



For Information Internal Document for Planning October 12, 2022

INFORMATION REQUEST:

Savage Harbour development issue near a buffer zone

REQUESTED BY: Glenda MacKinnon-Peters,
Director of the Land Division of DAI.

Date Requested: October 11, 2022

PREPARED BY:

Eugene Lloyd, Acting Manager of Provincial Planning/ emlloyd@gov.pe.ca / (902) 368-4465

KEY POINTS

22 (1)(a), 22 (1)(g)



For Information Internal Document for Planning October 12, 2022

POTENTIAL ISSUES

22 (1)(a); 22 (1)(g)

RELATED DOCUMENTS

Development Permit
Comments



For Information Internal Document for Planning October 12, 2022

07-Sep-2021



Charlottetown

Development Permit

Issued under the authority of
"The Subdivision and Development Regulations"

Permit No. C-2021-0110

Permission is hereby granted to Julie Lee (Derek A. French Professional Services Inc., applicant) thereof, to construct a single unit dwelling on Provincial Parcel Number 761445, located at 251 Kelpie Lane in the community of Savage Harbour, in accordance with the plans and information submitted, and subject to compliance with the provisions of all regulations under "The Planning Act", governing and affecting the development.

However, this permit does not in any way guarantee or ensure the title of the holder in the property described herein nor does it affect the holders liabilities, rights or privileges of ownership to such property.

This Permit expires twenty four (24) months from the date of issue.

This permit has been issued in a geographic area which does not have land zoning. The area may include existing or future residential, agriculture, commercial, industrial, forestry, tourism, fishing, aquaculture or institutional uses which may influence the use of the site for which the permit has been issued.

Coastal flooding has been an issue on shoreline properties across PEI and, in general, lands below 2 meters in elevation are considered to have a high risk for impact due to coastal flooding and/or storm surge, while those areas between 2 and 4 meters in elevation are considered to be at a moderate risk. It has been determined that a portion of your proposed development includes land at moderate risk. Please contact 902-368-5280 for a Coastal Erosion and Flooding Assessment or for more information.

Issuance of this development permit does not imply any warranty against damages related to weather and/or climate change, including, but not limited to, coastal erosion and flooding. Government shall not be liable for any claims, demands, losses, costs, damages, actions, suits or proceedings of every nature and kind whatsoever arising out of or resulting from the issuance of this development permit or which may occur to this development as a result of damages related to weather and/or climate change, including, but not limited to, coastal erosion and flooding.

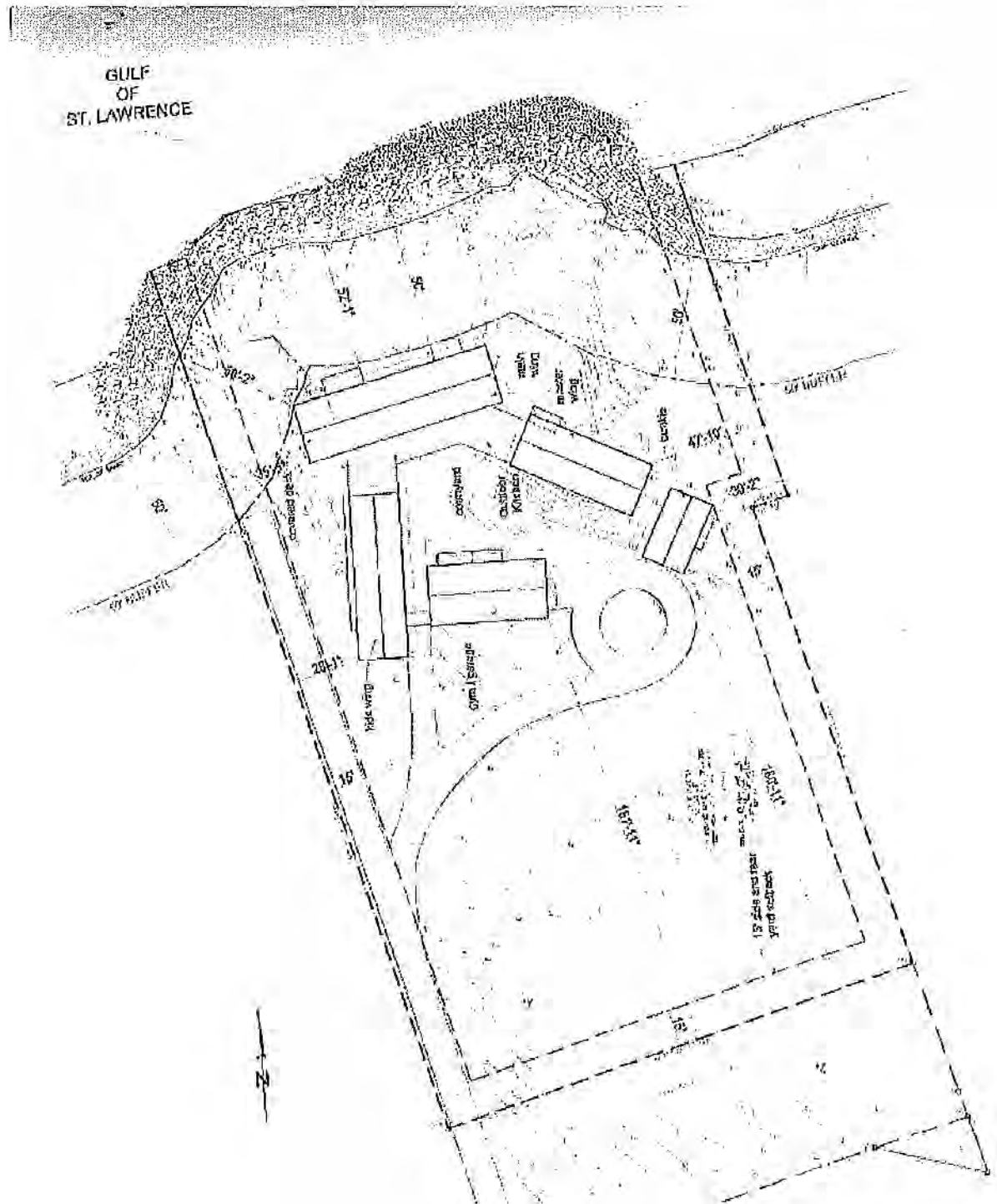
- Subject To:
- 1) The sewage disposal system currently serving this property should be monitored to ensure it is functioning properly. Any increase in wastewater flow as a result of your proposal may require that the system modified or replaced
 - 2) The proposal being developed in accordance with the revised site plan and the stipulations stated in the Departments of Environment, Energy and Climate Change memorandum dated July 21, 2021 (copy attached).

