

**Environmental Assessment Application for the Proposed
Residential Development on Registered Volume No. 145, Folio
No. 135, 64.7 acres, registered under William Aubrey Ellsworth,
land adjacent to Hugh's Brook Municipality**

Proposal by: Miceal O'Leary (a To Be Formed Corporation)
37 Smithville Crescent, St. John's, NL
A1B 2V1

Proposal to: Department of Environment & Conservation
Environmental Assessment Division
Government of Newfoundland and Labrador

December 22, 2010

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PROPOSER:

The proponent of this plan is Mr. Miceal (Mike) O'Leary, an expatriate Newfoundland born in Corner Brook, who has resided in Florida for the last 35 years. Mr. O'Leary has been a successful real estate developer for the last 25 years in Florida and over the last 5 years, has been investing in properties in Newfoundland. Two of his current projects are the "Water's Edge Preserve" Subdivision (currently under development) in the township of Portugal Cove St. Philip's as well as, the downtown St. John's parking facility at 331 Water St.

Mr. O'Leary intends to address this development by contracting local professionals with proven residential development experience. The developer plans on employing a local project manager who will oversee each step of the development process to ensure all proper design, legal documents and engineering plans, etc. are submitted to the associated provincial and federal agencies.

- i) The Corporate body will be incorporated in St. John's Newfoundland and will act as the owner/developer of the said proposed body. Miceal O'Leary will be President and Managing Partner.
- ii) Address of Corporate Body
- iii) Principal: Miceal O'Leary
37 Smithville Cres.
St. John's NL, A1B 2V1

Official Title: President & CEO
37 Smithville Cres.
St. John's, NL
A1B 2V1

- iv) Principal Contact Person for Environmental Assessment Application;

Jim Parsons
Manager, Environmental Assessment
Address: 1933 Portugal Cove Road
Portugal Cove – St. Philips, NL
A1M 3R6
Tel: 709-242-0151 Cell: 709-689-1023

UNDERTAKING:

To purchase from William Aubrey Ellsworth, now under binding agreement, and transform the current 64.7 acre lot, known as Volume 145, Folio 135, North East of the former Ellsworth cattle barn and adjacent to the end of the Hugh's Brook community road, (the former Ellsworth cattle forage site) into a residential subdivision.

This subdivision will consist of approximately 100 building lots that will meet or exceed the $\frac{1}{2}$ acre minimum requirement. Each lot will have a designed septic field and water feed via artesian wells. The artesian and septic field will be conducted, approved and passed by the Government Service Center personal and will be in compliance and accordance with all provincial acts and regulations.

It is proposed that the developer, Miceal O'Leary and an incorporated body controlled by Miceal O'Leary, will set out to develop and sell residential lots and possibly, completed homes (turn key packages) on the said lots.

The vision of this development would be quaint bungalow style between 1,000 to 1,200 square feet. This development's target market would be homebuyers seeking moderately priced homes including first time homebuyers, seniors downsizing from larger family homes as well as potential seasonal home buyers. This concept would be attractive to the average consumer as well as fill the need in the market for homes affordable to the general population.

It is the intent of the developer to keep the area as natural as possible. The development will include generous lot sizes and ample green space consistent with the surrounding country setting. The development is intended to utilize the existing parcel of land without altering the landscape's natural beauty. Overall, the developer seeks to make minimal changes so as to not disturb or impact the natural beauty of the parcel. The development will be designed to compliment the country setting, including the greenery and small brooks around the perimeter of the land. Additional trees and shrubs will be included and transplanting existing trees will be used when allowed.

Please Refer to Appendix 1 - Proposed Residential Subdivision Layout

Please Refer to Appendix 2 – Typical house to be built on these said lots

(i) Geographical Location:

- Please Refer Appendix 3 - Aerial Photo of Land
- Please Refer Appendix 4 - Map of Land and surrounding area
- Please Refer Appendix 5 - Attached original private Grant / Survey
- Please Refer Appendix 6 – Topographic Map

The subject property is the former Ellsworth's Cattle forage field. Aubrey Ellsworth cleared the forage area for his former cattle business. The property is **NOT** suitable for root crop or vegetable growth as the soil is mostly granular and rocky material. The property is **NOT** in the Agricultural Zone.

The subject property offers positive drainage and excellent percolation for septic fields. The cattle were sold off a number of years ago and the barn, located on a neighboring parcel, is now used as temporary storage for ski-doos, boats and other basic equipment. It is not an active business.

