he received such erroneous information.

Mike Duffy

---

**From:** [redacted]@live.ca  
**Sent:** June 20, 2019 10:05 PM  
**To:** Duffy, Mike  
**Subject:** Purposed Ward 8 Asphalt & Concrete Plant

Dear Mr. Duffy,

My name is [redacted], I am a resident of Ward 8 living in the MacLean subdivision off Brackley Point Road. It has just been brought to my attention that there are plans to amend zoning bylaws to allow for the construction of asphalt and concrete plants on the corner of Brackley Point Road and the Sherwood Road. As someone that lives within the immediate area I am vehemently opposed to the ridiculous notion of having an asphalt plant in my backyard and would ask that you reconsider your position on this matter and vote AGAINST these purposes bylaw amendments. Although perhaps if you are adamant about having the project move forward you might consider making a motion to have it done in YOUR Ward.

**MacMillan, Cindy**

---

**From:** Duffy, Mike  
**Sent:** June 21, 2019 11:09 AM  
**To:**  
**Cc:** Bernard, Terry; Jankov, Alanna  
**Subject:** RE: Proposed amendment to rezoning bylaw for Ward 8 Yahoo / Sent

Good morning, ;

Thank you for your note.

I would like to provide you with the facts concerning this issue. I will provide them in "bullet" format.

- the tract of land that is regarded as M-2 (Heavy Industrial) was zoned M-2 by the Sherwood Village Council prior to Amalgamation in 1995. You state that you moved to the area almost 21 years ago so simple mathematics would indicate that this tract of land was zoned Heavy Industrial more than 3 years before you even moved to the area and it was not the City of Charlottetown who zoned it.

- there was a Public meeting held on March 27 at the Charlottetown Hotel and was advertised in the Guardian several times.

- the corner of Brackley Road and Sherwood Road is not part of the Heavy Industrial Zone therefore an Asphalt plant is not permitted at this corner. You should re-visit your source of information for clarification.

- no Asphalt plant can be constructed within 500 meters of a residence (5 football fields end to end).

- the Sherwood Motel is also in the Business Park Industrial (M-3).

, I hope the above facts adds some clarity to the situation.

Mike

---

**From:** @yahoo.com]  
**Sent:** June 20, 2019 11:40 PM  
**To:** Duffy, Mike  
**Subject:** Proposed amendment to rezoning bylaw for Ward 8 Yahoo / Sent

Dear Councillor Duffy,

As a resident of Ward 8 I would respectfully ask you to reconsider your support of amending rezoning bylaws to allow for the set up and operation of asphalt and/or concrete plants on the property adjacent to the Sherwood Motel at the corner of Brackley Point and Sherwood Roads.

As you can imagine we want this operation in our Ward as much as you want it in yours, which I expect is not at all, and for the same reasons.

I am very disappointed in the elected councilors of Charlottetown City Council in their attempt to slip this issue through without an informed public consultation. As a resident of Charlottetown and particularly Ward 8, the lack of public consultation and transparency regarding this proposed amendment reads underhanded to me.

Just so I am clearly understood, I, a resident of Ward 8 who would daily be affected by such an amendment both from the negative environmental impacts and property values, AM NOT IN FAVOR of such an amendment that would allow asphalt and/or concrete plants to set up and operate on the property adjacent to the Sherwood Motel at the corner of Brackley Point and Sherwood Roads. Quite

frankly when we purchased our home in Ward 8 almost 21 years ago the entire area that we purchased in was residential. Since that time, it has been rezoned much to our frustration. It is time to STOP going against the wishes of the residents of this Ward who are directly impacted by these actions. Enough is enough.

I'm certain the existing business owners of the Sherwood Motel are horrified by the thought of this proposal as it would certainly have a major negative impact on their livelihood.

I would also venture a guess that Tourism PEI would prefer something less industrial to greet visitors to our beautiful Island as they arrive and depart from the Charlottetown Airport.

Thank you for revisiting this matter before voting and for considering the negative impact such an amendment would have on the residents of Ward 8. We have already made substantial financial investments in our homes and properties and do not want them to deprecate, especially when it is so unnecessary.

Regards,

Charlottetown, PE

**MacMillan, Cindy**

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**From:** @gmail.com>  
**Sent:** June 21, 2019 1:46 PM  
**To:** Mayor of Charlottetown (Philip Brown); Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; Coady, Jason; McCabe, Julie L.; Bernard, Terry  
**Subject:** Fwd: Rezoning for proposed asphalt plant

----- Forwarded message -----

**From:** Michele <@gmail.com>  
**Date:** Fri, Jun 21, 2019 at 1:06 PM  
**Subject:** Re: Rezoning for proposed asphalt plant  
**To:** Jankov, Alanna <[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)>

----- Forwarded message -----

**From:** @gmail.com>  
**Date:** Fri, Jun 21, 2019 at 8:11 AM  
**Subject:** Concerns - Asphalt plants in Ward 8  
**To:** andrew hennebery <@gmail.com>

Good Morning Jason,

Thank you for advising my husband and I about the plans to construct an asphalt plant in our neighborhood. I was absolutely shocked to hear this was in the works without any notifications to the community affected.

I enjoy living in my community and spending time outdoors. I already have the highway and the added flight traffic which takes away from some enjoyment of the outdoors. However, the construction of a new asphalt plant is very upsetting.

How can this be voted on without the people directly affected by this not be informed. Will the members of the community have the chance to vote on this topic before it is constructed?

Having this constructed in this neighborhood, community or backyards of the occupants is not only devaluing the properties in the area; it poses a very concerning health risk. It is known that the toxic fumes released by asphalt and concrete plants cause headaches, skin irritation, fatigue, reduced appetite, throat and eye irritation, coughing and different types of cancers! Do the counselors not care about the health risks they are exposing the community to? Where do they live? Could this not be constructed in their backyards/communities?

There is already a plant on Sherwood road. Is this strictly business -a need to make money? What other areas did they look at? Could there be other options explored that would not directly affect the health and well-being of the surrounding communities?

Not informing the members of the community is absolutely disrespectful. They are proving that they do not care or are not concerned of the health of the people. If this does go through, they NEED to inform the entire community of the health risks involved and allow them to vote! They have no right to expose individuals unwillingly of this possibly dangerous situation. They will be responsible for the adverse health affects of the people involved.

Sent from my iPhone

On Jun 21, 2019, at 9:43 AM, Jankov, Alanna <[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)> wrote:

Hello , thank you for your comments. First i want to let you know the recommendation to amend the bylaw in the Heavy Industrial zone was voted on 3 months ago. It then went to a public meeting and from there first reading which was last week and second reading today. This has been a recommendation from planning and has been discussed for at least 3 months. Thank you and please contact me anytime

Alanna  
Alanna Jankov  
City Councillor-Ward 1  
City of Charlottetown  
[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)  
9023933999

On Jun 21, 2019, at 9:23 AM, : < > [@gmail.com](mailto:@gmail.com)> wrote:

I'm writing today because I am disheartened and frankly frustrated to hear of a special council meeting being held today, June 21, 2019, regarding a vote by councilors to change the zoning bylaws on the corner of Brackely Point Rd and Sherwood Rd, to allow for Chapman Bros to construct a new asphalt plant, the second of such plants in the immediate area.

The optics of the situation, on the part of council is very poor. To hold a special council meeting (not a regular meeting), no less at noon, on a regular working day, lends itself to a diabolical plan for councilors (in support of this plant) to pass the zoning bylaw with no consultation with local residents, for which this plant will 'directly impact'. I expect much more than this from our elected council. No environmental or health information has been provided to us. I am deeply concerned that that council, does not seem to have the health and welfare of their voting constituents in mind. Rather, this vote seems to be staunchly the contrary. It seems council doesn't care if they additional cancer causing pollutants in the air, or if my property value plummets, while my taxes keep rising.

We already have far too much industry surrounding the immediate area. Why add yet another major polluter, simply because Chapman Bros want to be more competitive with Island Construction. Surely, there are other more suitable areas for this plant that less populated. There must be rural areas, in east royalty. If they were truly concerned with being cost competitive, they would construct this plant in the Stratford area.

My wife and I are proud of our community, residing in ward 8 for 35 years, and we have put up with a lot, and I mean 'a lot' of noise and air pollutants and irritants over the years, as the city and province has grown, and so too has the level of infrastructure and supporting construction. But we will not stand for this. Not this time.

We know what it is like to have our walls shaking because because of airport traffic and smell jet fuel when the planes are refueling. We know what it is like to have the noxious sent of fumes from the exiting Island Construction plant, burn your eyes and nose, or fill your lungs, when we are trying to enjoy a walk or job on the confederation trail. We know what is is like to hear the sound of dump trucks, all hours of the day and night, when loads of gravel are being offloaded at Island Construction or Schurman Concrete. We know what it is like to take our lives in our hands and use the crosswalk at the arterial highway with the existing level of heavy truck traffic - not to mentioned adding more.

Please, don't vote in favor of changing the zoning bylaws. There are other, more suitable areas for this plant. I will do my best to be at the meeting today at noon.

My eyes, and the eyes of other concerns neighbors, this is not just a vote on a zoning bylaw, this is a vote on the integrity of council.

Regards,

Concerned constituent of Ward 8

Charlottetown

MacMillan, Cindy

---

From: [REDACTED]@gmail.com>  
 Sent: June 21, 2019 3:29 PM  
 To: Jankov, Alanna;  
 Subject: Re: Bylaw amendment

Hi Alanna,

I understand the points you noted in your reply. However, my main point was missed. The main point we are making is our quality of life, our health and well being, the enjoyment of our community and the **health risks involved**.

When you decide you want to expose unsuspecting residents to **toxic harmful chemicals** (with no consultation, taking no responsibility and showing no concern for others) how can you not consult with or inform the community!!!!?

You can do air pollution tests..however, do you provide the members of the surrounding communities with the test results of toxic emissions? No. Will these tests even be performed? No. Even if it meets air pollution standards, people in the community are still **EXPOSED TO CANCER-CAUSING SUBSTANCES** that lead to long-term damage.

I'm not inquiring about the zoning...etc. I am voicing a **VERY** valid concern for my own health and those of the community! Please, feel free to allow the construction of such a plant in your community or backyard.

According to the federal Occupational Safety and Health Administration, exposure to asphalt fumes can cause headaches, skin rashes, fatigue, reduced appetite, throat and eye irritation, and coughing. Asphalt paving workers, for example, have reported breathing problems, asthma, bronchitis, and skin irritation, according to OSHA, and studies have reported lung, stomach, and skin cancers following chronic exposures to asphalt fumes. source: <http://www.osha.gov/SLTC/asphaltfumes/index.html>

According to the National Institute for Occupational Safety and Health: *asphalt fumes are considered potential occupational carcinogens*.

Asphalt plants mix gravel and sand with crude oil derivatives to make the asphalt used to pave roads, highways, and parking lots across the country. These plants release millions of pounds of chemicals to the air during production each year, including many cancer-causing toxic air pollutants such as arsenic, benzene, formaldehyde, and cadmium. Other toxic chemicals are released into the air as the asphalt is loaded into trucks and hauled from the plant site, including volatile organic compounds, polycyclic aromatic hydrocarbons (PAHs), and very fine condensed particulates. [EPA] **Asphalt Fumes are Known Toxins**. The federal Environmental Protection Agency (EPA) states "Asphalt processing and asphalt roofing manufacturing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxics may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritation." [EPA]. According to one health agency, asphalt fumes contain substances known to cause cancer, can cause coughing, wheezing or shortness of breath, severe irritation of the skin, headaches, dizziness, and nausea. [NJDHSS] Animal studies show PAHs affect reproduction, cause birth defects and are harmful to the immune system. [NJDHSS] The US Department of Health and Human Services has determined that PAHs may be carcinogenic to humans. [DHHS]

On Fri, Jun 21, 2019 at 2:11 PM Jankov, Alanna <[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)> wrote:  
 Good afternoon.

And thank you for your email

## Asphalt plant

I would like to provide you with the facts concerning this issue. I will provide them in "bullet" format.

- the tract of land that is regarded as M-2 (Heavy Industrial) was zoned M-2 by the Sherwood Village Council prior to Amalgamation in 1995.
- there was a Public meeting held on March 27<x-apple-data-detectors://0> at the Charlottetown Hotel and was advertised in the Guardian several times
- the corner of Brackley Road and Sherwood Road is not part of the Heavy Industrial Zone therefore an Asphalt plant is not permitted at this corner. You should re-visit your source of information for clarification.
- no Asphalt plant can be constructed within 500 meters of a residence (5 football fields end to end).
- the Sherwood Motel is also in the Business Park Industrial (M-3).

Alanna Jankov  
 City Councillor-Ward 1  
 City of Charlottetown  
[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)<mailto:[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)>  
 9023933999

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**MacMillan, Cindy**

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**From:** .@yahoo.com>  
**Sent:** June 21, 2019 4:26 PM  
**To:** Duffy, Mike  
**Subject:** Re: Proposed amendment to rezoning bylaw for Ward 8 Yahoo / Sent

Good afternoon Mike,

Thank you for your response.

Apparently we were misinformed when we purchased our home. We were told that the area from the bypass to Sherwood Road was all suppose to be residential.

I do recall attending a meeting at the Charlottetown Hotel a number of years ago when to my understanding the proposal was to change the zoning bylaw at that time from residential to light industrial to accommodate the now existing businesses etc. that have set up in the past number of years.

As for the public meeting held in March, I was unaware of it as I (as I'm sure many others as well) do not purchase or read The Guardian newspaper. Perhaps a mail out to the area residences would have been a more effective method of communication to the residences of Ward 8.

I am grateful that there will not be an asphalt and/or concrete plants at the corner of Sherwood and Brackley Point Roads.

Thank you again for your reply.

Enjoy your summer,

Sent from my iPad

> On Jun 21, 2019, at 11:08 AM, Duffy, Mike <[mduffy@charlottetown.ca](mailto:mduffy@charlottetown.ca)> wrote:

>

> Good morning, ;

>

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>

> Thank you for your note.

>

>

>

> I would like to provide you with the facts concerning this issue. I will provide them in "bullet" format.

>

>

>

> - the tract of land that is regarded as M-2 (Heavy Industrial) was zoned M-2 by the Sherwood Village Council prior to Amalgamation in 1995. You state that you moved to the area almost 21 years ago so simple mathematics would indicate that this tract of land was zoned Heavy Industrial more than 3 years before you even moved to the area and it was not the City of Charlottetown who zoned it.

>  
>  
>  
> - there was a Public meeting held on March 27 at the Charlottetown Hotel and was advertised in the Guardian several times.  
>  
>  
>  
> - the corner of Brackley Road and Sherwood Road is not part of the Heavy Industrial Zone therefore an Asphalt plant is not permitted at this corner. You should re-visit your source of information for clarification.  
>  
>  
>  
> - no Asphalt plant can be constructed within 500 meters of a residence (5 football fields end to end).  
>  
>  
>  
> - the Sherwood Motel is also in the Business Park Industrial (M-3).  
>  
>  
>  
> , I hope the above facts adds some clarity to the situation.  
>  
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>  
> Mike  
>  
>  
> From: \_\_\_\_\_ @yahoo.com]  
> Sent: June 20, 2019 11:40 PM  
> To: Duffy, Mike  
> Subject: Proposed amendment to rezoning bylaw for Ward 8 Yahoo / Sent  
>  
>  
>  
> Dear Councillor Duffy,  
>  
> As a resident of Ward 8 I would respectfully ask you to reconsider your support of amending rezoning bylaws to allow for the set up and operation of asphalt and/or concrete plants on the property adjacent to the Sherwood Motel at the corner of Brackley Point and Sherwood Roads.  
>  
> As you can imagine we want this operation in our Ward as much as you want it in yours, which I expect is not at all, and for the same reasons.  
>  
> I am very disappointed in the elected councilors of Charlottetown City Council in their attempt to slip this issue through without an informed public consultation. As a resident of Charlottetown and particularly Ward 8, the lack of public consultation and transparency regarding this proposed amendment reads underhanded to me.  
>  
> Just so I am clearly understood, I, a resident of Ward 8 who would daily be affected by such an amendment both from the negative environmental impacts and property values, AM NOT IN FAVOR of such an amendment that would allow asphalt and/or concrete plants to set up and operate on the property adjacent to the Sherwood Motel at the corner of Brackley Point and Sherwood Roads. Quite frankly when we purchased our home in Ward 8 almost 21 years ago the

entire area that we purchased in was residential. Since that time, it has been rezoned much to our frustration. It is time to STOP going against the wishes of the residents of this Ward who are directly impacted by these actions. Enough is enough.