Approved By:

Gerald McMillan
Safety Standards Officer

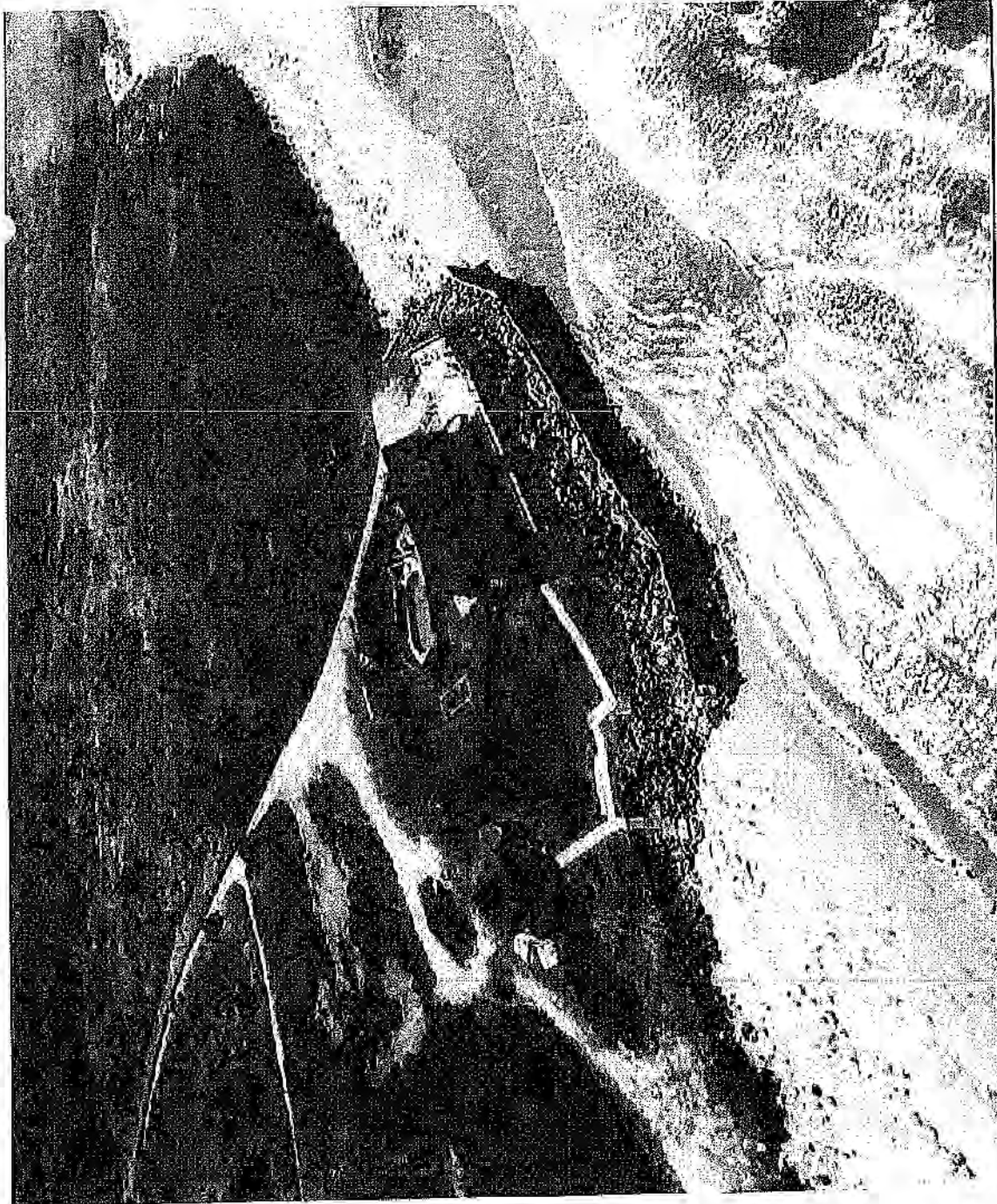


For Information Internal Document for Planning October 12, 2022





For Information Internal Document for Planning October 12, 2022



X Original Cottage #



For Information Internal Document for Planning October 12, 2022

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

Canada 1-877-709-7090

INTEROFFICE MEMORANDUM

To: Gerald McMillan
Subject: C-2021-0110 - 15(1) Point Deroche, PID # 761445
Date: July 21, 2021

The Environmental Land Management (ELM) Section has reviewed the above noted Application for a Building and Development Permit dated March 10, 2021 and additional information submitted on behalf of the applicant, including a revised plan for development submitted via electronic correspondence on June 30, 2021. We understand that the applicant proposes to:

- Remove the existing, unoccupied dwelling and all associated structures (decks, outbuildings, boardwalks, etc.) within the 15 m buffer zone;
- Construct a seasonal, residential cottage consisting of four adjacent and/or connected structures totaling 6740 ft² and a separate bunkie of 883 ft²;

We further understand that:

- All new development will be located, at a minimum, 15 metres from the watercourse (as measured from the top of bank behind the shoreline protection material) and will be confined to the disturbed area between the existing dwelling and the driveway to adjacent PID # 936161; and
- The setback will be measured as described above, following the placement of new/replacement shoreline protection material as per Watercourse, Wetland and Buffer Zone Activity Permit # QA21-012.