The subject property is situated northeast of the cattle barn and at the end of the road of the community of Hugh's Brook. It begins at the intersection of the woods road and salmon hatchery buildings road adjacent to the end of the community of Hugh's Brook. The property is fenced with a former cattle electrical wire and is the cleared area on the right hand side of the woods road as you travel beyond the community of Hugh's Brook via the woods road. This land was cleared by the private grant shown in Appendices 1, 2 and 3.

This land is **NOT** in the Agricultural Zone of the Humber Valley Region.

(ii) Physical Features: Please Refer Appendix 7 – Photos of Land and Appendix 1, lot layout

The subject property was cleared over 30 years ago and offers an exceptional location for a residential development. It is relatively flat, with a gradual slope of no more than 3 degrees from the south end to north end. The land is dry, the soil is hard, granular and rocky and there is no surface water on the property.

On the eastern and northern boundaries, there are very small runs of creek water, approximately 2 to 3 feet wide and up to 6 inches deep. These areas have been designated as green space in the development design. In the event of any of the residential lots encroach on this area, the intent will be to meet or exceed the provincial and federal water acts and regulations.

Taking into consideration the land is relatively flat, the intent would be to grub off the areas for roads, road drainage, home placement and water and sewer placement. Said areas will then have, as per compliances, the proper excavating conducted.

Upon back filling as per compliances, the finished roads will be covered using asphalt and the residential lots will be seeded with Kentucky Blue Grass. Where applicable, the transplant and planting of trees will take place to compliment the natural setting.

The homes are proposed to be slab on grade, bungalow style and will have the latest in energy efficiency. Houses are to have 4 feet deep foundations and by being slab on grad, trenches will be dug to minimize ground disturbance of the footings. They will average between 1,000 sq. ft. to 1,200 sq. ft unless otherwise specified by a buyer. This proposed neighborhood will focus on providing quaint, affordable, and energy efficient homes.

(iii) Construction: Please Refer Appendix 2, typical home layout and outside aesthetics.

The developer intends to construct the roadways and residential lots. Given the current economic climate for these homes, the developer is giving serious consideration to the construction of complete turn key home packages. These homes would be consistent with the planned affordable, 1,000-1,200 sq. ft. bungalows. It is proposed that the residential layout will be phased, with up to 40 lots available in summer of 2011. It is proposed that the roadwork commence no later than April 2011 to allow for construction of bungalow style homes.

The developer does not anticipate any potential sources of pollutants, any airborne emissions, any liquid effluents or solid waste materials. The developer does not see any cause of resource conflicts.

(iv) Operation: The primary operation will be grubbing of roads and building lots. The roads will be constructed in accordance with the provincial acts and standards and all necessary permits and compliances will be followed. The operation will then focus on the construction of bungalow style homes. This aspect of the operation will commence by summer of 2011 and will run for a period of up to 3 years, or as market sales allow.

(v) Occupations: The primary component of this project will be grubbing of surface land and laying of roads and building lots. This will comprise of an excavator and dump trucks. The movement of earth will be within the project site and all materials reclaimed for a) topsoil and b) fill. The secondary component will primarily be home construction which will consist of excavation operators, basement contractors, home shell contractors, plumbing, electrical, gyproc, siding, roofing and other interior and exterior contractors. Every contractor and/or trades person will be certified, experienced, insured, have letters of good standing from WHSCC, and proper documentation to conduct each task.

The anticipated number of people contracted would be:

- 1) Excavation people up to 5
- 2) Basement contractors up to 5
- 3) Shell contractors up to 15
- 4) Interior builds contractors up to 10
- 5) Exterior builds people up to 15
- 6) Management and professional services up to 10 people.

The development of this proposed residential project could potentially contract up to 60 people.