>

> I'm certain the existing business owners of the Sherwood Motel are horrified by the thought of this proposal as it would certainly have a major negative impact on their livelihood.

>

> I would also venture a guess that Tourism PEI would prefer something less industrial to greet visitors to our beautiful Island as they arrive and depart from the Charlottetown Airport.

>

> Thank you for revisiting this matter before voting and for considering the negative impact such an amendment would have on the residents of Ward 8. We have already made substantial financial investments in our homes and properties and do not want them to deprecate, especially when it is so unnecessary.

>

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>

> Regards,

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> Charlottetown, PE

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**MacMillan, Cindy**

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**From:** @gmail.com>  
**Sent:** June 22, 2019 9:00 AM  
**To:** MacLeod, Terry  
**Subject:** Asphalt plant

As a resident in your ward I am deeply disappointed in the Council's decision on the asphalt plant Where is the bigger planning picture? Charlottetown is expanding and needs to rethink its zoning to accommodate growth and appropriate placement of large industrial facilities. This is a tragedy and so unfortunate you supported it What is driving this agenda?

Sent from my iPhone

**MacMillan, Cindy**

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**From:** @gmail.com>  
**Sent:** June 22, 2019 9:03 AM  
**To:** Duffy, Mike  
**Subject:** Asphalt plant

Not in your riding Mike but we had a good discussion at the environmental awards ceremony on walking in Charlottetown as an aside, as a resident of Charlottetown, I was deeply disappointed in Council's decision on the asphalt plant. It seems short sighted.

Sent from my iPhone

**MacMillan, Cindy**

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**From:** @eastlink.ca>  
**Sent:** June 22, 2019 1:53 PM  
**To:** Jankov, Alanna  
**Subject:** Asphalt plant

I live in your district and voted for you and I am disappointed that you voted in favor of the asphalt plant in Sherwood in what appears to be a non-transparent process with little public input.

Charlottetown, PE

**MacMillan, Cindy**

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**From:** 1@gmail.com>  
**Sent:** June 22, 2019 6:02 PM  
**To:** Ramsay, Kevin  
**Cc:** pbrown@charlottetown.ca; grevard@chalottetown.ca  
**Subject:** Asphalt plant

I cannot put into words how disgusted I am by the council's decision to allow asphalt plants in the city. I do understand IRAC will look at this but they do not have a positive record in making good decisions for the residents of the City. How lovely to have an asphalt plant at the entrance to the city. The way things have happened since the new council was elected makes me wonder who I running this show.

Sent from my iPad

**MacMillan, Cindy**

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**From:** @gmail.com>  
**Sent:** June 22, 2019 6:50 PM  
**To:** Rivard, Greg  
**Subject:** Asphalt plants

I am disgusted by the decision to allow asphalt plants in city limits and particularly the proposed site on Sherwood Road. I find the workings of the new council to be quite underhanded and am losing respect rapidly.

Sent from my iPad



**MacMillan, Cindy**

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**From:** @hotmail.com>  
**Sent:** June 23, 2019 11:25 AM  
**To:** Coady, Jason  
**Cc:** mayor@charlottetown; Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; McCabe, Julie L.; Bernard, Terry  
**Subject:** Asphalt plants in Charlottetown

Hi Jason,

We just wanted to send you a message of thanks for standing up against asphalt plants in Charlottetown (and also to the 3 other councillors who stood with you!) You have our complete support on this, both proposed locations are very near significant residential areas, and will certainly lower our property values. They are unsightly, dirty, create lots of truck traffic, make lots of noise etc. There are certainly less populated areas within a reasonable distance from the city for these plants.

This area, Winsloe/ West Royalty is a wonderful, family friendly part of Charlottetown, not an area for such heavy industry as asphalt plants, lets keep it that way!

Thank You Jason!

**MacMillan, Cindy**

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**From:** @hotmail.com>  
**Sent:** June 24, 2019 2:13 PM  
**To:** Duffy, Mike  
**Subject:** Re: Asphalt plants in Charlottetown

Hello Mike,

I am glad that you took the time to reply to my message. I do however take issue with your statement, "you been sold a bill of goods" and also your assumption that I have "probably been advised that the proposed location is at the corner of Sherwood Rd & Brackley Pt. Rd"

I been sold Nothing & advised of Nothing. The only information I have is what CBC Charlottetown has reported. I don't do Facebook or other such trashy Social Media sites. CBC is regarded as highly reputable which presents the facts as they are, without bias.

Asphalt plants are loud, dirty, unsightly, and draw much truck traffic which is slow & stinky as well.

I hope you can appreciate my point of view, I feel you assumed much about me after only 1 short, polite email.

Regards,

Sent from my iPhone

> On Jun 23, 2019, at 6:26 PM, Duffy, Mike <[mduffy@charlottetown.ca](mailto:mduffy@charlottetown.ca)> wrote:

>

> Hi

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> Councilor Mike Duffy here and I would just like to jump in here to let you know that you have "been sold a bill of goods" when you say that neither of the two locations are good for the City. There has not even been an application to have a second plant in Charlottetown let alone where it would be located. You have probably been advised that the proposed location is at the corner of Sherwood Road and Brackley Point Road. Nothing could be further from the truth as that land is not zoned heavy residential which is a requirement to construct an Asphalt plant. What this fabrication does do is create a "tizzy" among the residents even though it is false.

>

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> Mike

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> From: @hotmail.com]

> Sent: June 23, 2019 11:24 AM

> To: Coady, Jason

> Cc: [mayor@charlottetown.ca](mailto:mayor@charlottetown.ca); [premier@gov.pe.ca](mailto:premier@gov.pe.ca); [rjmitchell@assembly.pe.ca](mailto:rjmitchell@assembly.pe.ca); Jankov, Alanna; MacLeod, Terry; Duffy, Mike; Tweel, Mitchell; Ramsay, Kevin; Doiron, Bob; Rivard, Greg; McCabe, Julie L.; Bernard, Terry

> Subject: Asphalt plants in Charlottetown

>

> Hi Jason,

>

> We just wanted to send you a message of thanks for standing up against asphalt plants in Charlottetown (and also to the 3 other councillors who stood with you!) You have our complete support on this, both proposed locations are very near significant residential areas, and will certainly lower our property values. They are unsightly, dirty, create lots of truck traffic, make lots of noise etc. There are certainly less populated areas within a reasonable distance from the city for these plants.

> This area, Winsloe/ West Royalty is a wonderful, family friendly part of Charlottetown, not an area for such heavy industry as asphalt plants, lets keep it that way!

>

> Thank You Jason!

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**MacMillan, Cindy**

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**From:** Jankov, Alanna  
**Sent:** June 24, 2019 2:52 PM  
**To:**  
**Subject:** Asphalt Plant and floating dock

Good afternoon

Thank you for your email and appreciate your concerns and questions and very pleased you reached out to me.

Let me begin with the bylaw amendment which had its second reading on Friday - which was to allow asphalt plants in an M2 zone where one is already in existence.

- the tract of land that is zoned as M-2 (Heavy Industrial) was zoned M-2 by the Sherwood Village Council prior to Amalgamation in 1995.

When the Planning Department came to council with the recommendation- we followed process ;

- there was a Public meeting held on March 27 at the Charlottetown Hotel which was advertised in the Guardian as well as on social media and on the community board at City Hall and The City of Charlottetown website . At that time we did not receive any opposition for this proposed bylaw change.

With that information , I followed up with some fact finding about what 2019 asphalt plants were all about , which included a call to the department of environment. I also did a site visit to ensure I was aware exactly where the M2 zone started and ended

I can assure you that - the corner of Brackley Road and Sherwood Road is not part of the Heavy Industrial Zone therefore an Asphalt plant is not permitted at this corner.

- no Asphalt plant can be constructed within 500 meters of a residence (5 football fields end to end).

The floating dock was certainly another vote that required lots of homework

I spent many hours visiting the residents of Ward one and this was a subject we would always discuss. I received many emails and phone calls ; many opposing and many more in support of this temporary dock. One of the biggest concerns stemmed from parking concerns and safety around launching some non motorized water craft. However the positive feedback included the success and enjoyment from the Art in the Open installation of "Floatilla" ( 2 years ago) .

Listening to everyone was very important and this compromise appeared to be a great way to pilot this temporary project.

We voted to remove the ability to launch any non motorized water craft which would address the already parking concerns. This is only a temporary structure which would act as an extension to the board walk. The Parks and recreation department have also assured that safety and policing this would be addressed as a top

priority.

I understand and appreciate your concerns and will be monitoring this pilot project over the coming weeks.

Thank you again for reaching out to me and please contact me anytime.

Alanna

Alanna Jankov  
City Councillor-Ward 1  
City of Charlottetown  
[ajankov@charlottetown.ca](mailto:ajankov@charlottetown.ca)  
9023933999

On Jun 24, 2019, at 2:07 PM, [peisymptico@pei.sympatico.ca](mailto:peisymptico@pei.sympatico.ca) wrote:

Hello Alanna,

Another very poor decision by City Council. Please provide the rationale you used to vote in favor of an asphalt plant within the city limits. Further to the floating dock in Victoria Park, since it's going to be installed anyway (against the expressed wishes of many residents) why not allow non-motorized watercraft to launch? It makes no sense. It appears that this is just a ploy to keep it there for at least two years. Thanks for responding to our request. Sincerely,

**MacMillan, Cindy**

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**From:** Bernard, Terry  
**Sent:** June 25, 2019 4:39 PM  
**To:**  
**Subject:** Re: Proposed Asphalt Plant for Sherwood Road

Ok , Thank you

Sent from my iPhone

On Jun 25, 2019, at 4:37 PM, <\_\_\_\_\_@gmail.com> wrote:

I work for the

On Tue, Jun 25, 2019 at 4:34 PM Bernard, Terry <[tbernard@charlottetown.ca](mailto:tbernard@charlottetown.ca)> wrote:  
 Thanks very much for your feedback Lesa! I appreciate it. What building do you work in?  
 Sent from my iPhone

> On Jun 25, 2019, at 3:57 PM, <\_\_\_\_\_@gmail.com> wrote:

>

> Good Afternoon Mr. Bernard,

>

> I work on the Sherwood Road, but live on Mariner Drive, and I am e-mailing with regards to the City of Charlottetown giving the go ahead for another asphalt plant for Sherwood Road.

> I have worked on Sherwood Road for the past 20 yrs, and have watched it grow into a very busy "industrial park". With the current asphalt plant on Sherwood Road, there are days, we are not able to open our windows due to the smell and the issues with breathing. We are not lucky enough to have air conditioning thru out our building, so most times we do have to open a window for "fresh" air.

> Sherwood Road itself has turned into a "short cut" to Rte 2, the speed limit is supposed to be 60 km/h, but I can guarantee you no one drives that! As well in the evenings, the traffic can be backed up to the Mt. Edward Road with people looking to turn onto Rte 2.

>

> I would really like yourself and the city to re-consider the 2nd asphalt plant for Sherwood Road.

>

> Thank You for taking the time to read this e-mail.

>

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> Charlottetown, PE

**Public Meeting regarding asphalt and concrete plants in the city**

**Wednesday July 10, 7 p.m.**

**West Royalty Community Center**  
**1 Kirkdale Drive, Charlottetown**

**LET YOUR VOICE BE HEARD**

The Charlottetown City Council approved, last month, asphalt and concrete plants within the city. This is one of the biggest decisions' council had made and did not feel it was necessary to get public input as a deferral was asked for to get public opinion and it was denied. How many asphalt and concrete plants will we have polluting our air and City?

Concerns of having more asphalt and concrete plants in the city:

1. Negative impact to property values in many parts of Charlottetown.
2. Noise Pollution - Many areas in Charlottetown will be impacted by the noise from increased truck traffic. It can take over 2000 trucks to move one barge container of gravel from the waterfront to the plant. It will pass waterfront residential, residential areas along the bypass, residential areas along Brackley Point Road and/or Mt. Edward Road and by the Airport. There will be noise from the plant from trucks dumping and moving materials to make the asphalt or concrete.
3. Air Pollution - with the prevailing winds being from the north and west, all of Charlottetown could be impacted by pollution from the smokestacks and dust.
4. Tourist's first impression - With 370,000 people flying into the Charlottetown Airport last year, if there are more asphalt plants on the Sherwood Road close to Brackley Point Road, it will be the first thing visitors see as they leave the airport. "Welcome to Charlottetown and Prince Edward Island".

The councilors that voted in favour of more asphalt and concrete plants were the following:

Alanna Jankov - Ward 1 - 902 393 3999. [Ajankov@charlottetown.ca](mailto:Ajankov@charlottetown.ca)  
 Terry MacLeod - Ward 2 - 902 394 7821. [Tmacleod4@charlottetown.ca](mailto:Tmacleod4@charlottetown.ca)  
 Mike Duffy - Ward 3 - 902 628 9501 [mduffy@charlottetown.ca](mailto:mduffy@charlottetown.ca)  
 Greg Rivard - Ward 7 - 902 388 7031 [grivard@charlottetown.ca](mailto:grivard@charlottetown.ca)  
 Terry Bernard - Ward 10 - 902 628 5393 [tbernard@charlottetown.ca](mailto:tbernard@charlottetown.ca)  
 Kevin Ramsay - Ward 5 - 902 940 5291 [kramsay@charlottetown.ca](mailto:kramsay@charlottetown.ca)  
 Mayor Phillip Brown (voted in favour at the committee level) - 902 393 2601  
[mayor@charlottetown.ca](mailto:mayor@charlottetown.ca)

The councilors that voted against more asphalt and concrete plants were the following:

Jason Coady - Ward 8 - 902 218 5734 [jascoady@charlottetown.ca](mailto:jascoady@charlottetown.ca)

Mitch Tweel - Ward 4 - 902 393 5538 [mtweel@charlottetown.ca](mailto:mtweel@charlottetown.ca)

Julie McCabe - Ward 9 - 902 393 9739. [jlmccabe@charlottetown.ca](mailto:jlmccabe@charlottetown.ca)

Bobby Doiron - Ward 6 - 902 394 2895 [rdoiron@charlottetown.ca](mailto:rdoiron@charlottetown.ca)

Other people to contact to voice your concerns:

Hon. Jamie Fox (Minister of Fisheries and Communities)- [idfoxmla@assembly.pe.ca](mailto:idfoxmla@assembly.pe.ca)

Hon. Brad Trivers - (Minister of Environment) [bgtriversmla@assembly.pe.ca](mailto:bgtriversmla@assembly.pe.ca)

Hon. James Aylward (Minister of Health) - [jsjaylormla@assembly.pe.ca](mailto:jsjaylormla@assembly.pe.ca)

Premier Dennis King - 902 368 4400 [premier@gov.pe.ca](mailto:premier@gov.pe.ca)

Peter Bevan Baker (Opposition Leader)- 902 620 3977 [psbevanbakermmla@assembly.pe.ca](mailto:psbevanbakermmla@assembly.pe.ca)

Hon. Robert Mitchell (Third Party Leader)- 902 368 4330 [rmitchellmla@assembly.pe.ca](mailto:rmitchellmla@assembly.pe.ca)

The City's decision to approve more asphalt and concrete plants will change the face of our city for generations to come. We can have the city reverse this decision by having your voices heard. Please show your support by attending the public meeting.  
Let your voices be heard and contact your city council and MLA's.