Based on our understanding of the information provided and an inspection of the site, the ELM Section offers the following comments:

1. The *Environmental Protection Act* requires a minimum 15 meter buffer zone adjacent the watercourse located at/near the north boundary of this property and adjacent the wetlands located on/adjacent the property. The applicant is advised that no development (including, but not limited to, the placement/construction/removal of a building or other structure, the cutting of live trees/shrubs, the operation of heavy equipment, the placement of erosion control material and any excavation/disturbance of the ground) is permitted in a watercourse, wetland or buffer zone without a Watercourse, Wetland and Buffer Zone (WWBZ) Activity Permit. For information on permitting requirements or for assistance in determining the location of a watercourse, wetland or buffer zone, the applicant should contact the Department of Environment, Energy and Climate Action at (902)368-5700.



For Information **Internal Document for Planning** October 12, 2022

INFORMATION REQUEST:

Savage Harbour development issue near buffer zone

REQUESTED BY: Glenda MacKinnon-Peters,
Director of Land

Date Requested: October 11, 2022

PREPARED BY:

Eugene Lloyd, Acting Manager of Provincial Planning / emlloyd@gov.pe.ca / (902) 368-4465

KEY POINTS

- A residential cottage structure existed on Property #761445, 251 Kelpie Lane, in Savage Harbour for many decades. An application to tear down the existing cottage and replace it with a new, larger cottage was submitted on March 10, 2021.
- As there was an existing cottage located very close to the top of bank along the water, discussions on the exact nature of an appropriate setback from the top of bank ensued with the Department of Environment, Energy and Climate Action (EECA).
- A copy of the development application was sent to EECA for review and they provided comments to the Development Officer on July 21, 2021. Based on these comments, the applicant was asked to revise the originally supplied site plan. All work and the structure were to be located outside the required 15-meter buffer zone, as per the Environmental Protection Act.
- A new site plan showing the required 15-meter buffer and all setbacks was submitted to the Development Officer on August 30, 2021. This new site plan appeared to adhere to the required setback from the top of bank and outside the 15-metre buffer zone.
- A permit to construct the proposed structure was issued on September 7, 2021 as per the revised site plan and conditions provided by EECA.
- Construction began late August 2022 and DAL began receiving calls from the public and the official opposition noting that building had commenced within the required 15-metre buffer zone.
- On September 12, 2022, DAL Planning Staff visited the site to review the construction of the cottage and to acquire photographic evidence on the apparent violation. The construction crew was notified to cease construction, until DAL and EECA could evaluation the location of the buffer zone.
- Formal cease construction notice was issued on September 14, 2022.

• 22 (1)(a); 22 (1)(g)

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For Information **Internal Document for Planning** October 12, 2022

POTENTIAL ISSUES

22.(1)(a); 22.(1)(g)

RELATED DOCUMENTS

Planning Act Subdivision and Development Regulations
Approved Development Permit

07-Sep-2021



Charlottetown

Development Permit

Issued under the authority of
"The Subdivision and Development Regulations"

Permit No. C-2021-0110

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Coastal flooding has been an issue on shorefront properties across PEI and, in general, lands below 2 meters in elevation are considered to have a high risk for impact due to coastal flooding and/or storm surge, while those areas between 2 and 4 meters in elevation are considered to be at a moderate risk. It has been determined that a portion of your proposed development includes land at moderate risk. Please contact 902-368-5280 for a Coastal Erosion and Flooding Assessment or for more information.

Issuance of this development permit does not imply any warranty against damages related to weather and/or climate change, including, but not limited to, coastal erosion and flooding. Government shall not be liable for any claims, demands, losses, costs, damages, actions, suits or proceedings of every nature and kind whatsoever arising out of or resulting from the issuance of this development permit or which may occur to this development as a result of damages related to weather and/or climate change, including, but not limited to, coastal erosion and flooding.