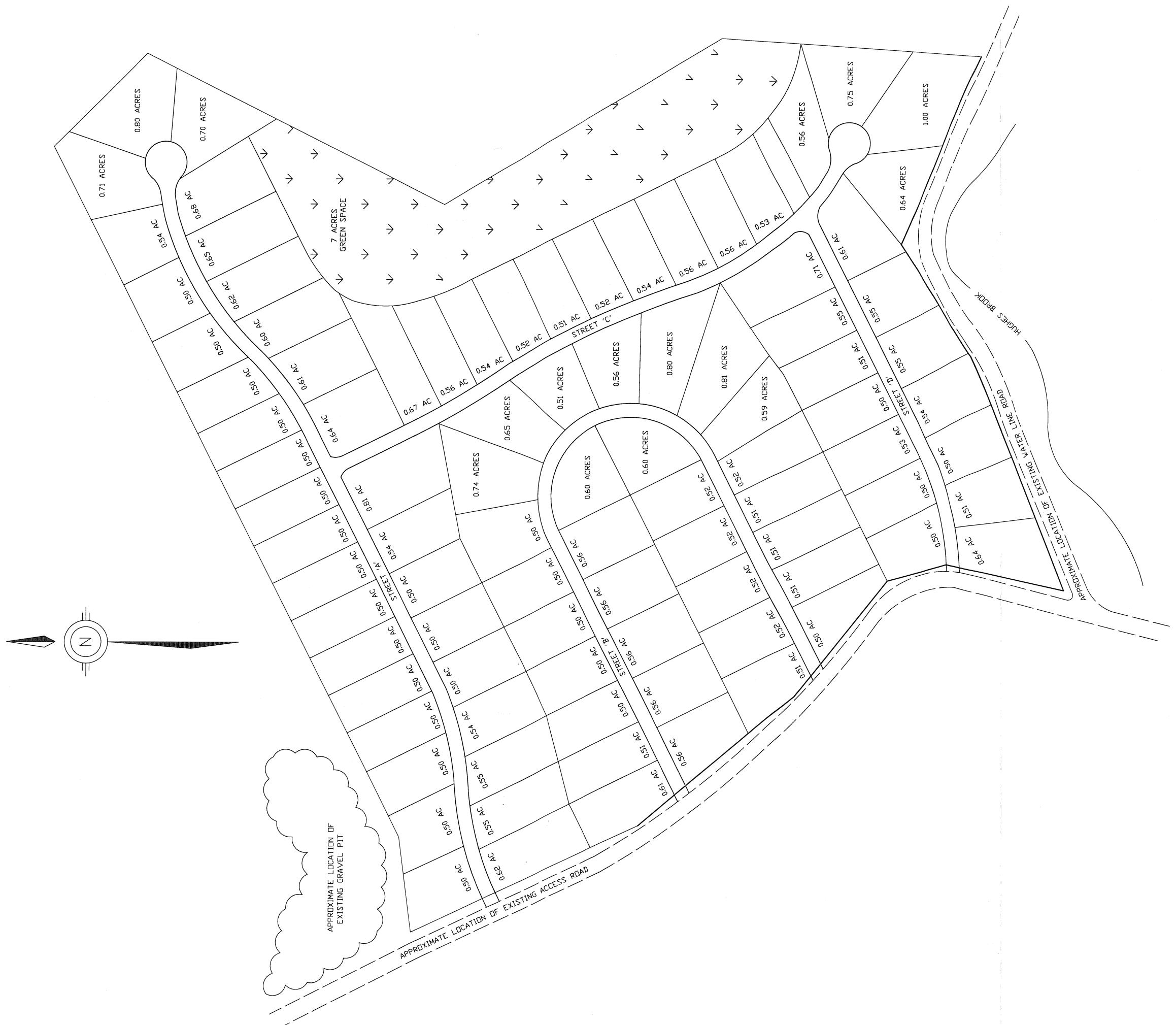
(vi) Schedule: Given the area's climate, development is expected to commence at spring thaw, early April of 2011. It is tentatively planned that ground work would be complete before November 30 and resume again spring of 2012.