The Mayor, City Councilors, MLAs and leaders of the parties will be invited to attend this very important public meeting.

Any questions please contact [Cathyfeener@gmail.com](mailto:Cathyfeener@gmail.com)



Notice

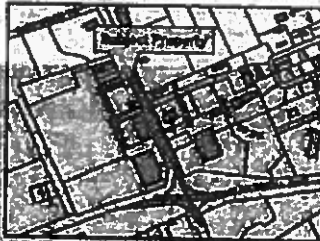
March 19, 2019

**PUBLIC MEETINGS**

City Council will hold a Public Meeting to hear comments on the following:

**197 Mona Jord Drive (PID #448841)**

A request to rezone the property at 197 Mona Jord Drive (PID #448841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (H-C) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 68.75 ft.

**88 Beachley Point Road (PID #306778)**

A request to amend the property at 88 Beachley Point Road (PID #306778) from the Single Detached Residential (R-1) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhome development on the other portion of the lot.

**112 Great George Street (PID #344044)**

A request to amend the property at 112 Great George Street (PID #344044) in order to allow the sale of electrical units in a mobile container; allow the mobile container to operate from April 1st to October 31st annually; and allow a container to contain workshop facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the minimum front yard setback.

**Amendments to the Zoning & Development Bylaw (Bylaw 2014-11)**

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Group Houses, Group Homes, Site Landscaping Requirements, Underdrain Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

**Secondary and Garden Suite Registry By-law**

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suites as per the previous Affordable Housing Amendment requirements.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at [www.charlottetown.ca](http://www.charlottetown.ca). Please have any written comments submitted to the Planning Department before 12:00 p.m. on Thursday, March 28, 2019. Comments may also be emailed to [planning@charlottetown.ca](mailto:planning@charlottetown.ca). Any responses received will become part of the public record.

The Public Meeting will be held on:  
WEDNESDAY, MARCH 27, 2019 AT 7:00 P.M.  
PROVINCIALS ROOM, RODD CHARLOTTETOWN HOTEL  
75 KENT STREET

The general public is invited to attend.

July 10, 2019

City of Charlottetown  
199 Queen Street  
Charlottetown, PE  
C1A 4B7

**Attention: Mayor Philip Brown**

Dear Mr. Mayor:

**Re: Request for Reconsideration – Amendment to the Zoning Bylaw to Allow Asphalt, Aggregate and Concrete Plants**

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We are writing to formally request that City Council reconsider its decision to amend the City of Charlottetown Zoning and Development Bylaw (the "Zoning Bylaw") to allow asphalt, aggregate and concrete plants within City limits, and specifically within the Heavy Industrial (M-2) Zone (the "Decision"). The Bylaw amendment passed final reading on June 21, 2019.

This request for reconsideration is made in accordance with section 3.15 of the Zoning Bylaw. In accordance with section 3.15, when people feel that a decision under the Zoning Bylaw is unjustified or unwarranted, then they may ask Council to reconsider the decision.

Once a request for reconsideration is made, Council has the discretion to review, rescind, change or vary an order or decision made by it, provided that:

- a) New material facts or evidence not available at the time of the initial order or decision have come to light;
- b) A material change of circumstances has occurred since the initial order or decision; or
- c) There is a clear doubt as to the correctness of the order or decision in the first instance.

On behalf of ourselves and all citizens of Charlottetown, we are asking Council to exercise its discretion under the Zoning Bylaw to rescind the Decision.

In support of this request, new material facts have come to light since the Decision was made. These facts relate primarily to the lack of proper and adequate notice of the proposed amendments to allow asphalt, aggregate and concrete plants in the City. The lack of notice gives rise to a clear doubt as to the correctness of the Decision.

As you know, in 2018, Chapman Bros. Construction Ltd. ("Chapman Bros.") applied to rezone a parcel of land on the Sherwood Road to construct an asphalt plant. On May 10, 2018, a public meeting was held solely to discuss the rezoning application. The notice of meeting published by the City clearly stated:

***This is a rezoning request to locate an asphalt plant on the subject property.***

The notice identified the location of the property, the proposed amendments to the Zoning Bylaw, and included a map which showed the location of the subject property.

The rezoning was met with significant public opposition. Approximately 150 to 175 people attended the public meeting and many spoke out against the proposed asphalt plant. Residents and a Councillor raised concerns about the impact of an asphalt plant on surrounding properties, property values, increased truck traffic, quality of life, noise and air pollution, and numerous other concerns.

Council allowed Chapman Bros. to withdraw its rezoning application in June 2018, after the public meeting was held. In accordance with the resolution of Council, Chapman Bros. was not permitted to apply for the same or similar application at that location for a one year period.

Less than one year later, in March 2019, Chapman Bros. applied to Executive Council for approval to purchase a different parcel of land on the Sherwood Road. The parcel of land consists of 15.04 acres and is in the M-2 Zone.

On March 27, 2019, only six days after Chapman Bros. applied to purchase the land, the City held a public meeting. At the public meeting, a planner employed by the City presented a proposal to amend the Zoning Bylaw. The proposed amendment was to allow asphalt, aggregate and concrete plants in the M-2 Zone.

The City did not, at any time prior to the public meeting, give notice to residents that it proposed to amend the Zoning Bylaw to allow asphalt, aggregate and concrete plants within City limits. Instead, the notice published in a local newspaper makes reference to "general housekeeping amendments" to the Zoning and Development Bylaw. The notice stated as follows:

**Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)**  
*Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.*

An amendment to the Zoning Bylaw to allow asphalt, aggregate and concrete plants within City limits is not a "general housekeeping amendment". This is a substantive change to the Zoning Bylaw – and one that was vehemently opposed by residents at a public meeting months earlier. The notice does not state that the proposed amendments would allow asphalt, aggregate and concrete plants within City limits, and it does not state that it would permit such plants on the Sherwood Road and the West Royalty Industrial Park.

The public notice, at best, fails to comply with the notice requirements in the *Planning Act* and the City's own Zoning Bylaw. At worst, the notice is misleading.

In media reports, you have consistently stated that the City has not received an application to construct an asphalt, aggregate or concrete plant in the City. Assuming there truly is no application, then there is no prejudice to any third party by rescinding the Decision and allowing the opportunity for public input.

This is all we are asking. We are asking the City to abide by the *Planning Act* and its own Bylaws, and to allow the citizens of Charlottetown the opportunity to participate in the planning process. The decision to allow asphalt, aggregate and concrete plants within City limits will impact the landscape and environmental health of our City for generations to come. It is not a decision that should be

taken lightly, and it is not one that should be made without the proper public consultation process.

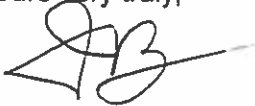
On behalf of ourselves and all citizens of Charlottetown, we are asking Council to exercise its discretion under the Zoning Bylaw to rescind the Decision and allow for public consultation on the proposed amendment.

We have made a conscious decision to proceed with this request for reconsideration, as it will ensure that the matter is resolved in the most cost-effective manner and without spending significant City resources – and taxpayers' dollars – on a lengthy appeal hearing.

Although we have filed a Notice of Appeal with the Island Regulatory and Appeals Commission, we are prepared to request that the Appeal be held in abeyance to allow the reconsideration process to proceed.

We would be happy to discuss this request for reconsideration at Council's convenience, and look forward to the opportunity to be heard.

Yours very truly,

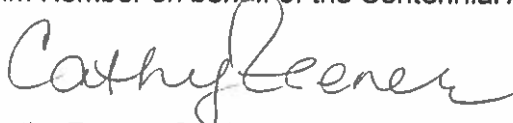
A handwritten signature in black ink, appearing to be 'JB' with a stylized flourish.

Jamie Brown on behalf of Brown's Volkswagen

A handwritten signature in black ink, appearing to be 'Warren Phillips' in a cursive script.

Warren Phillips on behalf of Phillips Suzuki

Tim Kember on behalf of the Centennial Auto Group

A handwritten signature in black ink, appearing to be 'Cathy Feener' in a cursive script.

Cathy Feener, Resident

-3-

taken lightly, and it is not one that should be made without the proper public consultation process.

On behalf of ourselves and all citizens of Charlottetown, we are asking Council to exercise its discretion under the Zoning Bylaw to rescind the Decision and allow for public consultation on the proposed amendment.

We have made a conscious decision to proceed with this request for reconsideration, as it will ensure that the matter is resolved in the most cost-effective manner and without spending significant City resources – and taxpayers' dollars – on a lengthy appeal hearing.

Although we have filed a Notice of Appeal with the Island Regulatory and Appeals Commission, we are prepared to request that the Appeal be held in abeyance to allow the reconsideration process to proceed.

We would be happy to discuss this request for reconsideration at Council's convenience, and look forward to the opportunity to be heard.

Yours very truly,

Jamie Brown on behalf of Brown's Volkswagen

Warren Phillips on behalf of Phillips Suzuki

A handwritten signature in black ink, appearing to read 'Tim Kember', written over a horizontal line.

Tim Kember on behalf of the Centennial Auto Group

Cathy Feener, Resident

**Nicole McKenna**

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**From:** Hooley, David (Charlottetown) <dhooley@coxandpalmer.com>  
**Sent:** July 19, 2019 11:28 AM  
**To:** Nicole McKenna  
**Cc:** Alex Forbes; pkelly@charlottetown.ca  
**Subject:** Asphalt Plant text amendment  
  
**Categories:** Planning Appeal - Asphalt Plant

Hi Nicole:

Our firms summer party started with golf at 7:00 am so I am just now finished and having an opportunity to advise you of Councils decision as to the applicability of the reconsideration provision section 3.15 to text amendments.

Council decided last evening that section 3.15 does not apply to its decisions respecting text amendments of the Bylaw. In effect therefore your clients request for reconsideration is denied for this reason.

I will provide a more detailed response to your last email to me later however our earlier email exchanges largely explain the basis for this decision.

As you know, we have dates for IRAC in early October and we can deal with your clients appeal in that forum.

If we need to talk you can reach me on my cell 902-

David

Sent from my iPhone

## Nicole McKenna

---

**From:** Hooley, David (Charlottetown) <dhooley@coxandpalmer.com>  
**Sent:** July 23, 2019 1:17 PM  
**To:** 'Philip Rafuse'; Nicole McKenna  
**Cc:** Alex Forbes (aforbes@charlottetown.ca); Jonah Clements  
**Subject:** RE: July 9, 2019 Notice of Appeal - Planning Act

**Categories:** Planning Appeal - Asphalt Plant

That is correct, Philip. The reason was because the City concluded that section 3.15 dealing with reconsideration does not apply to text amendments. On the other hand, section 28(1.1) of the Planning Act does expressly grant IRAC appellate jurisdiction over text amendments.

*David*

**David Hooley** | Cox & Palmer | Senior Counsel

**Direct** 902 629-3903 **Cell:** 902-629-0838 **Fax** 902 566 2639 **Web** coxandpalmerlaw.com  
**Address** Dominion Building, 97 Queen Street, Suite 600, Charlottetown PEI, C1A 4A9  
 \*Practising as Professional Corporation

*"Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent." Former US President Calvin Coolidge*

**From:** Philip Rafuse [mailto:PJRafuse@irac.pe.ca]  
**Sent:** Tuesday, July 23, 2019 12:49 PM  
**To:** 'Nicole McKenna' <nmckenna@csmlaw.com>; Hooley, David (Charlottetown) <dhooley@coxandpalmer.com>  
**Cc:** Alex Forbes (aforbes@charlottetown.ca) <aforbes@charlottetown.ca>; Jonah Clements <jclements@irac.pe.ca>  
**Subject:** RE: July 9, 2019 Notice of Appeal - Planning Act

Good afternoon Nicole and David,

It is my understanding from the news media that the City will not be holding a reconsideration.

The City's Record is due August 6, 2019. The parties should ensure that their schedules are marked for October 8-11.

Sincerely,

Philip

**From:** Nicole McKenna [mailto:nmckenna@csmlaw.com]  
**Sent:** Thursday, July 18, 2019 1:15 PM  
**To:** Philip Rafuse <PJRafuse@irac.pe.ca>; 'Hooley, David (Charlottetown)' <dhooley@coxandpalmer.com>  
**Cc:** Alex Forbes (aforbes@charlottetown.ca) <aforbes@charlottetown.ca>; Collette Vessey <CVessey@irac.pe.ca>  
**Subject:** RE: July 9, 2019 Notice of Appeal - Planning Act



**PLANNING BOARD AGENDA  
NOTICE OF MEETING**

*Tuesday, September 03, 2019 at 4:30 p.m.  
Council Chambers, 2nd Floor, City Hall, (199 Queen Street)*

1. **Call to Order**
2. **Declaration of Conflicts**
3. **Approval of Agenda** – Approval of Agenda for Tuesday, September 03, 2019
4. **Adoption of Minutes** - Minutes of Planning Board Meeting on Friday, August 23, 2019
5. **Business arising from Minutes**
6. **Reports:**
  - a) **Rezoning**
    1. 38 Palmers Lane (PID #275156) Laurel  
Request to rezone the property at 38 Palmers Lane from Low Density Residential Zone (R-2) to Medium Density (R-3) and amend the Official Plan Map from Low Density Residential to Medium Density Residential. Public meeting was held on August 27, 2019.
  - b) **Variances**
    2. 13 Donwood Drive (PID #278531) Robert  
Request to operate a counselling/therapy service with appointment based clients visiting the property. The property owner will be the sole operator of the home occupation and shall operate out of an office in the dwelling.
    3. 53 Upper Hillsborough Street (PID #360719) Robert  
Request to reduce the required lot frontage from 22m (72.2 ft) to approximately 17.6m (58 ft) and to reduce the required lot area from 696 sq.m (7,491.7 sq.ft) to approximately 427 sq.m (4597 sq.ft) to establish a duplex in the Low Density Residential (R-2) Zone.
    4. 80 Longworth Ave / 46 Victory Ave (PID #364695) Robert  
Request to reduce the required lot frontage from the required 30m (98.4 ft) to approximately 25m (82 ft) in order to permit three (3) residential dwelling units in the Medium Density Residential (R-3) Zone.
    5. 17 Capital Drive (PID #387654) Laurel  
Request to increase the maximum residential density from 11 to 12 dwellings units; a request to decrease the left minimum side yard setbacks from 4.5 m (14.8 ft) to 3.0 m (9.8 ft); and a request to decrease the right minimum side yard setbacks from 4.5 m (14.8 ft) to 3.0 m (9.8 ft).





**c) Other Business**

**6. Corner of Royalty Road & Upton Road (PID #388595) Laurel**


Request for reconsideration to rezone a portion of the vacant property from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone.

**7. Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2) Robert**

Proposed amendments to formalize standard practices dealing with measurements, restrict the expansion of legal non-conforming uses, require design review for developments that undergo a significant design alteration in the 500 Lot Area, dictate the maximum size of an attached garage, enable Heritage Board to provide a recommendation to Council on the design and placement of signage for Designated Heritage Resources, prohibit Asphalt, Aggregate and Concrete Plants in the West Royalty Business Park and establish Marijuana Production Facility parking requirements.