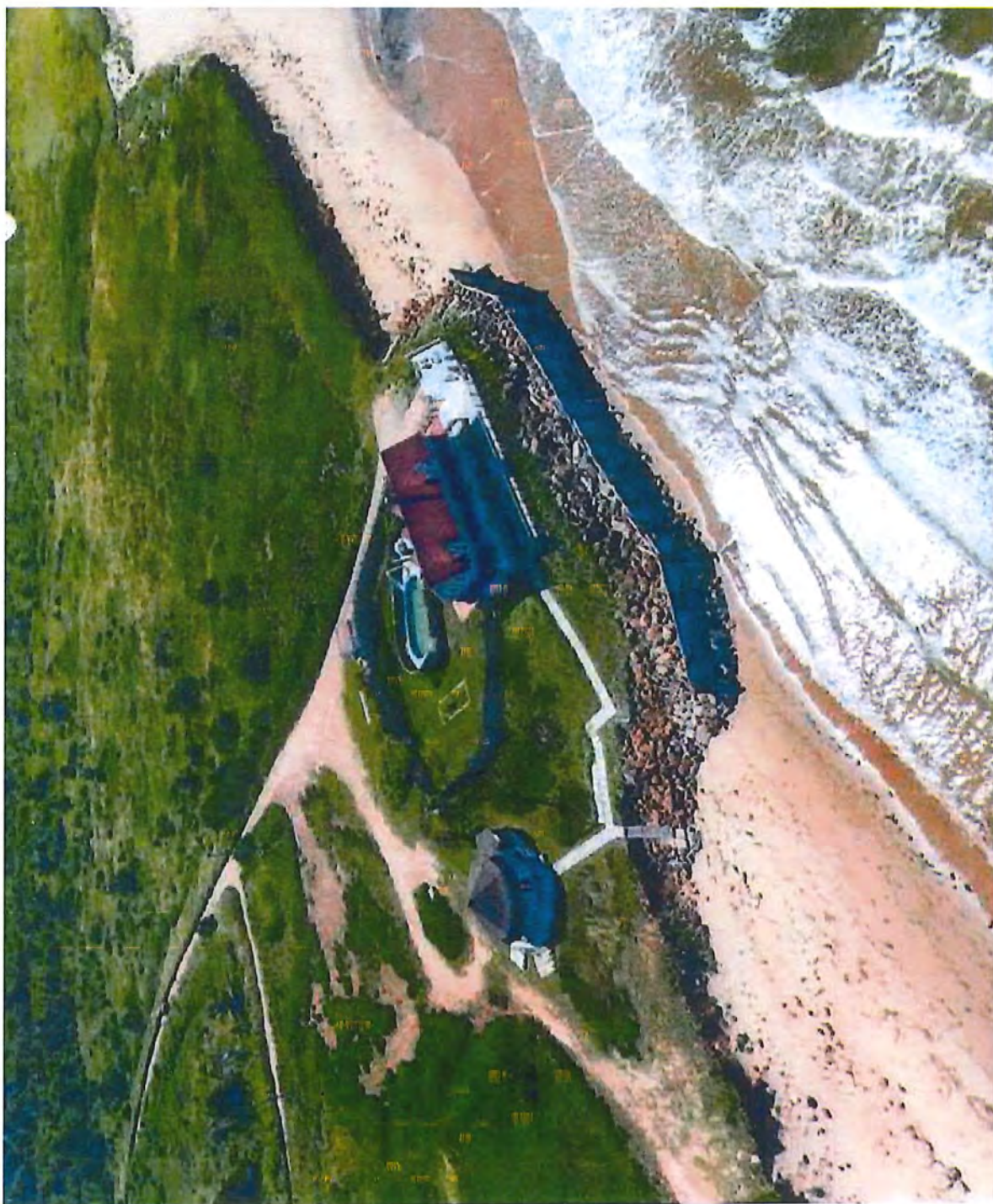
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 - 2) The proposal being developed in accordance with the revised site plan and the stipulations stated in the Departments of Environment, Energy and Climate Change memorandum dated July 21, 2021 (copy attached).

Approved By:



Gerald McMillan
Safety Standards Officer

[illegible]



Original Cottage #



For Information **Internal Document for Planning** October 12, 2022

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

Canada C1A 7N8

INTEROFFICE MEMORANDUM

To: Gerald McMillan
Subject: C-2021-0110 - 15(1), Point Deroche, PID # 761445
Date: July 21, 2021

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22.(1)(a); 22.(1)(g)

22 (1)(a), 22 (1)(g)

Thank you,

Eugene Lloyd
Manager (Acting) of Provincial Planning

Eugene Lloyd

From: Shawn Banks
Sent: Wednesday, September 21, 2022 11:49 AM
To: Dale Thompson; Greg Wilson
Cc: Eugene Lloyd
Subject: RE: Savage Harbour, Nicjk Jay

I do not have anything else, but I agree with Dale, the Stakes we put in the ground mark only the 15 Meter Buffer Zone, and another 25 feet would be needed to meet the 75 foot setback.

Shawn Banks
Watercourse Alteration Technician
Department of Environment, Energy and Climate Action
11 Kent St, PO Box 2000
Charlottetown, PE C1A 7N8
Phone (902) 368-5700
Fax (902) 368-5863

From: Dale Thompson <DETHOMPSON@gov.pe.ca>
Sent: Wednesday, September 21, 2022 10:31 AM
To: Greg Wilson <GBWILSON@gov.pe.ca>
Cc: Shawn Banks <sabanks@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>
Subject: RE: Savage Harbour, Nicjk Jay

For clarification, the stakes we relocated yesterday represent the 15 m buffer, not the 75' setback,
Dale

From: Greg Wilson <GBWILSON@gov.pe.ca>
Sent: Wednesday, September 21, 2022 10:29 AM
To: Eugene Lloyd <EMLLOYD@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>
Subject: RE: Savage Harbour, Nicjk Jay

Hi, Eugene:

What both parties want is just to have the house moved back to the staked line.

Thanks,
GW

From: Eugene Lloyd <EMLLOYD@gov.pe.ca>
Sent: Wednesday, September 21, 2022 10:21 AM
To: Greg Wilson <GBWILSON@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>
Subject: Savage Harbour, Nicjk Jay

Good morning,

Nick is calling looking for an update; I can tell him that he has to move the structure beyond the buffer zone as marked on site yesterday but do any of you need to address anything with him first?

Thanks

Eugene Lloyd
Manager (Acting) of Provincial Planning
31 Gordon Drive
Charlottetown, PE C1A 7N8
(ph) 902-368-4465

Eugene Lloyd

From: Dale Thompson
Sent: Wednesday, September 21, 2022 10:23 AM
To: Eugene Lloyd
Cc: Greg Wilson; Shawn Banks
Subject: RE: Savage Harbour, Nicjk Jay

I do not,
Tks, Dale

From: Eugene Lloyd <EMLLOYD@gov.pe.ca>
Sent: Wednesday, September 21, 2022 10:21 AM
To: Greg Wilson <GBWILSON@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>
Subject: Savage Harbour, Nicjk Jay

Good morning,

Nick is calling looking for an update; I can tell him that he has to move the structure beyond the buffer zone as marked on site yesterday but do any of you need to address anything with him first?