Miceal O'Leary, President and Managing Partner

Date: December 26, 2010

Appendix 1 - Proposed Residential Subdivision Layout



Appendix 2 – Typical house to be built on these said lots



Appendix 3 - Aerial Photo of Land



1:12500

08/05/

Appendix 4 - Map of Land and Surrounding Area

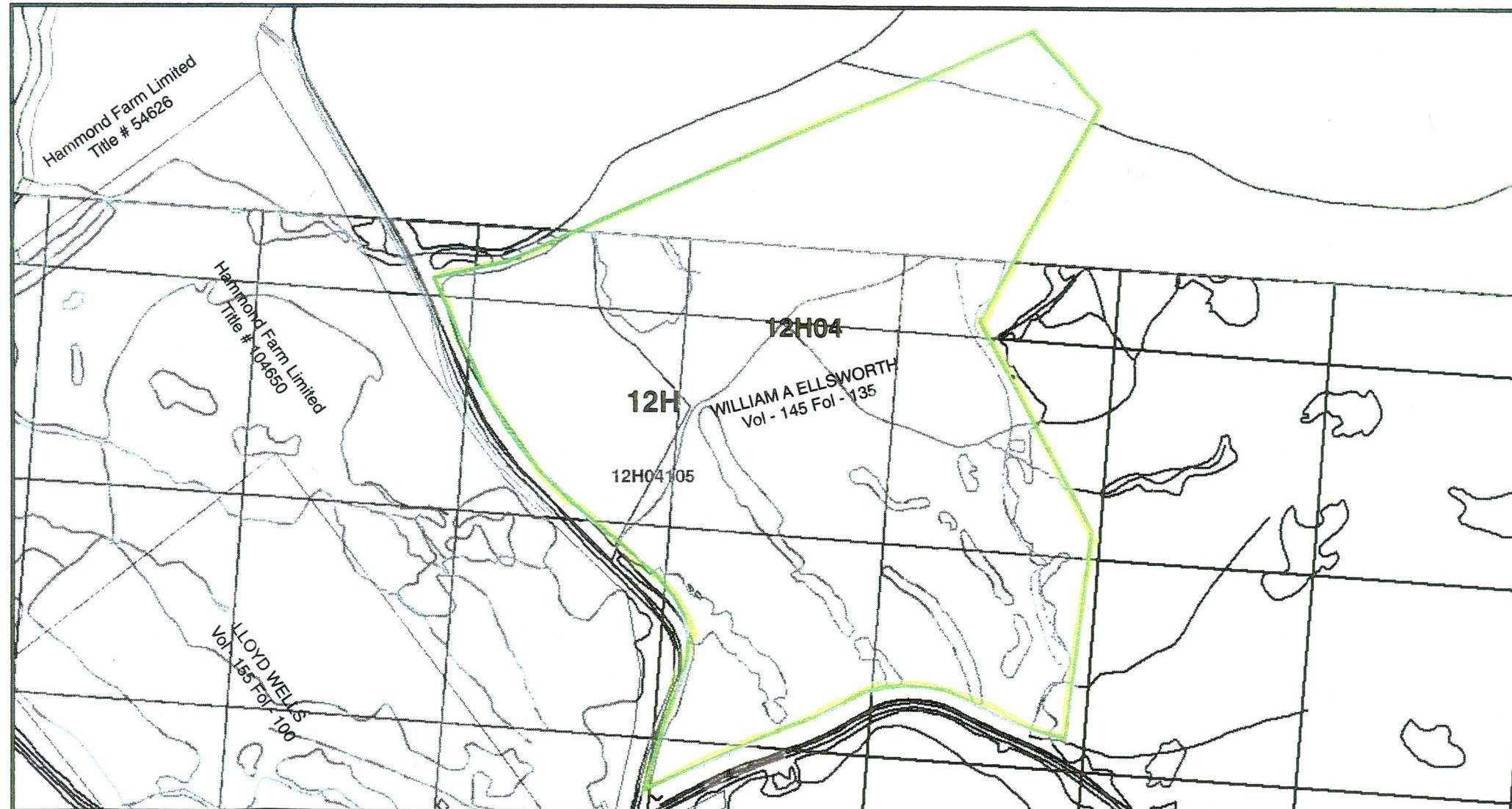
1ha = 2.471 acres

Government of Newfoundland & Labrador

Department of Environment & Conservation



200m x 200m = 9.384 acres



NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry.

Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

The boundary lines shown are intended to be used as an index to land titles issued by the Crown. The accuracy of the plot is not sufficient for measurement purposes and does not guarantee title.

Users finding any errors or omissions on this map sheet are asked to contact the Crown Titles Mapping Section, Howley Building Higgins Line, St. John's Newfoundland.

Users finding error or omissions can contact the Crown Titles Mapping Section by telephone at 729-0061. Some titles may not be plotted due to Crown Lands volumes missing from the Crown Lands registry or not plotted due to insufficient survey information.

The User hereby indemnifies and saves harmless the Minister, his officers, employees and agents from and against all claims, demands, liabilities, actions or cause of actions alleging any loss, injury, damages and matter (including claims or demands for any violation of copyright or intellectual property) arising out of any missing or incomplete Crown Land titles, and the Minister, his or her officers, employees and agents shall not be liable for any loss of profits or contracts or any other loss of any kind as a result.