**7. Introduction of New Business**

**8. Adjournment of Public Session**

<b>TITLE:</b> <b>ZONING &amp; DEVELOPMENT BY-LAW AMENDMENTS</b> <b>FILE: PLAN-2019-03-SEPTEMBER- 6C-7</b>		 <b>CHARLOTTETOWN</b>
<b>MEETING DATE:</b> September 03, 2019		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> Attachment A – Calculation of Numerical Requirements & Measurements Attachment B – Design Review Attachment C – Attached Garages and Carports Attachment D – Non-Conforming Buildings Attachment E – Asphalt Plant in the West Royalty Business Park Attachment F – Marijuana Production Facility Parking Space Requirements Attachment G – Designated Heritage Resource Sign Exemptions	

**RECOMMENDATION:**

The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments pertaining to:

- Section 2 Operation;
- Section 3.14 Design Review;
- Section 4 Accessory Structures;
- Section 4.6 Non-Conforming Buildings;
- Section 36.2 Regulations for Industrial and Commercial Uses;
- Section 43.1 Parking Space Standards;
- Section 44.21 Exemptions to Sign Regulations

be *approved* to proceed to public consultation.

**BACKGROUND / ANALYSIS:**

Zoning & Development By-laws in their nature are fluid documents with amendments required on a frequent basis in order to respond to the Departmental requirements. Since the adoption of the

Zoning & Development By-law on October 1, 2018 staff have encountered some applications that require a review or insertion of additional regulations relating to formalizing standard practices dealing with measurements, restrict the expansion of legal non-conforming uses, require design review for developments that undergo a significant design alteration in the 500 Lot Area, dictate the maximum size of an attached garage, prohibit Asphalt, Aggregate and Concrete Plants in the West Royalty Industrial Park, establish Marijuana Production Facility parking requirements and enable Heritage Board to provide a recommendation to Council on the design and placement of signage for Designated Heritage Resources.

#### Measurements under Operation Section (Attachment A)

Currently the Zoning & Development does not contain provisions to deal with calculations of numerical measurements. For example both density and parking calculations could result in fractions thereby leaving some ambiguity to the final calculation. Currently, staff have been using common practices to determine final dwelling unit or parking space counts, instances whereby a calculation results in a fraction of a whole number staff either rounds up or down if it is less than 0.5 or greater than 0.5 of the whole number. The other proposed amendments is to clarify situations that pose discrepancies between metric and imperial measurements and applying setback measurements from a building or structure to property lines. The proposed amendments are to formalize measurement practices.

#### Criteria for Design Review Requirements (Attachment B)

The Zoning & Development By-law requires any new construction, multi-unit residential, increase in a Building's footprint/GFA by 20 sq.m or greater, or development that requires a land use approval application (i.e. subdivision, major variance, bonus height) in the 500 Lot Area to undergo the Design Review process. Staff is recommending that in addition to the above criteria that any development proposal that results in a significant alteration to a Building's design should also be subject to the Design Review process. This is to ensure that the unique architectural character of the 500 Lot Area is not only maintained but enhanced in the future.

#### General Provisions for Buildings and Structures – Attached Garage (Attachment C)

The Zoning & Development By-law does not regulate maximum sizes for attached garages for residential properties. Over the past couple of years the Planning office has been receiving inquiries and at times applications for large attached garages for residential properties. In some instances, the attached garage has been larger than the residential floor area of the dwelling. This has led to massive garages that is out of scale and character of a typical residential area that has

caused various neighbourhood complaints. To address this staff is proposing a limit to the size of an attached garage for residential dwellings. Presently, the size of detached accessory structures (i.e. sheds, garages) are regulated in the Zoning & Development By-law. As per jurisdictional research and a scan of permits that have been previously approved staff is recommending that attached garages be restricted to a maximum gross floor area of 40% of the residential dwelling.

#### Non-Conforming Buildings (Attachment D)

Jurisdictional scan of other municipalities show that non-conforming buildings may be reconstructed, repaired or renovated but does not necessarily allow the non-conforming building to be enlarged. To allow for a non-conforming building to be enlarged undermines the purpose for discontinuing the non-conforming building to encourage compliance with the Zoning standards of the day. The purpose of the amendment is to remove references of enlargement of a non-conforming building.

#### Prohibit Asphalt, Aggregate and Concrete Plant in the West Royalty Business Park (Attachment E)

West Royalty Business Park is unique as it contains few heavy industrial uses and is well on its way transitioning into an established business park. This is reflective of the surrounding sensitive land uses such as low density residential, commercial and institutional uses. Due to the close proximity of residential uses in the adjacent area and preliminary conversations with the Province, staff feels that an Asphalt, Aggregate and Concrete Plant would be regarded as an incompatible land use in the West Royalty Business Park area. Staff would also note that when the Zoning & Development By-law undergoes a comprehensive review it is recommended that properties located within the West Royalty Business Park that are zoned Heavy Industrial (M-2) be down zoned to a less intensive industrial zone.

#### Marijuana Production Facility Parking Requirements (Attachment F)

Staff previously included amendments to address a Cannabis retail use but since then there has been an application made to construct a marijuana production facility in the City. The Zoning & Development By-law does not include a parking standard for this particular use, but due to its unique nature as a land use and operation it would require a specific standard. Through research staff recommends that "1 space per 200 sq. m (2,152.8 sq. ft) of *Floor Area* or 1 space per employee per shift, whichever is greater" be inserted into the General Provisions for Parking.

#### Enable Heritage Board to make a recommendation to Council for Variance of Signage on Designated Heritage Resources (Attachment G)

<b>TITLE: ZONING &amp; DEVELOPMENT BY-LAW AMENDMENTS</b>	<b>Page 4 of 4</b>
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Clarification on the variance process for signage on Designated Heritage Resources is required to ensure that both the Zoning & Development By-law and the Heritage Preservation By-law is consistent. The proposed amendments seek to enable Heritage Board to provide a recommendation to Council for signs on designated heritage properties relating to the design and placement.

**LEGISLATIVE REQUIREMENTS:**

***Notification***

If the proposed amendments to the Zoning & Development By-law PH-ZD.2 are approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the public of said public meeting in accordance with Section 3.10.4.c of the Zoning & Development By-law PH-ZD.2.

**CONCLUSION:**

The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments pertaining to:

- Section 2 Operation;
- Section 3.14 Design Review;
- Section 4 Accessory Structures;
- Section 4.6 Non-Conforming Buildings;
- Section 36.2 Regulations for Industrial and Commercial Uses;
- Section 43.1 Parking Space Standards;
- Section 44.21 Exemptions to Sign Regulations

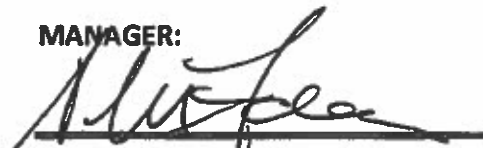
be *approved* to proceed to public consultation.

**PRESENTER:**



Robert Zilke, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

## Attachment A

**Section 2.0 OPERATIONS is amended by adding the following section:**

### **2.7 CALCULATION OF NUMERICAL REQUIREMENTS & MEASUREMENTS**

2.7.1 All numerical requirements in this By-law are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail.

2.7.2 In this By-law, unless otherwise stated:

(a) metric fractions of one-half (0.5) or greater must be rounded up to the nearest whole number and fractions of less than one-half (0.5) must be rounded down to the nearest whole number; but

(b) when measuring the required distance between a property line and a building or structure or between two (2) buildings or structures, the measurement is made at the closest point distance between the two;

(c) all measurements and distances must be made along the horizontal planes and not by following the topography or slope of land.

Attachment A:

Amendments to By-law 2018-06-08  
File: 2018-06-08



**CHARLOTTETOWN**

Planning & Heritage Department

## Attachment B

**Section 3.14 DESIGN REVIEW is amended by adding an additional subsection as follows:**

**3.14.1 The Design Review process shall apply to the following Building and/or Development Permit applications for any Affordable Housing development(s) in or outside the 500 Lot Area and properties located within the 500 Lot Area, as defined and described in Appendix H:**

- a. New construction of any non-residential use or of a Multi-unit Residential Building;**
- b. An increase in an existing Building's footprint or Gross Floor Area by 20 sq. m (215 sq ft) or more, excluding residential properties with less than four (4) Dwelling Units;**
- c. A Development application that involves a Subdivision/Consolidation, Major Variance, Bonus Height and/or a Site Specific Exemption;**
- d. A significant alteration to the Building's original style, design or materials.**

Attachment B:  
Amendments to Design Review  
File: PLAN-2019-03-SEPT.

  
**CHARLOTTETOWN**  
Planning & Heritage Department

## Attachment C

**Section 4 is amended by adding an additional section as follows:**

### **4.2 Attached Garages and Carports**

**4.2.1 Attached Garage** may be added to any dwelling, but the following requirements shall apply:

- a. The maximum size of the attached garage cannot exceed 40% of the gross floor area of the residential dwelling unit space;
- b. The setback requirements for a garage or carport shall follow the same setback requirements for the dwelling unit for that zone;
- c. Attached garages for semi-detached dwellings may be centered on the shared property line if erected simultaneously on both lots as one structure.

**All corresponding sections to be renumbered.**

Attachment C:  
Amendments to General Provisions for  
Buildings and Structures  
File: PLAN-2019-03-SEPT.

  
**CHARLOTTETOWN**  
Planning & Heritage Department



## Attachment D

**Section 4.6 Non-Conforming Buildings is amended by removing the words "enlarged" and "enlargement" as follows:**

**Section 4.6.1 is amended as follows:**

**By deleting the words "enlarged" and "enlargement" as follows:**

**4.6.1** Where a Building has been Erected on or before the effective date of this by-law, on a Lot having less than the minimum Lot Frontage or Lot Area, or having less than the minimum Setback required by this by-law, the Building may be ~~enlarged~~, reconstructed, repaired, renovated, or demolished provided that:

a. The ~~enlargement~~, reconstruction, repair, Renovation, or new Building does not further reduce the existing Setback that does not conform to this by-law, and in the case of a Demolition, a new Building is constructed within two (2) years;

**4.6.3** If a Building that is non-conforming under the provisions of this by-law is destroyed by a fire, or is otherwise damaged by fire to an extent of 75% or more of the assessed value of the property, it shall not be rebuilt or repaired unless:

a. It is rebuilt or repaired in conformity with the permitted land uses of this by-law;

b. Such rebuilding, ~~enlargement~~, reconstruction, repair, Renovation, or new Building does not further reduce a required Front Yard or Side Yard that does not conform to this By-law;

Attachment D

Amendments to Non-Conforming Building

File: PLAN-2019-001SEPT



**CHARLOTTETOWN**

Planning & Heritage Department

## Attachment E

**Section 36.2.3 under REGULATIONS FOR INDUSTRIAL AND COMMERCIAL USES is added as follows:**

**By inserting the following:**

***36.2.3 That an Asphalt, Aggregate and Concrete Plant is prohibited from being established in the West Royalty Business Park.***

Attachment E:  
Amendment to the Heavy Industrial (M-  
2) Zone  
File: PLAN-2019-6-AUG-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

## Attachment F

Section 43.1 the parking table is amended as follows:

By inserting the Use "Marijuana Production Facility," following the Use "Funeral Establishment" but proceeding the Use "Hospital" as follows:

<b>Dwelling Unit in the 500 Ton Area</b>	1 space per Dwelling Unit in a Building with three or fewer Dwelling Units, and in a Building with more than three Dwelling Units the parking shall be 1 space for every two Dwelling Units with no Parking Lots to have less than three Parking Spaces.
<b>Funeral Establishment</b>	A minimum of 15 spaces plus 1 space for each 5 seats
<b>Marijuana Production Facility</b>	1 space per 200 sq. m. (2,152.8 sq. ft.) of Floor Area or 1 space per employee per shift, whichever is greater.
<b>Hospital</b>	1.25 spaces per bed

Attachment F  
 Planning & Heritage Department  
 1000 ...

  
**CHARLOTTETOWN**  
 Planning & Heritage Department

## Attachment G

Section 44.21 EXEMPTIONS TO SIGN REGULATIONS is amended as follows:

### 44.21 EXEMPTIONS TO SIGN REGULATIONS

**44.21.1** Heritage Board shall ~~review~~ *make a recommendation to Council on sign Permit applications for Designated Heritage Resources that do not adhere to the Sign Design Criteria and/or the placement of the sign, but not allow an increase to the permitted sign face area..*

**44.21.2** Planning Board shall review applications and make a formal recommendation to Council for applications:

- a. for Off-premise Signs for Special Events where there is a request to erect Signs that exceed the maximum duration;
- b. for Off-premise Signs for Special Events where there is a request to erect Signs on an annual basis; and
- ~~c. where a Variance is being sought due to conditions peculiar to the property or unique to the area. This request shall only pertain to the placement and design of Signs, not an increase to the permitted Sign Area.~~

Attachment G:  
Amendments to Exemptions to Sign  
Regulations  
File: PLAN-2019-03-SEPT-

  
**CHARLOTTETOWN**  
Planning & Heritage Department



**PLANNING AND HERITAGE COMMITTEE  
REPORT TO COUNCIL  
September 09, 2019**

The Planning & Heritage Committee did not meet in September 2019; therefore there are no reports to attach in this package.

The Planning Board met on Friday, August 23, 2019 and Tuesday, September 03, 2019; copies of the Planning Board Reports and the minutes are included in your package.

The Heritage Board met on Monday, August 26, 2019; copies of the Heritage Board Report and the minutes are included in your package.

The Design Review did not meet in August 2019; therefore there are no reports to attach in this package.

There are seven (7) resolutions to be put forward for Planning:

**Planning:**

1. **38 Palmers Lane (PID #275156):** Rezone the property at 38 Palmers Lane from Low Density Residential Zone (R-2) to Medium Density (R-3) and amend the Official Plan Map from Low Density Residential to Medium Density Residential. Public Meeting held on August 27, 2019.
2. **13 Donwood Drive (PID #278531):** Home occupation request to operate a counselling/therapy service with appointment based clients visiting the property.
3. **53 Upper Hillsborough Street (PID #360719):** Variances to reduce the required lot frontage and to reduce the required lot area to establish a duplex in the Low Density Residential (R-2) Zone.
4. **80 Longworth Ave / 46 Victory Ave (PID #364695):** Variance to reduce the required lot frontage in order to permit three (3) residential dwelling units in the Medium Density Residential (R-3) Zone.
5. **17 Capital Drive (PID #387654):** Variance to decrease the left and right minimum side yard setbacks to construct a 12-unit apartment building
6. **Corner of Royalty Road & Upton Road (PID #388595):** Reconsideration to rezone a portion of the vacant property from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone.
7. **Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2):** Proposed amendments to formalize standard practices dealing with measurements, restrict the expansion of legal non-conforming uses, require design review for developments that undergo a significant design alteration in the 500 Lot Area, dictate the maximum size of an attached garage, enable Heritage Board to provide a recommendation to Council on the design and placement of signage for Designated Heritage Resources, prohibit Asphalt, Aggregate and Concrete Plants in the West Royalty Business Park and establish Marijuana Production Facility parking requirements.

**Reading Papers:**

**First Readings:**  
None.

**Second Reading:**

1. **221 Belvedere Ave (PID #395087):** Rezone a portion of the property at 221 Belvedere Ave. from Low Density Residential Zone (R-2) to Parking Zone (P) and amend the Official Plan Map from Low Density Residential to Commercial.

**Council Package  
September 09, 2019  
Page 2 of 2**

2. 71 & 73 Upper Prince Street (PID #683748 & PID #359521): Rezone the property from Low Density Residential (R-2) Zone to Medium Density Residential (R-3) Zone.

For information purposes, a listing of permit applications issued during the past month has been included with your package.