Thanks

Eugene Lloyd
Manager (Acting) of Provincial Planning
31 Gordon Drive
Charlottetown, PE C1A 7N8
(ph) 902-368-4465

Eugene Lloyd

From: Dale Thompson
Sent: Friday, September 16, 2022 7:40 AM
To: Eugene Lloyd
Cc: Alex O'Hara; Glenda MacKinnon-Peters; Shawn Banks; Greg Wilson
Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Eugene, if you're available we'll go with Tuesday morning; if not pls suggest an alternate time,
 Tks, Dale

From: Alex O'Hara <amohara@gov.pe.ca>
Sent: Thursday, September 15, 2022 3:37 PM
To: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>; Greg Wilson <GBWILSON@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>
Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Anytime Tuesday works for me. Happy to attend.

Alex

From: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>
Sent: Thursday, September 15, 2022 3:32 PM
To: Greg Wilson <GBWILSON@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>; Alex O'Hara <amohara@gov.pe.ca>
Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

If we can arrange for Tuesday, Alex O'Hara will join Eugene.

Thanks,
 Glenda

From: Greg Wilson <GBWILSON@gov.pe.ca>
Sent: Thursday, September 15, 2022 3:26 PM
To: Dale Thompson <DETHOMPSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>
Cc: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>
Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Works for me, I am wide open Tuesday.

Gw

From: Dale Thompson <DETHOMPSON@gov.pe.ca>
Sent: Thursday, September 15, 2022 3:17 PM
To: Greg Wilson <GBWILSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>

Cc: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>

Subject: Re: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

I'm flexible/available Tues, Wed, and Thurs of next week right now. I'll suggest sometime on Tuesday - let me know what will work,

Tks, Dale

Dale Thompson

Environmental Assessment Officer

From: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>

Sent: Thursday, September 15, 2022 3:09:30 PM

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

Cc: Greg Wilson <GBWILSON@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>

Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Hi Dale,

Eugene will attend. Depending on the day of the site visit, Eugene will decide who will join him, as there are vacations in play.

Please work with him to arrange our participation.

Thanks,

Glenda

From: Greg Wilson <GBWILSON@gov.pe.ca>

Sent: Thursday, September 15, 2022 2:24 PM

To: Dale Thompson <DETHOMPSON@gov.pe.ca>; Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>;

Eugene Lloyd <EMLLOYD@gov.pe.ca>; Gerald McMillan <GTMCMILLAN@gov.pe.ca>; Shawn Banks

<sabanks@gov.pe.ca>; Alex O'Hara <amohara@gov.pe.ca>

Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Hi, Folks:

So as we seem to be moving to an agreed position. I believe the next step is to setup a meeting on the site to confirm where the distances shown on the plans and the distances currently existing on the ground are located.

That should take place with at least two reps from Planning, Dale, Shawn Banks, and myself.

Mr. Jay should also be there a little later after our two groups have had a chance to reaffirm their conclusions and next steps. He can then be told what we have decided, followed by a letter.

Glenda please let Dale know who is going and then I'll ask Dale to organize a day and time.

Thanks,

GW

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

Sent: Thursday, September 15, 2022 2:13 PM

To: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>; Greg Wilson <GBWILSON@gov.pe.ca>; Eugene

Lloyd <EMLLOYD@gov.pe.ca>; Gerald McMillan <GTMCMILLAN@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Alex

O'Hara <amohara@gov.pe.ca>

Subject: Re: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

The buffer measurement starts at the upland edge of the shoreline protection material and I believe it has been staked on site. The construction is well inside the buffer,
Dale

Dale Thompson
Environmental Assessment Officer

From: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>

Sent: Thursday, September 15, 2022 2:09:20 PM

To: Dale Thompson <DETHOMPSON@gov.pe.ca>; Greg Wilson <GBWILSON@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>; Gerald McMillan <GTMCMILLAN@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Alex O'Hara <amohara@gov.pe.ca>

Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Hi Dale,

That is exactly what was communicated to the developer in the permit. The revised site plan that was submitted had the development outside the buffer. We need EECA to confirm the location of the buffer, so we can ensure compliance with the permit issued.

Thanks,
Glenda

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

Sent: Thursday, September 15, 2022 9:32 AM

To: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>; Greg Wilson <GBWILSON@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>; Gerald McMillan <GTMCMILLAN@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Alex O'Hara <amohara@gov.pe.ca>

Subject: Re: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

There's no way to tell if it's mapped correctly; what was key for me was that all new development was shown as being outside the buffer zone as measured from the top of the bank behind the shoreline protection material - that's what my comments to Gerald were based on,
Tks, Dale

Dale Thompson
Environmental Assessment Officer

From: Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>

Sent: Wednesday, September 14, 2022 1:46:16 PM

To: Greg Wilson <GBWILSON@gov.pe.ca>; Eugene Lloyd <EMLLOYD@gov.pe.ca>; Gerald McMillan <GTMCMILLAN@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Alex O'Hara <amohara@gov.pe.ca>

Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Hi All,

The builder is clearly not building as per the development permit approval, we can communicate Land's message and listen to their response and then get all of us together to discuss a government response.

It would be helpful if we could confirm the location of the buffer prior to our meeting. Dale is it mapped correctly in the plan presented?