For inquiries please contact a Regional Lands Office.
Corner Brook - 637-2387
Gander - 256-1400
Goose Bay - 896-2488
St. John's - 729-2654
Clarenville - 466-4074

Scale 1:5,000

Compiled on Oct 13, 2010

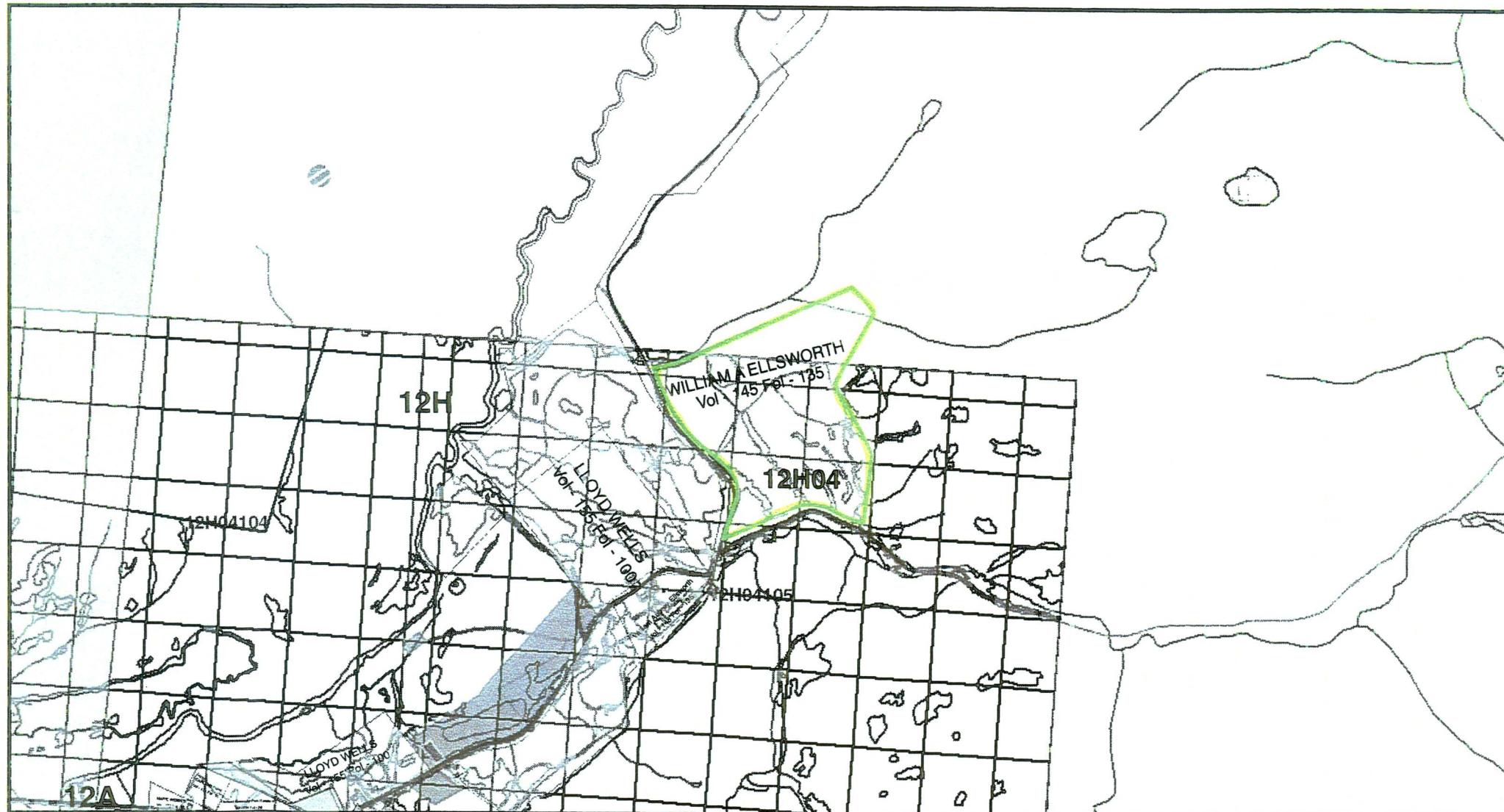
0 50 100 200 300 400 Meters



Crown Lands Division

Government of Newfoundland & Labrador

Department of Environment & Conservation



Scale 1:15,000
Compiled on Oct 13, 2010

Crown Lands Division

0 150 300 600 900 1,200 Meters



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Appendix 5 - Attached Original Private Grant / Survey