Respectfully submitted,

**Councillor Greg Rivard, *Chair***

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES  
TUESDAY, SEPTEMBER 03, 2019, 4:30 P.M.  
PARKDALE ROOM, 2<sup>nd</sup> FLOOR, CITY HALL**

**Present:** Councillor Greg Rivard, Chair  
Deputy Mayor Jason Coady, Vice-Chair  
Councillor Bob Doiron  
Councillor Julie McCabe  
Basil Hambly, RM  
Bobby Kenny, RM  
Kris Fournier, RM  
Reg MacInnis, RM

Rosemary Herbert, RM  
Shallyn Murray, RM  
Alex Forbes, PHM  
Laurel Palmer Thompson, PII  
Robert Zilke, PII  
Ellen Faye Ganga, PH IA/AA

**Regrets:** Mayor Philip Brown

Greg Morrison, PII

**1. Call to Order**

Councillor Rivard called the meeting to order at 4:33 pm.

**2. Declaration of Conflicts**

Councillor Rivard asked if there are any conflicts. Councillor Jason Coady declared conflict on agenda item 6C-6, Reconsideration to rezone corner of Royalty Road/Upton Road (PID #388595). In addition, Alex Forbes declared conflict for agenda item 6A-1, 38 Palmers Lane and therefore won't be able to respond to any questions relating to this application.

**3. Approval of Agenda**

Moved by Bobby Kenny, RM and seconded by Reg MacInnis, RM, that the agenda for Tuesday, September 03, 2019, be approved.

**CARRIED**

**4. Adoption of Minutes**

Moved by Shallyn Murray, RM, and seconded by Bobby Kenny, RM, that the minutes of the meeting held on Friday, August 23, 2019, be approved.

**CARRIED**

**5. Business arising from Minutes**

There was no business arising from minutes.

**6. 38 Palmers Lane (PID #275156)**

This is a request to rezone the property at 38 Palmers Lane from Low Density Residential Zone (R-2) to Medium Density (R-3) and amend the Official Plan Map from Low Density Residential to Medium Density Residential. The purpose is to construct an 18-unit apartment unit. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

Letters were received from residents within 100 meters of the subject property, seven in opposition and one in favor of the application. At the public meeting held on August 27, 2019,

Planning Board Meeting  
 September 03, 2019  
 Page 2 of 10

six residents spoke in opposition. The residents felt that the proposed development is not appropriate in the neighbourhood.

If the application is successfully rezoned, the lot area would only permit 17 apartment units. The applicant would then have to apply for a variance application for the additional unit. While the proposed development would not be considered a spot zone and technically could be considered to be compatible with the adjoining properties and such development would provide housing choices within the neighbourhood, the primary concern is the shifting of a higher density residential zone further into a low density mature neighbourhood. Staff recommendation is to reject the application. Robert Haggis, architect and representative to the application, is here to answer any possible questions.

Mr. Haggis mentioned that the client offered him to engage with the neighbours to determine what they would consider a suitable development in terms of form and size.

Shallyn Murray, RM, asked what the initial recommendation of staff was and Ms. Thompson responded that it was recommended not to proceed to public consultation.

Councillor Rivard added that this is not an easy application to deal with as it has its own advantages and shortcomings. Ms. Thompson also added that on a staffing perspective, staff recognizes the current housing shortage but the bylaws and official plans should also be considered. And this type of development is something that that is not supported by the Official Plan. There are challenges for staff in considering all the concerns from residents and in trying to provide a balanced report for this application.

Councillor McCabe commented that the previous application for a 12-unit apartment was turned down by Council and now, the applicant is trying to build an 18-unit apartment building. Councillor Rivard also asked that if the proposal today was for a 12-unit apartment building, would the recommendation change. Mr. Haggis commented that the residents were opposed to any rezoning and change in density in general. Councillor McCabe also clarified what would be considered an appropriate development. Ms. Thompson indicated that the Official Plan talks about step zoning, which is a transition from Commercial down to the lowest residential density zone permitted. A townhouse dwelling would make sense with the right scale and mass. However, residents were still opposed to this type of development. Rosemary Herbert also asked Ms. Thompson to explain about the difficulties with this application with the Official Plan. Ms. Thompson mentioned that the Official plan speaks to that area where higher and medium density development be located along the corridor at St. Peters Road between the Sherwood Shopping Centre and the rail corridors. Local streets that flow off St. Peters Road would traditionally have lower density developments. This is a different scenario because you have two existing low rise apartment buildings that would have existed during the late 70's/80's. There were no complaints about that building and this is going to be a tough decision, considering the technical requirements and comments from the residents.

Ms. Murray commented that it is hard to reject this application because of the current housing crisis and that the application is really not out of context with the surrounding.

**DRAFT UNTIL REVIEWED BY COMMITTEE**



Planning Board Meeting  
September 03, 2019  
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Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

**Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the request to:**

- a) Amend Appendix "A" the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential; and**
- b) Amend Appendix "G" – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-2 (Low Density Residential) Zone to R-3 (Medium Density Residential) Zone;**

**for property located at 38 Palmers Lane (PID #275156), in order to construct an 18-unit apartment building, be recommended to Council for rejection.**

**CARRIED  
(6-3)**

*R. Herbert, S. Murray & K. Fournier opposed*

**7. 13 Donwood Drive (PID #278531)**

This is a request to operate a home occupation (i.e. counselling/therapy service) for the property at 13 Donwood Drive (PID #278531). The property is located in the Single-Detached Residential (R-1S) Zone. The property owner will be the sole operator of the home occupation and shall operate out of an office in the dwelling. Robert Zilke, Planner II, presented the application. See attached report.

The proposed home occupation will allow for counselling/therapy services consisting of appointment based visits with only one client at a time. The total number of clients visiting per week would be around three (3), with appointments scheduled on an hourly basis. This number may increase in the future. The applicant intends to use one of the rooms of her property for the proposed home based occupation and the property would have enough room to accommodate three (3) off-street parking spaces.

At the time the applicant submitted the application, the amendments to the Zoning & Development Bylaw (2018-11/PH-ZD.2) including the prohibitions to permitted home occupations were not approved yet. It includes but is not limited to Medical, Health and Dental Office as a prohibited use under the existing Zoning & Development By-law regulations. Letters were sent to residents within 100 meters of the subject property and received two (2) responses opposing the proposed home occupation. Their main concerns were on safety, possibility of intensification of the services and the proposed use may be detrimental to the character of the existing neighbourhood. Staff recommendation is to reject the application.

The applicant spoke to her application and clarified that her services would be more of a counselling session through employee assistance services as compared to a paramedical practice such as a medical/dental clinic. The applicant indicated that the intention of this home occupation would be to provide counselling services and support to clients in a quiet and confidential environment. This business is not intended to negatively impact the neighbourhood but to be able to enhance the community.

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Planning Board Meeting  
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Councillor Rivard clarified the potential increase in amount of clients per week from three (3) to having more clients in the future. The applicant responded that it usually takes about three to five years to establish or to build the business. She intends to do this as a part time business only and would serve overflows from other counselling services or services that would need to have her clients visit her office. The applicant wanted to have this business in her property to allow her to have a legal use of the property for her business.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

**Moved by Basil Hambly, RM, and seconded by Bobby Kenny, RM, that the request to operate a home occupation (i.e. counselling/therapy service) for the property located at 13 Donwood Drive (PID #278531), be recommended to Council for rejection.**

**CARRIED  
(6-3)**

*Councillor McCabe, S. Murray & K. Fournier opposed*

**8. 53 Upper Hillsborough Street (PID #360719)**

This is a request to reduce the required lot frontage from 22m (72.2 ft) to approximately 17.6m (58 ft) and to reduce the required lot area from 696 sq.m (7,491.7 sq.ft) to approximately 427 sq.m (4597 sq.ft) to establish a duplex dwelling at 53 Upper Hillsborough Street (PID #360719). The property is located in the Low Density Residential (R-2) Zone. Robert Zilke, Planner II, presented the application. See attached report.

The property contains a single-detached dwelling. However, the applicant indicated that the upper level was used as a second dwelling unit for a family member. The property has been assessed as a single-detached dwelling and the City has no building permit record that legally established it as a two-unit dwelling. Approval of this application would allow for the construction of a two-storey duplex dwelling. No modifications to the exterior façade will be done except for the dedicated entrance to the second unit. Staff recommendation is to approve the application.

Councillor Rivard commented there will basically no change to what the existing structure as the second unit already exists and that this can be compared to single family homes with an accessory apartment. Councillor Doiron also commented that this is basically just legally converting it from a single family dwelling to a duplex. Mr. Zilke also added that they are allowed to construct a 2-unit dwelling on the property and would meet the requirements of the Bylaw except for the frontage and lot area for which the variances are being requested.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

**Moved by Councillor Julie McCabe and seconded by Councillor Bob Doiron, that the request to reduce the required lot frontage from 22m (72.2 ft) to approximately 17.6m (58 ft) and to reduce the required lot area from 696 sq.m (7,491.7 sq.ft) to approximately 427**

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sq.m (4597 sq.ft) to establish a duplex dwelling at 53 Upper Hillsborough Street (PID #360719), be recommended to Council for approval, subject to the following condition:

1. That an occupancy permit is issued on the additional dwelling unit based on the completion of the required work/upgrades to the dwelling unit and building as per requirements of the Building & Development Permit.

**CARRIED  
 (9-0)**

**9. 80 Longworth Ave / 46 Victory Ave (PID #364695)**

This is a request to reduce the required lot frontage from the required 30m (98.4 ft) to approximately 25m (82 ft) in order to permit three (3) residential dwelling units at 80 Longworth Ave/46 Victory Ave (PID #364695). The property is located in the Medium Density Residential (R-3) Zone. Robert Zilke, Planner II, presented the application. See attached report.

The property contains a two-unit dwelling and the applicant is proposing to convert one of the units into a two-unit dwelling, making it a total of three residential units. Should this application be approved, there will be no changes to the footprint of the building. There are enough parking spaces on the property. There is a proposed additional parking space as presented by the applicant but this additional parking space will not be approved due to close proximity to the corner. Staff recommendation is to approve the application.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, RM, that the request to reduce the required lot frontage from 30m to approximately 25m to establish a three (3) unit dwelling at 80 Longworth Ave / 46 Victory Ave (PID #364695), be recommended to Council for approval, subject to the following condition:

1. That an occupancy permit is issued on the additional dwelling unit based on the completion of the required work/upgrades to the dwelling unit and building as per requirements of the Building & Development Permit.

**CARRIED  
 (9-0)**

**10. 17 Capital Drive (PID #387654)**

This is a request to increase the maximum residential density from 11 to 12 dwellings units; a request to decrease the left minimum side yard setbacks from 4.5 m (14.8 ft) to 3.0 m (9.8 ft); and a request to decrease the right minimum side yard setbacks from 4.5 m (14.8 ft) to 3.0 m (9.8 ft) to the property at 17 Capital Drive (PID #387654). The property is located in the Highway Commercial (C-2) Zone. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The applicant applied for variances in 2017 and 2018 and on both occasions, the variances were approved. Since that time, the applicant has not submitted any building permit application. If after one (1) year of a variance approval, no building permit is issued or a permit is not acted

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upon, the variance and any permit shall automatically be deemed null and void. The variance has since then expired and the applicant is reapplying for the same variances to allow the construction of a 12-unit apartment building. The application did not receive any opposition and therefore the minor variance to increase the density from 11 to 12 units can be approved by staff. This proposed apartment building meets the required parking spaces and landscaping requirements. It could also enhance the streetscape along Capital Drive and the apartment unit conforms and aligns to the Official Plan. Staff recommendation is to approve the remaining two variances.

Councillor Rivard commented on a previous discussion on consolidating the property with the adjacent lot which is also owned by the same family members. Ms. Thompson responded that if parking on site is not sufficient, this could be an option that may be considered.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

**Moved by Bobby Kenny, RM, and seconded by Basil Hambly, RM, that the request for variances to:**

- **Decrease the left minimum side yard setbacks from 4.5m (14.8ft) to 3.0m (9.8ft); and**
  - **Decrease the right minimum side yard setbacks from 4.5m (14.8ft) to 3.0m (9.8ft),**
- to construct a 12-unit apartment building at 17 Capital Drive (PID #387654), be recommended to Council for approval.**

**CARRIED  
(9-0)**

**11. Corner of Royalty Road & Upton Road (PID #388595)**

This is a request for reconsideration to rezone a portion of the vacant property from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The application was rejected by Council on April 8, 2019. The applicant has submitted an appeal to IRAC noting the following: Council, in making its decision, did not consider:

- a) The fact that the Planning Board had approved the subdivision;
- b) The planners for the City considered this good development application and worthy of consideration;
- c) The City did not consider the benefit to the City of mixed zoning nor did it consider the factors set out in the bylaws respecting the material grounds for consideration;
- d) The Council ignored the objectives and policies of the City of Charlottetown's Planning & Development Bylaws;
- e) Council ignored the five "Baker" factors, failed to render a decision with procedural fairness, failed to carefully evaluate the application, and, failed to give reason for declining the application. The decision of Council flies in the face of decided case law, and, decisions rendered by IRAC.

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In order for an application to be considered, the application is required to pass a threshold test. If Council determines that the request passes the threshold test, reconsideration will be given based on the merits of the application. The application is currently at the threshold test stage and staff's analysis do not support the claim by the applicant that there is a clear doubt as to the correctness of the order or decision in the first instance.

Councillor Rivard commented that the application does not meet the threshold so there is no point in overturning the decision. Reg MacInnis, RM, also noted the fact that there was no new information provided. Mr. Forbes added that Council will make the final decision on this application.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Kris Fournier, RM, that the request to reconsider a decision of Council to rezone approximately 3.25 acres of vacant property located on the corner of Royalty Road and Upton Road (PID #388595) by amending Appendix "G" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone, be recommended to Council for rejection.

**CARRIED**  
**(8-0)**

**12. Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2)**

This is an application to make amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:

- Section 2: Operation
- Section 3.14 Design Review
- Section 4: Accessory Structures
- Section 4.6: Non-conforming buildings
- Section 36.3 Regulations for Industrial and Commercial Uses
- Section 43.1 Parking Space Standards
- Section 44.21 Exemptions to sign regulations

Robert Zilke, Planner II, presented the application. See attached report.

Councillor Rivard asked who determines the guidelines for design review and that the guidelines should be clear. Mr. Forbes responded that guidelines will be defined for design reviews.

Rosemary Herbert, RM, asked if living spaces or bonus rooms over the garage are considered garage space or living space. Mr. Zilke responded that it will count as part of the living space. Mr. Rivard also asked what triggered this initiative and Mr. Zilke noted the example on the Belgrave application for an attached garage.

Reg MacInnis, RM, asked why the asphalt plant would just not be permitted in the City of Charlottetown. Mr. Forbes responded that because of the legal land uses, the M-2 zone would be

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the only zone where an asphalt plant may be permitted. The West Royalty is different from Sherwood and it would be difficult to restrict a legal use without providing a compelling planning rationale.

Councillor Doiron also asked why this was not done before the asphalt plant was added in the Bylaw as a permitted use. Now the permitted use within the West Royalty Business Park is being requested to be taken out. Residents of West Royalty don't want an asphalt plant the same as the residents of Sherwood. Mr. Forbes responded that the amendment process for an asphalt plant in the M-2 Zone became an issue when a prospective business owner contested that he had the right to establish an asphalt plant in this zone based upon the definition of heavy manufacturing. The Planning Department were not prepared to issue a permit for an asphalt plant as of right and sought further clarification from Council through the amendment process. Councillor McCabe feels that instead of prohibiting the asphalt plant at West Royalty, she recommends that the zoning for West Royalty be changed. Mr. Forbes responded that it would be up to the Board to make a recommendation on this and Council to make a decision. Regardless of how Council wishes to deal with this amendment, IRAC will review the initial amendment process and this ruling will provide further clarity on the appropriateness of the second amendment to the M-2 zone.