Thanks,
Glenda

From: Greg Wilson <GBWILSON@gov.pe.ca>
Sent: Wednesday, September 14, 2022 1:34 PM
To: Eugene Lloyd <EMLLOYD@gov.pe.ca>; Gerald McMillan <GTMCMILLAN@gov.pe.ca>; Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Alex O'Hara <amohara@gov.pe.ca>
Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Hi, Folks:

Just to be clear, my group already met with Mr. Jay and laid out our position. I suggest Planning meet with him and lay out your position with reference to what you permitted and if you got what you wanted. Then the two government groups will meet to decide where we are at. Then we can meet with Mr. Jay together with an agreed upon position.

None of my group is going to any further meetings with Mr. Jay until you have met with him and have a good handle on your position and his arguments.

Thanks,

Greg Wilson
Manager
Environmental Land Management Section
Dept. Environment, Energy and Climate Action
902-368-5274

From: Eugene Lloyd <EMLLOYD@gov.pe.ca>
Sent: Wednesday, September 14, 2022 12:58 PM
To: Gerald McMillan <GTMCMILLAN@gov.pe.ca>; Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>; Greg Wilson <GBWILSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Alex O'Hara <amohara@gov.pe.ca>
Subject: RE: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

I'm not available Friday morning but if you, Gerald, want to go out on site, that would be fine. I really want to attend but I have another meeting at 10:15 that cannot be rescheduled.

The afternoon would work for me though.

Thanks

Eugene Lloyd
Manager (Acting) of Provincial Planning
31 Gordon Drive
Charlottetown, PE C1A 7N8
(ph) 902-368-4465

From: Gerald McMillan <GTMCMILLAN@gov.pe.ca>

Sent: Wednesday, September 14, 2022 12:51 PM

To: Eugene Lloyd <EMLLOYD@gov.pe.ca>; Glenda MacKinnon-Peters <GCMACKINNON-PETERS@gov.pe.ca>; Greg Wilson <GBWILSON@gov.pe.ca>; Shawn Banks <sabanks@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>; Alex O'Hara <amohara@gov.pe.ca>

Subject: Development Permit C-2021-0110 - Property # 761445 - 251 Kelpie Lane - Savage Harbour

Eugene:

I just got of the phone from talking with Nick Jay who is the contractor constructing the dwelling for 15.1 on property # 761445 in the community of Savage Harbour. He is requesting that we have a meeting with Greg Wilson, Shawn Banks, Dale Thompson from the Department of Environment & Climate Change and the staff from our department to resolve the outstanding issues on 15.1 development permit that are or may be in violation of the Regulations.

Nick suggested meeting Friday morning? Would 10:00 Am Friday morning be suitable to you guys?

Regards,

Gerald McMillan
Property Development Officer
Department of Agriculture and Land
31 Gordon Dr
Charlottetown, PEI
C1A 7N8 Phone:
(902) 368-4887
E-mail: gtmcmillan@gov.pe.ca



Agriculture
and Land

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

Agriculture
et Terres



Division de terres
31, Promenade Gordon
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

September 14, 2022

251 Kelpie Lane Inc. (TST)
502-111 Peter St.
Toronto, ON M5V 2H1

CEASE CONSTRUCTION NOTICE

Subject: RE: Permit # C-2021-0110, Placement of a dwelling structure contrary to the conditions of an approved development permit. Placement of a dwelling structure within an Environment Buffer Zone.

Property ID #'s: 761445

Property Location: 251 Kelpie Lane, Savage Harbour, Queens County

It has come to the attention of the Department of Agriculture and Land that a dwelling structure, located at 251 Kelpie Lane, Savage Harbour, is currently being constructed contrary to the approved location plan submitted with the application approved under development permit number C-2021-0110.

Upon review, and confirmed through site visit, you are hereby advised that your development is in violation of subsections 4.(1), 4.(2), 16.(4), and 33.(2) of the Prince Edward Island *Planning Act* Subdivision and Development Regulations. **You must cease construction immediately.**

Planning Act Subdivision and Development Regulation sections contravened:

4(1) Approval with conditions

An approved subdivision or development permit may be made subject to any conditions necessary to ensure compliance with these regulations, other regulations made pursuant to the Act, or any relevant sections of the Environmental Protection Act, Roads Act, Provincial Building Code Act R.S.P.E.I. 1988, Cap. P-24, or the Fire Prevention Act R.S.P.E.I. 1988, Cap. F-11.

4(2) Owner ensures compliance

Where an approved subdivision or development permit is granted subject to conditions in accordance with subsection (1), the owner shall ensure that the subdivision or development complies with the conditions.

16(4) Development prohibited in buffer

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

33(2) Revocation or alteration

Notwithstanding subsection (1), a development permit may be revoked or altered within 24 months of the date of issuance or extension if construction has commenced in a location or manner contrary to the application or these regulations. (EC693/00)

You are required to contact the Department of Agriculture and Land (Provincial Planning), Eugene Lloyd, Manager(Acting) of Provincial Planning at 902-368-5590 or emlloyd@gov.pe.ca to rectify this situation.

We encourage you to rectify this situation as soon as possible, if not, further action may be taken which can include an application to the Supreme Court as per Section 24. (1) of the Planning Act.

24. (1) Any bylaw or regulation made pursuant to the powers conferred by this Act or a bylaw made under Part I of the Charlottetown Area Municipalities Act R.S.P.E.I. 1988, Cap. M-4.1, or the City of Summerside Act R.S.P.E.I. 1988, Cap. S-9.1 relating to planning matters may be enforced and the breach thereof may be restrained by application at the instance of the appropriate authority to the Supreme Court.