Schedule "A", Page 1

PROVINCE OF NEWFOUNDLAND

NO. 25385



Crown Grant GRANT

Lieutenant-Governor

Section 6 (2) of The Crown Lands Act, chapter 71 The Revised Statutes of Newfoundland,
1970

Elizabeth the Second by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING:

KNOW YE: that WE of Our special grace, certain knowledge and mere motion have given and granted and by these presents do GIVE and GRANT unto

William Aubrey Ellsworth of Meadows
in the Electoral District of Bay of Islands

In Our Province of Newfoundland (hereinafter called the grantee) his Heirs and Assigns
ALL THAT piece or parcel of land situate and being

at Hughes Brook
in the Electoral District of Bay of Islands

abutted and bounded as follows, that is to say: Beginning at a point in the easterly limit of a road, sixty-six feet wide, the said point being distant two hundred and seventy-five feet and two-tenths of a foot as measured on a bearing of north eighteen degrees fifty-two minutes east from the easternmost angle of Lot 2 described in Lease for Agriculture No. 22835 issued by the Crown to Lloyd Wells; thence running along the said easterly limit of the road to a point being distant one thousand seven hundred and seventy-nine feet and nine-tenths of a foot as measured on a bearing of north twenty-five degrees four minutes west from the last mentioned point; thence running by Crown Lands north eighty-two degrees forty-two minutes east two hundred and twenty-four feet and three-tenths of a foot and thence north sixty-three degrees twenty-six minutes east one thousand eighty hundred and eleven feet and four-tenths of a foot and thence south forty-five degrees nine minutes east three hundred and eight feet and eight-tenths of a foot and thence south twenty-six degrees fifty-three minutes west seven hundred and eighty-one feet and one-tenth of a foot and thence south thirty degrees fifty-three minutes east seven hundred and sixty-two feet and five-tenths of a foot and thence south three degrees fifty-five minutes west six hundred and sixty-four feet and six-tenths of a foot, more or less; thence running along the northerly limit of an old logging road, ten feet wide, to the point of beginning being distant one thousand three hundred and eighteen feet and five-tenths of a foot as measured on a bearing of south eighty degrees twenty-six minutes west from the last mentioned point; all bearings being referred to the true meridian,

or

LAW

Schedule "A", Page 2

and being of the dimensions specified in the diagram delineated on the other side hereof, and containing
64.70 acres. —

with the appurtenances, except and reserved, nevertheless out of this present grant, to Us, Our Heirs and Successors, all
Minerals, Quarry Materials, Coal, Natural Gas, Oil and Salt, in and under the said Piece or Parcel of land TO HAVE
AND TO HOLD (except as before excepted) unto the said Grantee

his Heirs and Assigns forever.
YIELDING AND PAYING unto Us as the price and consideration of the said land the sum of
one dollar if and when demanded (\$1.00) at the time of signing and delivery hereof.

PROVIDED that, and this present Grant is upon the following conditions, that the said land shall be helden upon,
under and subject to all provisions of and Regulations under the Crown Lands Act, and to such regulations as are now
in force, or which may at any time hereafter be made by Law for making Roads, Sewers, Drains, Canals, Bridges or other
Public Works or Improvements within Our said Province or any part thereof, and for subjecting any land therein sit-
uate, or the owners and occupiers of such Land, to rates and assessments, or other duties and services for the purposes
aforesaid, or for any of them, AND the said Grantee

Heirs and Assigns shall at all times, peaceably quit and deliver up possession to US, Our Heirs and Successors of
all such parts of the Land aforesaid as may be required for the purposes aforesaid or any of them upon receiving such
compensation (if any) as by any law now in force, or hereafter to be made in that respect may be provided.

AND it is further provided that in case the said Grantee

Heirs and Assigns shall make default in the performance of any of the provisions or conditions here contained, then
this Grant shall be null and void, and the land hereby granted shall revert to US, Our Heirs and Successors,

GIVEN under the Great Seal of Our Province of Newfoundland
this twenty-eighth day of November in the Year of
Our Lord One Thousand Nine Hundred and Seventy seven
and in the
twenty-sixth year of Our Reign.

WITNESS Our trusty and well-beloved the Honourable Gordon Arnaud Winter, Officer
of Our Order of Canada, Lieutenant-Governor in and for Our Province
of Newfoundland.