Councillor Coady reminded the board of what the Board and Council went through regarding the proposed asphalt plant along Sherwood Road, then the approval of asphalt plant as permitted use for M-2 zone and now taking West Royalty out. Mr. Coady felt that this is ridiculous. Mr. Forbes responded that it would be up to the Board to make a recommendation. This proposal is a result of all the previous proposals and amendments. There were a lot of discussions as to whether one can legally put an asphalt plant in the West Royalty Business Park. Any application would still have to go through an Environmental Impact Assessment (EIA) to determine if this would be approved or not. Councillor McCabe commented that if the property is zoned M-2, then it would be an M-2 zone. We cannot just say that this time it is not okay, whereas the last time, it was okay to put an asphalt plant in that zone.

Councillor Rivard commented that other Council members may feel that this was initiated by him but clarified that this is a concern of staff. Mr. Rivard also added that even if he wasn't a part of this board, he would ask why compounding the problem we already have is appropriate. Mr. Rivard feels that because it is his ward, other Council members are looking at him. Councillor McCabe and Mr. Coady commented that they are not indicating that it was Mr. Rivard's initiative but they are just recommending that the overall zoning be considered. Mr. Forbes added that the board may provide their recommendations accordingly. Staff's responsibly is to fortify the Bylaw with clear language, make it as strong as possible and cut out any ambiguity. Council is the appropriate body that can review amendments to clarify any ambiguity in the Zoning By-law.

Ms. McCabe recommended that the zoning of the West Royalty be changed as a whole from a heavy industrial to a lesser industrial zone and not just specific to asphalt, aggregate or concrete. Mr. MacInnis' point of view is to get IRAC's inputs before this move forward. Mr. Forbes mentioned that it is totally up to the board to make a recommendation but staff brought this issue forward to bring attention to this situation.

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Ms. Herbert felt that the timing is not ideal and if this can be discussed in the near future. Ms. Herbert also asked if asphalt plant can be located out in the country side. Mr. Forbes responded that asphalt plants are usually located in rural areas and cannot be located within 500 meters of residential dwelling. Mr. MacInnis recalled that there used to be an asphalt plant years ago and members commented that it may have been in the Summerside Port.

Mr. Doiron recommended that staff or the board wait for IRAC to provide an update or to wait for the hearing to be done before looking at this proposal again. Councillor McCabe indicated that she is totally against this proposal. Mr. Rivard commented that the members heard the concerns of the residents and asked if this proposal can move forward without waiting for the IRAC hearing. Mr. Coady responded that residents along Sherwood were against the asphalt plant. At the public meeting, residents also spoke in opposition. Mr. Rivard clarified that the public meeting was for a request to rezone a property in order to locate an asphalt plant. Mr. Rivard also asked about the discretionary use for an asphalt plant that was permitted along the airport zone previously. Mr. Forbes indicated that the airport would have allowed that for the airport's development purposes only and not allowed their property to be used by a private business to operate from.

Mr. Hambly clarified that the West Royalty as a whole is M-2 zone. Mr. Zilke commented that it used to be West Royalty Industrial Park and now renamed to West Royalty Business Park. Some portions are zoned M-3 which is Business Industrial Park, which is less industrial compared to an M-2 zone.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

**Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, RM, that the amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:**

- **Section 2: Operation;**
- **Section 3.14 Design Review;**
- **Section 4: Accessory Structures;**
- **Section 4.6: Non-conforming buildings;**
- **Section 43.1 Parking Space Standards; and**
- **Section 44.21 Exemptions to sign regulations,**

**be recommended to council to proceed to Public Consultation;**

**And, the amendment to the Zoning & Development Bylaw (PH-ZD.2) pertaining to Section 36.3 Regulations for Industrial and Commercial Uses (asphalt plants), be deferred until after the IRAC Hearing.**

**CARRIED**  
**(9-0)**

### **13. New Business**

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**14. Adjournment of Public Session**

Moved by Basil Hambly, RM, and seconded by Councillor Julie McCabe, that the meeting be adjourned. The meeting was adjourned at 6:17 p.m.

**CARRIED**

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**Councillor Greg Rivard, Chair**

**DRAFT UNTIL REVIEWED BY COMMITTEE**





Tuesday, June 09, 2020

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- L-Series Applications are from Corporations or Non-Residents for a Global Lease Permit

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**➤ Search Results**

Enter the applicant/purchaser name, current owner or parcel number to search for a specific applications under current consideration or one that has been processed:

Applicant/Purchaser :

Current Owner:

Parcel No:

**Application Number:** C7649  
**Application Date:** Thursday, March 21, 2019  
**Applicant/Purchaser:** Chapman Bros. Construction Ltd.  
 Prince Edward Island  
 Canada  
**Current Owner:** Cavendish Farms Corporation  
 New Brunswick  
 Canada  
**Parcel Number:** 1111566  
**Location:** Charlottetown  
**Lot:**  
**Number of Acres:** 15.04  
**Water Course:** -  
**Shore Frontage:** 0  
**Road:** Sherwood Road  
**Road Frontage:** 430  
**Intended Use:** Commercial

**POPULAR LINKS**

**Recommendation Forwarded to Minister:** Friday, March 29, 2019

**Executive Council Decision:** **Approval**

**EC Decision Date:** Wednesday, April 17, 2019

**Condition Expiry Date:** -

**EC Order Number:** EC2019-252

[Click here to view map](#)

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**Application Number:** **C5457**

**Application Date:** Friday, June 01, 2012

**Applicant/Purchaser:** Chapman Bros. Construction Ltd.  
Prince Edward Island  
Canada

**Current Owner:** Willowdale Farms Ltd.  
Prince Edward Island  
Canada

**Parcel Number:** **1056514**

**Location:** Covehead Road

**Lot:** 34

**Number of Acres:** 34.9

**Water Course:** -

**Shore Frontage:** 0

**Road:** Highway #25

**Road Frontage:** 33

**Intended Use:** Industrial/Other

**Recommendation Forwarded to Minister:** Tuesday, June 19, 2012

**Executive Council Decision:** **Approval**

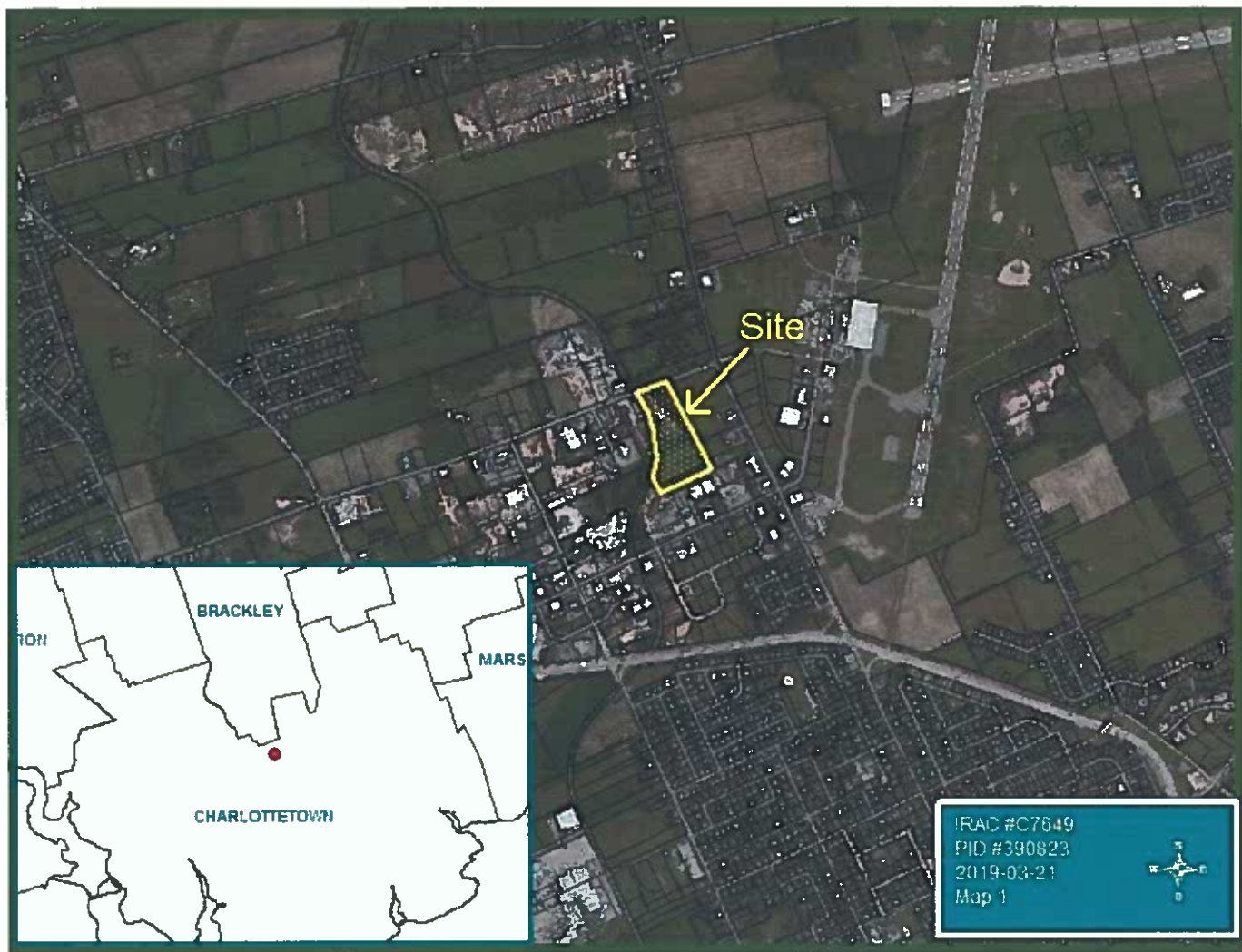
**EC Decision Date:** Tuesday, June 26, 2012

**Condition Expiry Date:** -

**EC Order Number:** EC2012-358

[Click here to view map](#)

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EXECUTIVE COUNCIL \_\_\_\_\_ 17 APRIL 2019

**EC2019-250**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
9383-4760 QUEBEC INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 9383-4760 Quebec Inc. of Dorval, Quebec to acquire a land holding of approximately four decimal zero five (4.05) acres of land at Gaspereaux, Lot 61, Kings County, Province of Prince Edward Island, being acquired from Tracy Hicken and Kevin Llewellyn, both of Gaspereaux, Prince Edward Island.

**EC2019-251**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
AFTER5050INC.  
(APPROVAL)

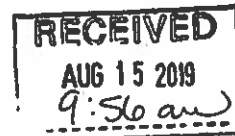
Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to After5050 Inc. of Summerside, Prince Edward Island to acquire a land holding of approximately twelve decimal five seven (12.57) acres of land at Summerside, Lot 19, Prince County, Province of Prince Edward Island, being acquired from Harold Milligan, Isabel Milligan and Gregory Milligan, all of Summerside, Prince Edward Island.

**EC2019-252**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CHAPMAN BROS. CONSTRUCTION LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Chapman Bros. Construction Ltd. of Little Harbour, Prince Edward Island to acquire a land holding of approximately fifteen decimal zero four (15.04) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Cavendish Farms Corporation of Dieppe, New Brunswick.

6229



89

THIS INDENTURE made this 13 day of August in the year of Our Lord Two Thousand Nineteen.

IN PURSUANCE OF THE ENACTMENTS RESPECTING SHORT FORMS OF INDENTURES;

BETWEEN:

CAVENDISH FARMS CORPORATION, a body corporate, duly incorporated under the laws of the Province of New Brunswick;

(herein called the "Grantor")

OF THE ONE PART

AND:

CHAPMAN BROS. CONSTRUCTION LTD. a body corporate, duly incorporated under the laws of the Province of Prince Edward Island;

(herein called the "Grantee")

OF THE OTHER PART

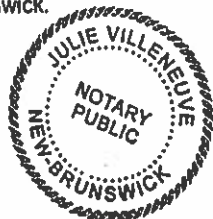
WITNESSETH that in consideration of Five (\$5.00) Dollars of lawful money of Canada now paid by the Grantee to the Grantor, the receipt whereof is hereby by it acknowledged, the said Grantor do grant unto the Grantee, its heirs and assigns forever, all and singular the lands described in Schedule "A" hereto annexed.

TOGETHER with all the rights, privileges, easements, advantages and appurtenances to the said lands belonging or appertaining or thereunto now or heretofore holden, used, occupied or enjoyed: TO HAVE AND TO HOLD the said lands and premises with their appurtenances unto and to the use of the Grantee, its heirs and assigns forever. (1) The said Grantor covenants with the said Grantee (2) that it has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor (3) AND that the said Grantee shall have quiet possession of the said lands (4) free from all encumbrances (5) AND the said Grantor covenants with the said Grantee that it will execute such further assurances of the said lands as may be requisite. (6) AND the said Grantor covenants with the said Grantee that it has done no act to encumber the said lands. (7) AND the said Grantor releases to the said Grantee all its claims upon the said lands. (8) AND the said Grantor warrants and covenants with the Grantee that to the best of its knowledge, information and belief, the buildings located on the lands being herein conveyed does not contain urea formaldehyde foam insulation.

IN WITNESS WHEREOF the duly authorized signing officer of the said Grantor has hereunto set his/her hand and affixed its corporate seal on the day and year first above written.

SIGNED SEALED & DELIVERED  
in the presence of:

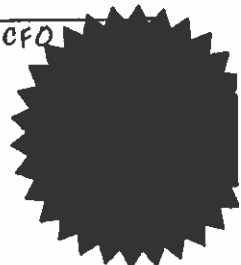
A Notary Public in and for the Province  
of New Brunswick.



CAVENDISH FARMS CORPORATION

Per:

MB 76  
Michael B. Fox, CFO



**SCHEDULE "A"**

**Part of Provincial Parcel #390823**

**ALL THAT PARCEL** of land situate, lying and being at Charlottetown, in Queens County, Province of Prince Edward Island, bounded and described as follows, that is to say:

**COMMENCING** at placed survey marker #157 as shown on a Plan of Survey Showing Lot 19-1, being a subdivision of lands of PID No. 390823, prepared by Derek A. French Professional Services Inc., on May 12, 2019 as Drawing No. 1939, and approved by the City of Charlottetown on July 29, 2019, said point being situate on the Southern boundary of the Sherwood Road, and having coordinates E. 464517.128 and N. 347725.517;

**THENCE** azimuth 154° 34' 46" by a line running through lands of the Grantor herein and along the Southwestern boundary of property now or formerly in possession of Sherwood Motel Inc. (PID #390849) and along property now or formerly in possession of City of Charlottetown (PID #719591) for the distance of 380.51 FEET or to survey marker #2077;

**THENCE** azimuth 245° 07' 33" by a line running along the Northern boundary of a portion of property in possession the City of Charlottetown (PID #871301), property now or formerly in possession the City of Charlottetown (PID #853176) and a portion of land now or formerly in possession of Label Construction Ltd. (PID #691527) for the distance of 696.90 FEET or to placed survey marker #2168;

**THENCE** azimuth 333° 53' 48" by a line running along the Eastern boundary of property now or formerly in possession of Label Construction Ltd. (PID #691527) for the distance of 248.05 FEET or to found survey marker #4374;

**THENCE** by a line running along lands now or formerly in possession of the Government of PEI (Former Canadian National Railway) for the arc distance of 798.56 Feet or to placed survey marker #4366;

**THENCE** azimuth 332° 12' 50" by a line continuing along lands now or formerly in possession of Government of PEI (Former Canadian National Railway) for the distance of 303.32 FEET or to placed survey marker #4365, situate at the Southern boundary of the Sherwood Road;

**THENCE** azimuth 69° 59' 14" along same for the distance of 430.99 FEET or to the point at the place of commencement.

**BEING** Lot 19-1 on the aforesaid survey plan and **CONTAINING** 15.05 ACRES of land, a little more or less.


CANADA

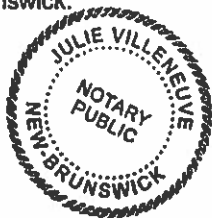
NEW BRUNSWICK  
PROVINCE OF ~~PRINCE EDWARD ISLAND~~AFFIDAVITI, MICHAEL B. FOX, of MUNCTON, Province of New Brunswick;

## MAKE OATH AND SAY AS FOLLOWS:

1. THAT I am the Chief Financial Officer of the Grantor named in the Deed of Conveyance herein.
2. THAT I have a personal knowledge of the share ownership of the Grantor and of the use and occupation of the property described in the Deed of Conveyance herein.
3. THAT the property is not now the subject of a Court Order, interim or otherwise, made pursuant to the Family Law Act.
4. THAT the property described in the Deed of Conveyance herein is not a family home.
5. THAT neither the ownership of shares in the Grantor nor ownership of any interest in any shares of the Grantor entitles the owner of such shares or interest to the occupation of the property described in the Deed of Conveyance herein.