Thank you,



Eugene Lloyd
Manager (Acting) of Provincial Planning

Eugene Lloyd

From: Alex O'Hara
Sent: Tuesday, September 13, 2022 9:41 AM
To: Shawn Banks; Wyatt DeAdder
Cc: Eugene Lloyd; Glenda MacKinnon-Peters; Eleanor Mohammed
Subject: FW: 251 Kelpie Lane, Savage Harbour
Attachments: IMG_0004.jpg; IMG_0002.jpg; IMG_0006.jpg; IMG_0001.jpg; IMG_0003.jpg; IMG_0005.jpg

Good morning, Shawn and Wyatt.

Please find attached supplementary pictures and a brief outline of the events that took place yesterday afternoon.

Staff members of Provincial Planning, with the Dept. of Agriculture and Land, were made aware of a potential environmental set-back infraction arising from a development application approved under permit number C-2021-0110, PID # 761445 (251 Kelpie Lane, Savage Harbour) received on March 10th, 2021 (before the building code was in effect province wide) and approved on September 7th, 2021. After receiving the complaint, I (Alex O'Hara) pulled the permit, reviewed photographs received at 12:53 pm, and arranged to visit the site with my colleague (Eleanor Mohammed). Upon review of the permit and after arriving at the site at approximately 2:30 pm, multiple issues became evident i.e. significant encroachment on an environmental buffer and non-compliance with conditions as set out under approved development permit # C-2021-0110.

Summary of events: Kelpie Lane - Cease Construction Monday 12th, September, 2022

- Made aware of complaint at 12:53 pm
- Alex O'Hara and Eleanor arriver on site at approximately 2:30 pm
- Construction staff (foreman) advised to cease construction at approximately 2:45 pm
- Wyatt Deadder (enforcement Officer arrived on site at approximately 3:40 pm spoke with project lead
- Shawn Banks (Environment Officer) arrived on site at approximately 4:10 pm spoke with project lead
- Left site (Alex and Eleanor) approximately 4:25 pm.

Let me know if you have any questions. Feel free to contact me on (902) 213-5544.

Kind regards,

Alex

From: Eleanor Mohammed <emohammed@gov.pe.ca>
Sent: Monday, September 12, 2022 2:58 PM
To: Alex O'Hara <amohara@gov.pe.ca>
Subject: Kelpie Lane

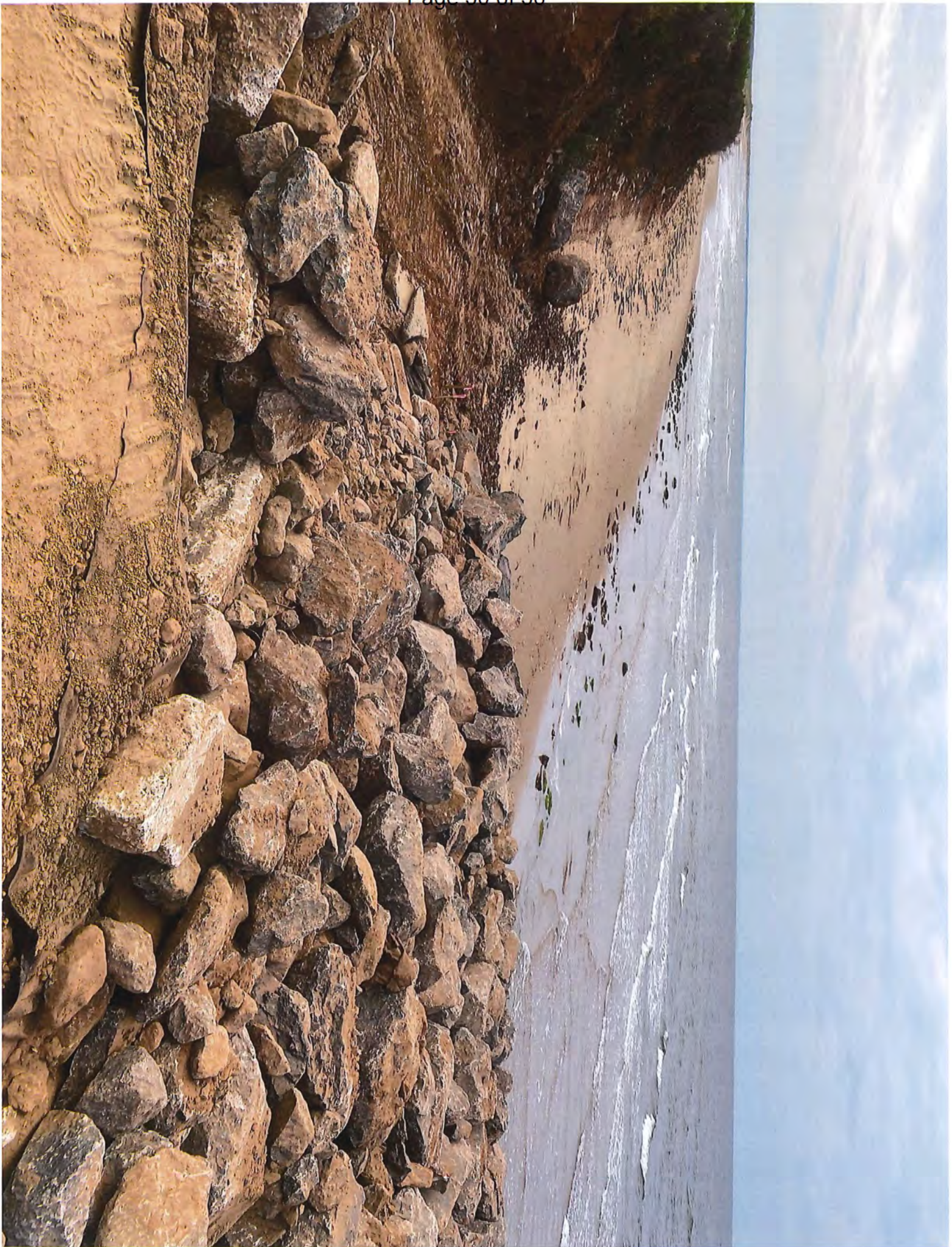
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Gerald McMillan