BY HIS HONOUR'S COMMAND

Signed, Sealed and delivered by the Grantee in the
presence of

Oct 26/77

Minister of Provincial Affairs and Environment

Witness

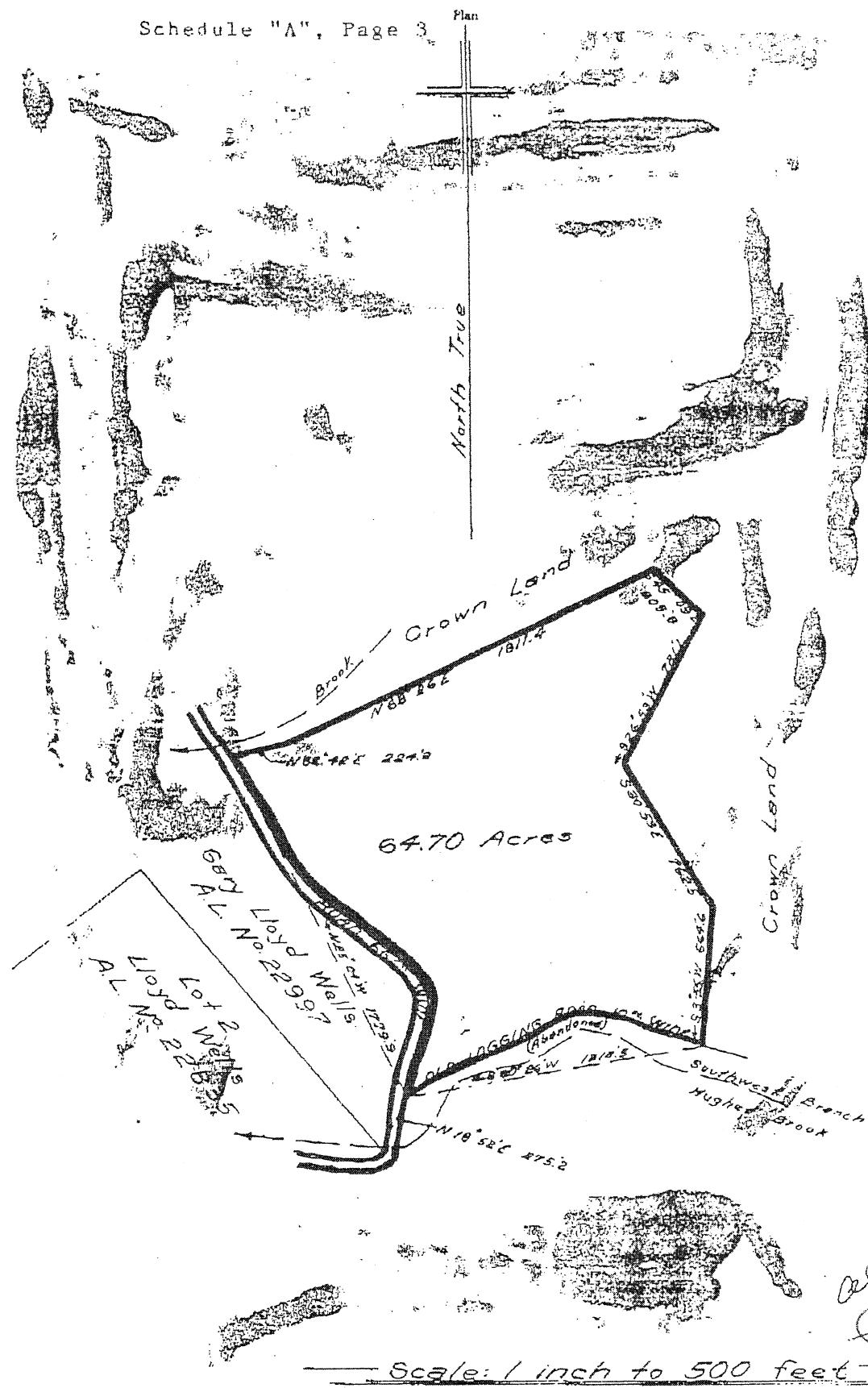
William Andrew Ellsworth
Grantee.