SWORN TO before me at  
Dieppe, Province of  
 New Brunswick, this 13 day of  
 August, 2019.

  
 A Notary Public in and for the Province  
 of New Brunswick.



  
 MICHAEL B. FOX

**NOTARIAL CERTIFICATE**

CANADA

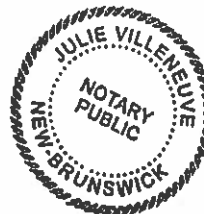
PROVINCE OF NEW BRUNSWICK

On the 13 day of August, 2019, before me, the undersigned, a Notary Public, duly sworn and commissioned, residing and practicing in Dieppe, in the Province of New Brunswick, personally appeared Michael B. Fox, CFO, and a the proper signing officers of Cavendish Farms Corporation, to me known to be the persons named in and who executed the foregoing Deed or writing, and he acknowledged that he did freely and voluntarily execute the same to and for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND NOTARIAL SEAL at Dieppe, aforesaid, on the day and year first above written.



A NOTARY PUBLIC IN AND FOR THE  
PROVINCE OF NEW BRUNSWICK.







Executive Council  
Prince Edward Island

Certified to be a true copy of an Order of Her Honour the  
Lieutenant Governor in Council dated April 17, 2019.

**EC2019-252**

**PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CHAPMAN BROS. CONSTRUCTION LTD.  
(APPROVAL)**

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Chapman Bros. Construction Ltd. of Little Harbour, Prince Edward Island to acquire a land holding of approximately fifteen decimal zero four (15.04) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Cavendish Farms Corporation of Dieppe, New Brunswick.

A handwritten signature in black ink, appearing to be 'Paul T. Ledwell'.

Paul T. Ledwell  
Clerk of the Executive Council  
and Secretary to Cabinet

DATED: August 13, A.D. 2019

CAVENDISH FARMS CORPORATION

- 10 -

CHAPMAN BROS. CONSTRUCTION LTD.

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DEED OF CONVEYANCE

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KEY MURRAY LAW  
ALLEN J. MACPHEE, Q.C.  
106 Main Street, P. O. Box 238  
Souris, PE COA 2B0  
Telephone: (902) 687-2048  
Facsimile: (902) 687-2494

**Office of the Registrar of Deeds**

**For Queens County, Charlottetown, P.E. Island**

**Book 5779**

**Doc # 6229**

**The within document was registered on**

**The 15th Day of Aug A.D., 2019 on**

**NOTARIAL CERTIFICATE**

  
ASST REGISTRAR

# No asphalt plant for Sherwood Road in Charlottetown

The Guardian

**Published:** Jun 13, 2018 at 10:44 a.m.

**Updated:** Jun 13, 2018 at 10:47 a.m.



Chapman Bros. will not be building asphalt plant on Sherwood Road in Charlottetown-123RF. - file photo

Chapman Bros. has abandoned plans to build an asphalt plant on Sherwood Road in Charlottetown.

The news came in the form of a resolution at council's June public meeting on Monday.

The initial application meant the property had to be rezoned before the Souris-based construction company could move ahead. And, that meant a public meeting.

There was a tremendous amount of opposition in stories in the media and at the public meeting to the proposed plan.

Chapman Bros pulled its application before city council had a chance to vote on it, much to Mayor Clifford Lee's chagrin. He felt the public had a right to know where council stood on the issue.

Regardless, it will now be a year before Chapman Bros. can resubmit the same application if it chooses<sup>97</sup> to do so.

PEI

## Food truck proposal cheered at Charlottetown public meeting



'We've created this vision to transform this space'

Kevin Yarr · CBC News · Posted: Mar 28, 2019 2:07 PM AT | Last Updated: March 28



An architectural drawing of the vision for Nimrods. (Nine Yards)

comments 

A proposal to set up a food truck that would serve alcohol and have permanent seating received vocal support at a public meeting on the plan in Charlottetown Wednesday night.

Mikey Wasnidge, a partner in the project, said this is not a new concept, only new to Charlottetown, and gave examples of where it has been done in other Maritime cities.



- **Proposed Charlottetown food truck would serve alcohol**

"We're not trying to reinvent the wheel. We're just trying to bring something that other cities have benefited from to Charlottetown," Wasnidge said.



The concept for Nimrods is tested in other cities, says Mikey Wasnidge. (Natalia Goodwin/CBC)

"We've created this vision to transform this space into something I hope most of you will agree is better. It will bring more life to that area of Charlottetown. We're really excited to invest money into that space and make it beautiful."

The food service area, to be called Nimrods, would go in a vacant lot on Great George Street between The Old Triangle and Cedar's Eatery.

People who lined up to speak in favour of the proposal were greeted with cheers and loud applause.



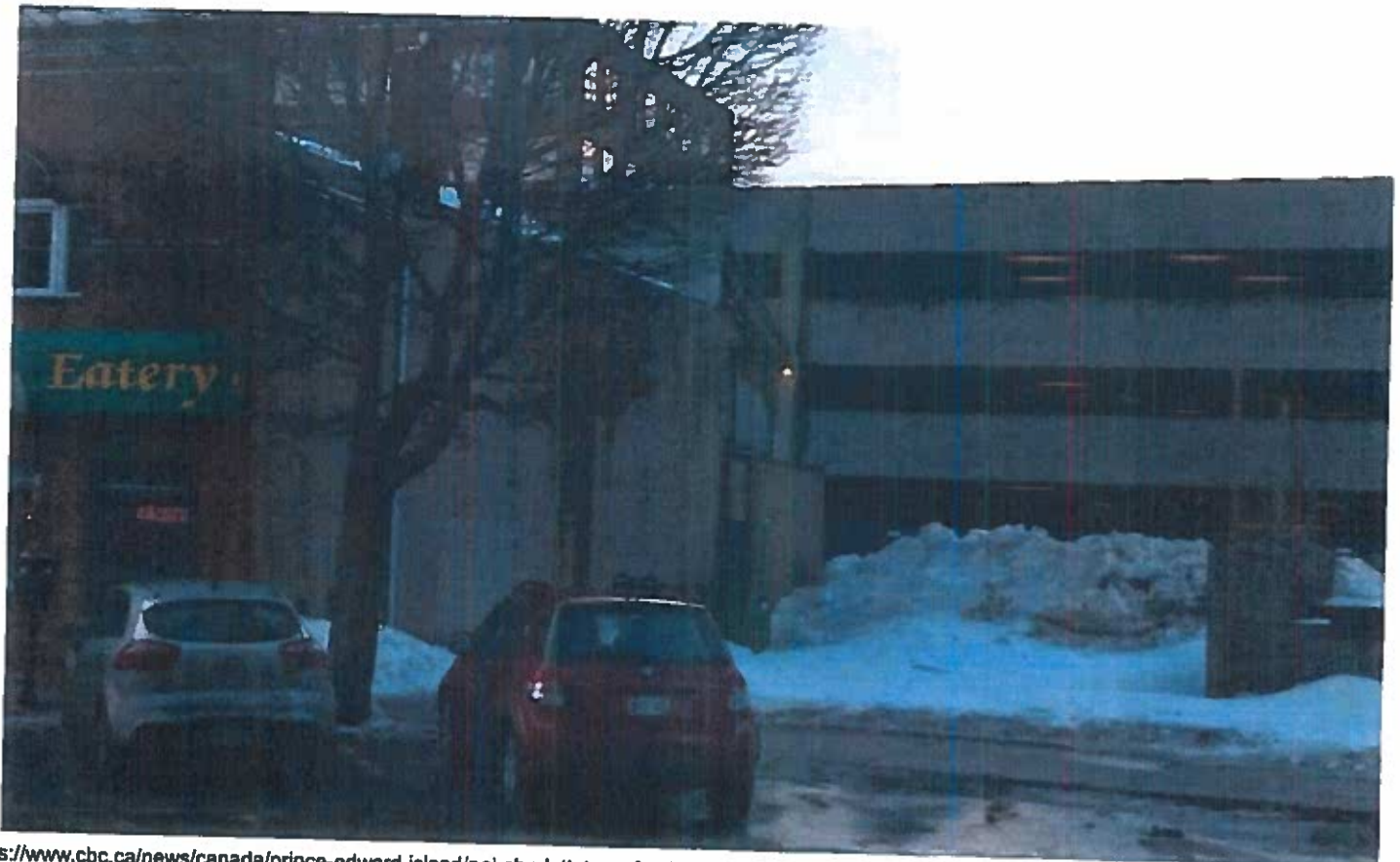


Young entrepreneurs need an opportunity to start small, says Heather McIver. (Natalia Goodwin/CBC)

Heather McIver said it is important to give entrepreneurs, particularly young entrepreneurs, an opportunity to start small.

"If we send out the message to our youth you must come in with an incredibly large business plan, take over this huge restaurant and do well, we're setting people up for failure," she said.

Lorne McLaren also expressed his support for the project, but he had reservations.





Mikey Wasnidge wants to improve this lot, which has been vacant since 1998. (Laura Meader/CBC)

"I do feel for the permanent establishments that are slugging and dragging through the bleak months of January, February, March," he said.

McLaren wondered if the tax system could be used to level the playing field a little more.

Following the discussion of Nimrods, the meeting went on to discuss a residential development in Sherwood.

## More P.E.I. news

- **Potato prices climbing in wake of poor growing season**
- **PEI VOTES** **Here are the nominated candidates running in the P.E.I. election**

*With files from Natalia Goodwin*

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PEI

## Sherwood residents give a big 'no' to apartment development



Development would see a 30-unit building and 17 townhouses

Natalia Goodwin · CBC News · Posted: Mar 28, 2019 8:00 AM AT | Last Updated: March 28



The room was packed for the public meeting on Wednesday night (Natalia Goodwin/CBC )

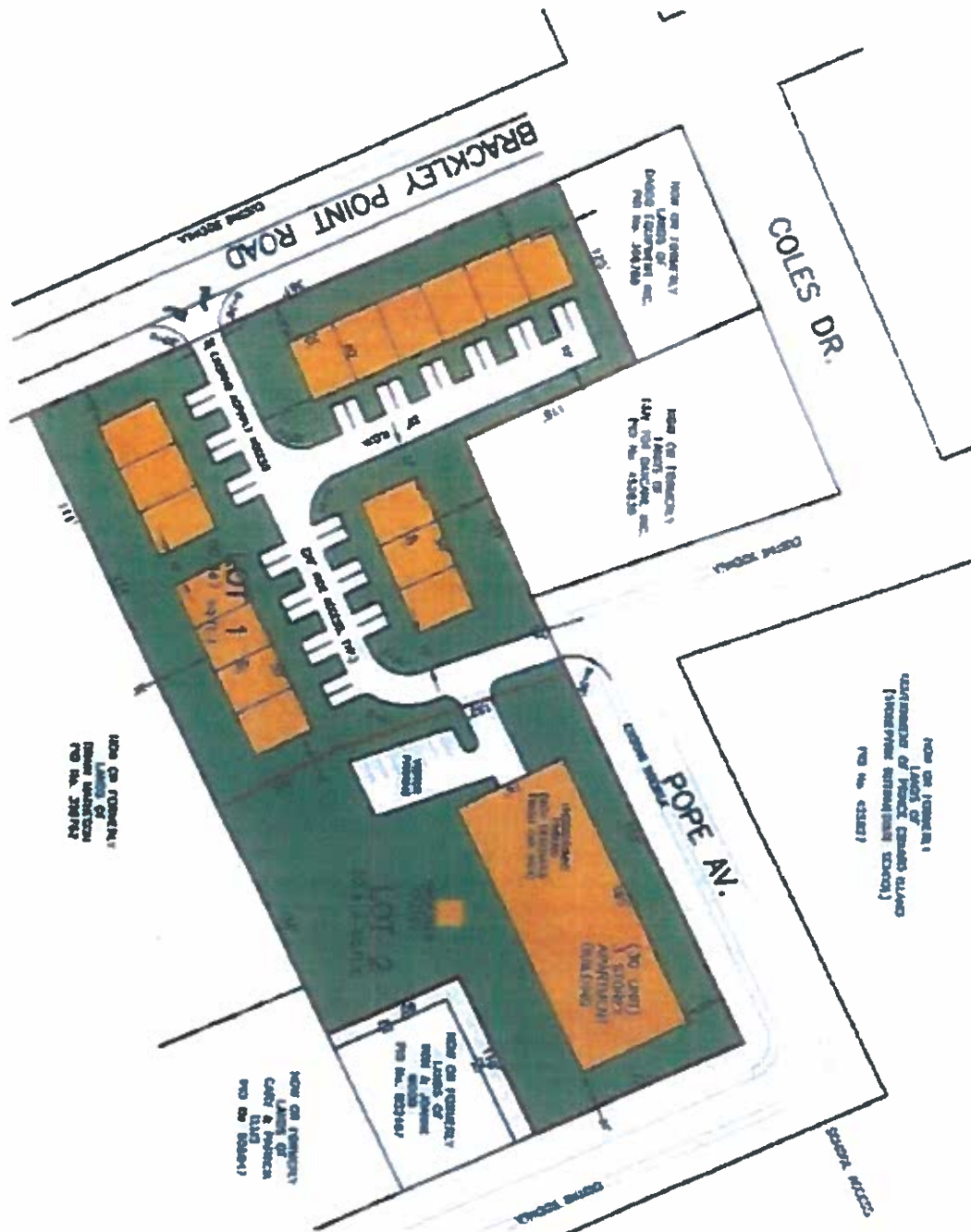
comments



A petition with 327 signatures has been given to Charlottetown council from Sherwood residents opposed to a residential development in their neighbourhood.

Council also heard from many disgruntled neighbours at a packed public meeting Wednesday night.

"Most of us have single family homes up there, we're not interested in apartment buildings in that neighbourhood."



The development would require a rezoning and for the lot to be divided in two. (City of Charlottetown)

The proposal is for 88 Brackely Point Road, across from Stonepark Intermediate school. The existing house on the lot would be demolished and the lot divided into two. On one lot a 30-unit, three-storey apartment building would be built, while the other would have 17



townhouses, some two-level, others one-level. To go ahead with the plan the developer needs to rezone the land to allow for the density.



Pat Ellis says the proposed apartment building just doesn't work in the neighbourhood. (Natalia Goodwin/CBC)

Many residents who spoke commended the developer, Ron Woods, for the project. They said they would be in favour of the townhouses, but not the apartment building.