From: Gerald McMillan
Sent: Wednesday, September 14, 2022 11:31 AM
To: Derek French
Cc: jr@instant.com; Eugene Lloyd; Glenda MacKinnon-Peters
Subject: Development Permit C-2021-0110 - 15(1) - Property # 761445m - 251 Kelpie Lane - St Peters Harbour

Hi Derek:

I was just advised that there are some serious violations to the conditions on the development permit that was issued to 15(1) for the construction of the dwelling on property # 761445 located at Kelpie Lane in the community of Savage Harbour. You were authorized to act on behalf of the registered owner of the land. Therefore, it is critical that you contact the owner and contractor and advise them that they must cease and desist all construction activities on this property until such time as these issue are resolved.

Regards,

Gerald McMillan
Property Development Officer
Department of Agriculture and Land
31 Gordon Dr
Charlottetown, PEI
C1A 7N8 Phone:
(902) 368-4887
E-mail: gtmcmillan@gov.pe.ca

Eugene Lloyd

From: Dale Thompson
Sent: Tuesday, September 13, 2022 1:14 PM
To: Alex O'Hara
Cc: Eugene Lloyd
Subject: RE: DRAFT FOR COMMENTS - RE: 251 Kelpie Lane, Savage Harbour PID # 761445

No problem,
We will stick to the environmental (buffer zone) issues,
Tks, Dale

From: Alex O'Hara <amohara@gov.pe.ca>
Sent: Tuesday, September 13, 2022 1:11 PM
To: Dale Thompson <DETHOMPSON@gov.pe.ca>
Subject: RE: DRAFT FOR COMMENTS - RE: 251 Kelpie Lane, Savage Harbour PID # 761445

Good afternoon, Dale.

I have an important meeting at 3pm which might leave it a bit tight for getting back, and my manager would prefer that I don't attend unless he can be present and unfortunately he is unavailable.

Feel free to keep me posted.

Kind regards,

Alex

From: Dale Thompson <DETHOMPSON@gov.pe.ca>
Sent: Tuesday, September 13, 2022 12:28 PM
To: Alex O'Hara <amohara@gov.pe.ca>
Subject: RE: DRAFT FOR COMMENTS - RE: 251 Kelpie Lane, Savage Harbour PID # 761445

Hi Alex,
Mr. Jay is coming in to our office at 2 today to discuss; if you can make it that would be great, if not no problem,
Tks, Dale

From: Alex O'Hara <amohara@gov.pe.ca>
Sent: Tuesday, September 13, 2022 11:59 AM
To: Eugene Lloyd <EMLLOYD@gov.pe.ca>; Greg Wilson <GBWILSON@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>
Subject: DRAFT FOR COMMENTS - RE: 251 Kelpie Lane, Savage Harbour PID # 761445

[DRAFT]

Good afternoon, Nick.

After discussions with colleagues from both the Dept. of Agriculture and Land and the Dept. of Environment, Energy and Climate Action, as well as following a review of the application and a site visit conducted on the afternoon of Monday

September 12th, 2022, it is determined that the current construction is 1) located within an environmental buffer zone, and 2) in non-compliance with the application, approved permit, and submitted sketch.

We would therefore insist that the construction, as it occurs, cease immediately, building materials from the site be removed from the buffer and the area within the 75' buffer be reinstated to the satisfaction of the Dept. of Environment, Energy and Climate Action and the Dept. Agriculture and Land.

The proposed development shall then be required to be set-back 75' (as required under our regulations) from the top of the bank. It would be advisable to have a surveyor lay out the proposed dwelling structure in the correct location and provide us with a site plan (showing the footing location) and final survey plan upon completion of the construction.

Please acknowledge receipt of this email and acceptance of the above noted requirements.

Kind regards,

Alex O'Hara MSc

Land Use and Planning Act Specialist

Department of Agriculture and Land

31 Gordon Drive

Phone: [\(902\) 368-6178](tel:9023686178)

Cell: [\(902\) 213-5544](tel:9022135544)

Email: amohara@gov.pe.ca

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Eugene Lloyd

From: Dale Thompson
Sent: Tuesday, September 13, 2022 1:18 PM
To: Alex O'Hara
Cc: Eugene Lloyd; Greg Wilson
Subject: RE: DRAFT FOR COMMENTS - RE: 251 Kelpie Lane, Savage Harbour PID # 761445

Hi Alex,
 Looks good. Pls note that in paragraph 2 " 75' buffer" should be " 15 m (or 50') buffer",
 Tks, Dale

From: Alex O'Hara <amohara@gov.pe.ca>
Sent: Tuesday, September 13, 2022 11:59 AM
To: Eugene Lloyd <EMLLOYD@gov.pe.ca>; Greg Wilson <GBWILSON@gov.pe.ca>; Dale Thompson <DETHOMPSON@gov.pe.ca>
Subject: DRAFT FOR COMMENTS - RE: 251 Kelpie Lane, Savage Harbour PID # 761445

[DRAFT]

Good afternoon, Nick.

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Please acknowledge receipt of this email and acceptance of the above noted requirements.

Kind regards,

Alex O'Hara MSc
 Land Use and Planning Act Specialist
 Department of Agriculture and Land
 31 Gordon Drive
 Phone: **(902) 368-6178**
 Cell: **(902) 213-5544**
 Email: amohara@gov.pe.ca

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