Registered Volume No. 145 Folio 135

S.M. —
Minister of Forestry and Agriculture

OR

Schedule "A", Page 3



Scale: 1 inch to 500 feet

H-1A

Appendix 6 – Topographic Map

Hughes Brook

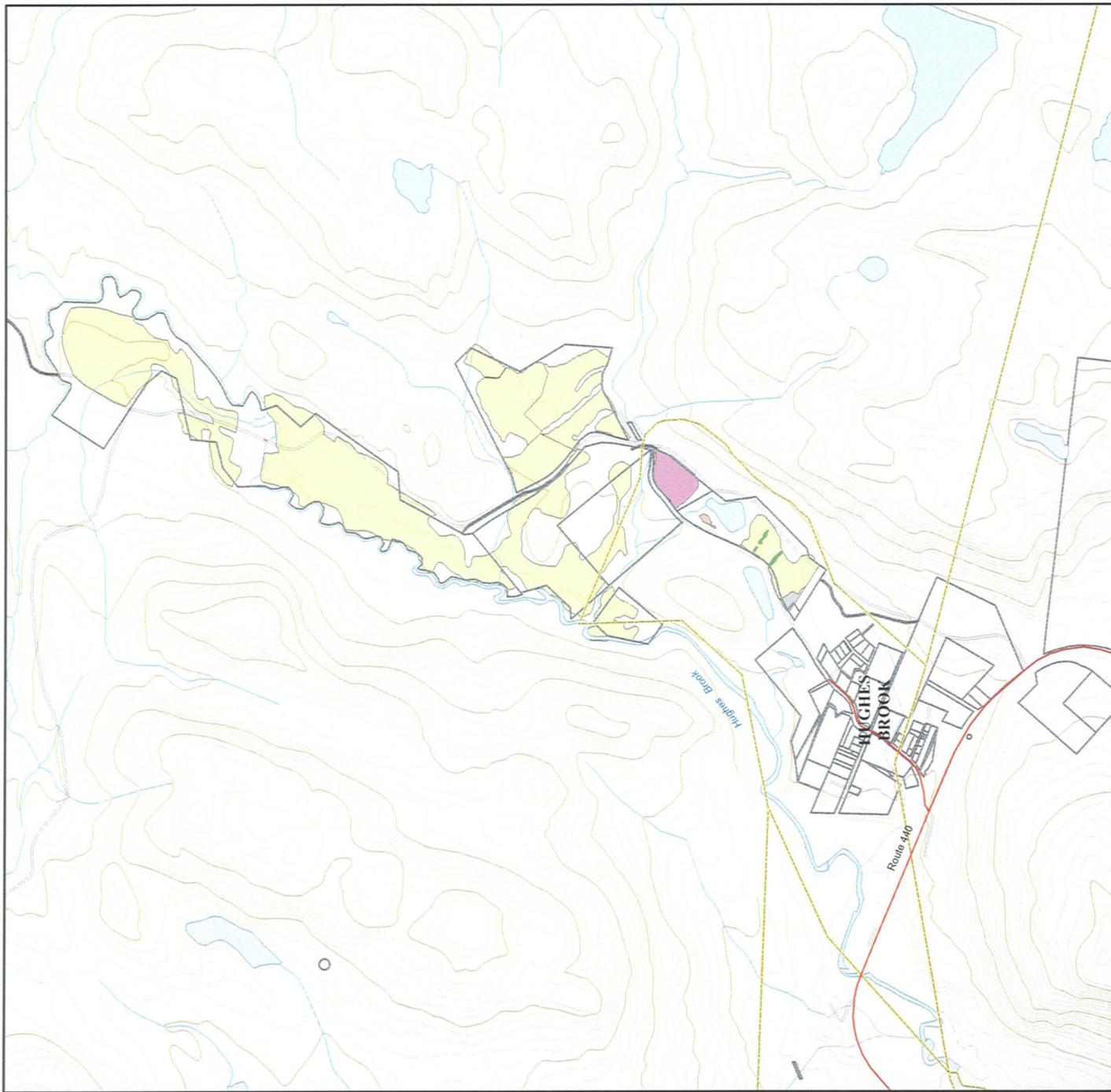
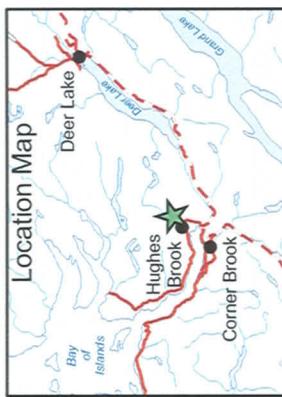


Scale 1:25,000

0 100 200 300 400 500 600 700 800 900 1,000
Meters

Legend

- Streams
- Paved Road
- Unpaved Road
- Transmission Line
- Contour Line
- Contour Line of 50
- Municipal Boundary
- Property Boundary
- Water
- Land Use
- Fields
- Cleared Land
- Windrow
- Barnyard
- Farm Residence



Appendix 7 – Photos of Land