"I just don't see that that apartment unit fits the vision of the neighbourhood," said Pat Ellis

## Traffic an existing issue

One of the main concerns is traffic in the area, with the adjacent school and daycare adding extra concern.

"Basically every morning from May to October I walk my daughter to daycare and I walk her home. Traffic is bananas," said Matthew Walker.

"You'll have cars lined up Pope Avenue to pick kids up. [It] basically turns that Pope Ave. one way. I've been hit almost head on a few times with people coming around the corner. To put

the main entrance and exit so close to Tiny Tots seems like it's a disaster waiting to happen." <sup>106</sup>



Matthew Walker worries for the safety of his four-year-old daughter with the added traffic. (Natalia Goodwin/CBC)

The developer did not speak at the meeting, but his spokesperson explained that the developers are aware so the traffic concerns in the neighbourhood. There are two separate entrance areas planned, one on Pope Avenue, one on Brackley Point Road.

That driveway will be a right-turn only in and out, with concrete curbing to deter an alternative. He also stated that there will only be one parking space for each unit in the apartment building, along with the single level townhouses, and two spaces for the two-level houses, which would only amount 55 extra vehicles.

The application will now go back to the planning board on Monday, who will make a recommendation to council. That recommendation will be voted on at the April 8 council meeting.

## More P.E.I. news

- **Three Rivers 1st budget tries to meet needs of whole community, mayor says**
- **PEI VOTES Islanders say they're ready to head to the polls**

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# Islanders protest second asphalt plant in Charlottetown

The Guardian

**Published:** Jun 26 at 6:09 p.m.



Protestors on Sherwood Road oppose a proposed asphalt plant June 26. - Contributed

CHARLOTTETOWN, P.E.I. — A protest was held in Charlottetown on Wednesday morning against the potential for a second asphalt plant on the Sherwood Road, near the Charlottetown Airport.

City council recently voted in favour of an amendment to the zoning and development bylaw to permit an asphalt, aggregate and concrete plant in the M2 zone.

There are two of those zones in the city, at the West Royalty Industrial Park and on the Sherwood Road.

Chapman Brothers in Souris applied in March to the Island Regulatory and Appeals Commission to purchase a 15-acre parcel of land on Sherwood Road for commercial use.

The existing asphalt plant on the Sherwood Road has been there since the 1940s.



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On a scale of 1-10, how likely are you to recommend The Guardian?

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PEI

## Charlottetown residents take asphalt plant protest to city hall



Group says they will continue to fight

[Tony Davis](#) · CBC News · Posted: Jul 04, 2019 1:11 PM AT | Last Updated: July 4



Members of the group say they believe the public wasn't properly notified of public meetings. (Natalia Goodwin/CBC)

[comments](#)



A group of Charlottetown residents are continuing to fight city council on their decision about asphalt and concrete plants.

Dozens of protesters gathered outside Charlottetown city hall Thursday to protest council's<sup>111</sup> recent decision to allow more asphalt plants in the city.

This was the second protest the group has held in a week — the first was on Brackley Point Road near the airport.

The residents are against a recent council decision to allow asphalt and concrete plants in heavy industrial zones. There are two of those zones in the city — The West Royalty Industrial Park and sections of Sherwood Road.

The change would pave the way for any company to open a plant there without having to go through the city's public consultation process, however the application would first have to meet provincial environmental standards.

The group is upset that more notice of the public meeting around the issue was not given.

- **Residents want province to reverse asphalt plant zoning decision**
- **Questions raised around Charlottetown's decision on asphalt plants**

The city did advertise the meeting in the newspaper and on radio — the rules under city bylaws. But since it was not dealing with a specific rezoning, letters to residents in the area were not required.

The group has several concerns with the possibility of another asphalt plant in the city including a negative effect on Charlottetown property values, both noise and air pollution and tourists' first impressions of the city.

Charlottetown residents were blindsided by the decision, said Jamie Brown, owner of Brown's Volkswagen on Sherwood Road, who attended Thursday's protest.





Several Charlottetown residents displayed signs with slogans such as, 'Let your voice be heard.' (Natalia Goodwin/CBC)

He said he was happy with the turnout of residents and business owners.

"It shows that the business community and residents of Charlottetown simply do not want more asphalt and concrete plants within our city."

Brown said the process was not transparent.

"The city put this through the back door and we are not happy with this process."

**“This goes against everything that the city is trying to do within their long-term plan.”**

*— Jamie Brown*

Cathy Feener, the spokesperson for the group, said she is upset about the process, particularly how a push for a public meeting was quashed.

According to council minutes, at the June 10 monthly meeting, Coun. Mitch Tweel put forward a vote to defer the first reading of the amendment in order to hold a public meeting on the issue. That deferral passed.

But at a special meeting of council held on June 17 that deferral was rescinded after it was revealed by the city's solicitor that discussions during a closed session of council made it clear that council wanted to move ahead with the readings of the bylaw change.



Tweel argued the point and the council then voted to rescind the deferral, leading to the passing of the amendment.

## 'Public is still not aware'

Brown said he knew when he set up his business on Sherwood Road that there was an asphalt plant already operating, but adding another would cause more issues.

"That asphalt plant has been there since 1944. We've accepted the current traffic and truck traffic, and pollution. However to have more asphalt plants and concrete plants will double or triple the heavy truck traffic," he said.

"This goes against everything that the city is trying to do within their long-term plan."



Members of the P.E.I. Legislature attended Thursday's protest including Opposition leader Peter Bevan-Baker, second from left, interim Liberal Leader Robert Mitchell, middle and Liberal MLA Heath MacDonald, right. (Natalia Goodwin/CBC)

Feener said the public should have been notified more clearly. She said there was an advertisement of the public meeting about bylaw changes, but it was vague.

"We feel that the public is still not aware of the decision council has made," she said.

“There will be a process.”

— Mayor Philip Brown

"That should have had its own bold print so that people could have been there. Nobody was there because nobody knew."

She added she isn't against business or those who pave roads — but the location.

"It's not in the right place, there is a better place for it outside the city."

## 'There will be a process'

Listed on the group's press release are the Charlottetown councillors who voted for or against the decision, as well as provincial politicians the group encourages people to reach out to with concerns.

The group said it will be holding its own public meeting July 10, at 7 p.m. at the West Royalty Community Centre.

The group is planning to appeal council's decision to IRAC.





Dozens of protesters walked in circles in front of city hall asking for the decision on asphalt plants to be reversed. (Natalia Goodwin/CBC)

Mayor Philip Brown said he will be at the public meeting next week to hear from Charlottetown residents.

"There will be a process," he said.

He said if IRAC decides the city didn't properly advertise public meetings, then the city will have to go through the whole process again.

"To this point it has been given second reading therefore it is part of the bylaw. Now, to see if IRAC agrees or disagrees with our decision remains to be seen," the mayor told protestors.

Brown said due to legal reasons he cannot reveal how he would vote on the issue if it were to come back to council. He did say if the second reading had come to a tie vote, he would have sided with "the environment."

## More P.E.I. news

- **Cavendish Beach Music Festival brings big business, but not everyone cashes in**
- **Provincial museum once again being considered for P.E.I.**

*With files from Natalia Goodwin*

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PEI

## Chapman Bros confirms plans for asphalt plant in Charlottetown



'I don't think many people would be happy if we had one grocery store in the city'

Natalia Goodwin · CBC News · Posted: Jul 12, 2019 6:29 PM AT | Last Updated: July 12



This portable plant would be moved to the new site, says Chapman Bros. (Submitted)

comments

CBC has learned that the P.E.I. company Chapman Brothers Construction has plans to purchase a property on Sherwood Road in Charlottetown with the intention of building an asphalt plant.

Residents in that area have held a protest and voiced their concerns to city council about<sup>118</sup> a plant in their neighbourhood. The land in question is zoned heavy industrial.

Craig Chapman said the company started looking at the land in March.

"We've entered into an agreement to purchase the property with the hope of putting a shop to expand our snow services business and [relocate] one of our modern asphalt plants on site," he said.

- **Charlottetown moves closer to reconsider asphalt plant decision**
- **Charlottetown residents take asphalt plant protest to city hall**

But that plan has now been stalled.

Last month council made the decision to allow asphalt and concrete plants in heavy industrial zones in the city. There are currently two of those zones in Charlottetown — in the West Royalty Industrial Park and sections of Sherwood Road.

However, the protests by residents and businesses in the area have led the city to begin reconsidering that decision. Chapman said the sale of the land depends whether the plant can meet all criteria including an environmental assessment from the province.

- **Neighbour concerned about proposed asphalt plant**
- **\$18M in upgrades planned for Charlottetown Airport runway this summer**

## Modern plant

The plant they plan to put on site is a portable one that was used in the recent construction project of the Charlottetown Airport runway.

"We are able to use our recycled oils, recycle products and also use those products with ... decreased air emissions. It's hard to do that for most plants but this is a newer style plant and we'll do that," said Jeffrey Chapman.



Craig, left, and Jeffrey Chapman say the plant would be about 240 metres from the road and surrounded by woodland. (Natalia Goodwin/CBC )

"It is a very quiet plant. It doesn't make much noise."

The Chapman brothers said the plant would be about 240 metres from the road and surrounded by woodland.

There is no timeline as to when council will make its decision on the reconsideration of the bylaw amendment — it is in the hands of the planning department first.

"Are we creating monopolies in the city, or is this the city [that's] open for business? You know, I don't think many people would be happy if we had one grocery store in the city," Jeffrey said.

"We'd like to keep the company growing."

## More P.E.I. news

- **'People don't feel safe': Cornwall working to curb speeders**
- **Car goes 'right up in flames' in A&W parking lot**

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PEI

## Planning staff recommend council axe asphalt and concrete plant option for West Royalty



'The land uses in the industrial park is very different'

Natalia Goodwin · CBC News · Posted: Sep 04, 2019 6:00 PM AT | Last Updated: September 4



That motion will be discussed and voted on at the next council meeting on Sept. 12. (Kerry Campbell/CBC News)

comments

Staff at the City of Charlottetown are recommending to amend a recent city decision on asphalt and concrete plants.



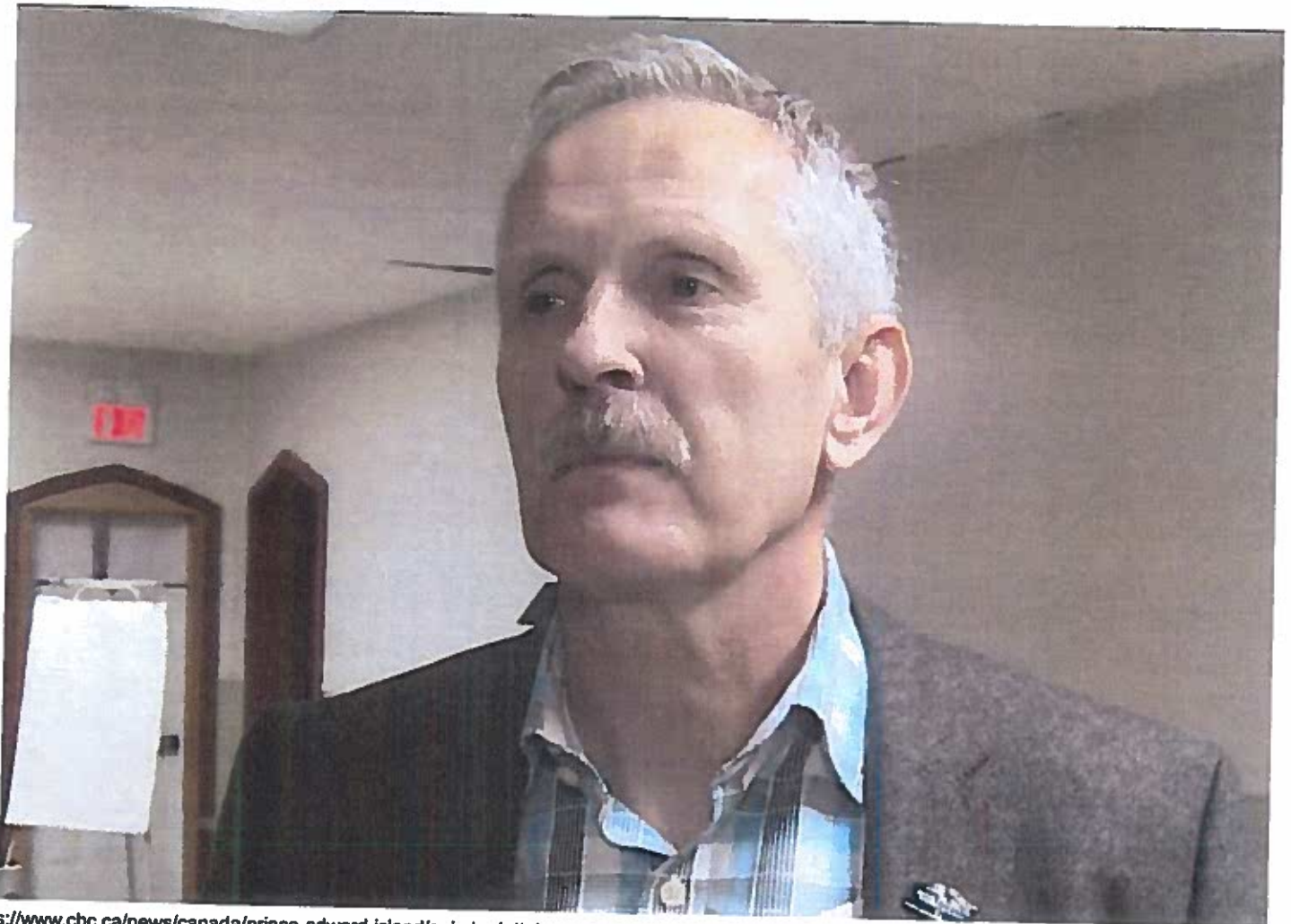
At Tuesday night's planning board meeting, as part of several bylaw amendments, staff<sup>122</sup> recommended removing the option of building an asphalt or concrete plant in the West Royalty Industrial Park.


In June, the city approved an amendment to the development and planning bylaw that allowed the plants in M2 zones — there are two of those in the city: the West Royalty Industrial Park and sections of Sherwood Road.

Since then, residents and businesses in the area have been protesting the change, including filing an appeal to IRAC.

- **Questions raised around Charlottetown's decision on asphalt plants**
- **Asphalt plant opponents charge city with lack of notice**

Alex Forbes, manager of planning and heritage for Charlottetown, says after the decision was made in June, staff had another look at businesses in the industrial park and determined that a concrete or asphalt plant wouldn't fit with the types of businesses there.





Alex Forbes, Charlottetown's manager of planning and heritage, says there were many concerns from residents, but Sherwood road still suits a plant. (Natalia Goodwin/CBC )

"The land uses in the industrial park is very different. They're more like business or business industrial, sort of, not heavy industrial," Forbes said.

"The Sherwood industrial area is much larger and there's much more of an opportunity to find a location in there for an asphalt plant that's not going to be contrary to, or incompatible with, its neighbours — or both municipal or provincial requirements."

Forbes said it's up to council, who may or may not want to make the amendment.

## Planning board did not agree

The planning board did not agree with the change, they voted to send a recommendation to council to not approve the amendment for public consultation, which would be the next step to get it approved.

That motion will be discussed and voted on at the next council meeting on Sept. 12.

- **Charlottetown will not reconsider asphalt plant decision**

Chapman Brothers Construction had confirmed its plans to build an asphalt plant on the Sherwood Road, but Forbes said an application has yet to be received.

The company had applied for a subdivision of the land and that was approved earlier this summer.

## More P.E.I. news

- **Chapman Bros confirms plans for asphalt plant in Charlottetown**
- **Island farmers keeping a watchful eye on Hurricane Dorian**