



June 5, 2025

Barb Bolin  
Abbey Gardens  
1012 Garden Gate Drive  
Haliburton, ON K0M 1S0

**Re: Rationalization of Wetland Setbacks and Commentary on Right-of-way Constraints in Association with a Parcel of Land on Irish Line, Haliburton (Municipality of Dysart et al); Our File 1125**

Dear Ms. Bolin:

## **1.0 Background**

Michalski Nielsen Associates Limited is pleased to provide this assessment of site opportunities and constraints in association with a surplus parcel of land located on Irish Line and owned by Abbey Gardens. That surplus property has been listed for sale. Background mapping for that property, including that provided by the applicant and with the final two maps prepared by my office, is included in **Appendix A**. Key to my assessment is the determination of the extent of wetland on this property, and the determination of an appropriate buffer for that wetland. In this regard, there is Environmental Protection (EP) zoning within the western portion of the subject property which generally (though imprecisely) shows an area of wetland constraint, together with constraints associated with a small inletting watercourse to that wetland from the south. The easterly portion of the property is zoned RR-13 Exception, with that zone provision stating that there is a minimum setback distance from the EP zone of 120 m. With that zone provision, and taking into account an existing right-of-way through these lands, building a single family home on this property, with an associated driveway, parking pad, amenity space and sewage disposal system, would be very difficult; this has complicated the sale of these lands.

It would appear that the 120 m setback requirement for the RR-13 Exception zone, which was established through By-law 2014-22, stems from language in the former Provincial Policy Statement (2005) speaking to adjacent lands; while that over-arching document governing municipal planning decisions in Ontario has subsequently been updated, and is now called the Provincial Planning Statement (2024), the language surrounding a 120 m area adjacent to important natural features that have the potential to be impacted by adjacent land uses has remained the same since 2005. In this regard, those provincial documents define adjacent lands as follows:

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for the purposes of policy 4.1.8, those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development or site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;

This definition must be read in conjunction with Policy 4.1.8, which falls under the Natural Heritage section of the Provincial Planning Statement, and which is in reference, per Sections 4.14, 4.15 and 4.16 of that Plan, to specific environmental features which include Significant Wetlands, Significant Wildlife Habitat, the habitat of Endangered and Threatened species and fish habitat. That policy reads as follows:

*Development and site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

As an ecologist who has provided input to over a thousand applications for land use change over my 36 year career, I think it very important to clarify that “adjacent lands” are not to be confused with environmental setbacks or natural buffers, which are most appropriately determined by site investigations, in combination with background reviews, and which define site-specific requirements for the protection of the environmental feature in question. Rather, the 120 m wide zone typically used to define adjacent lands provides guidance on the broadest area of potential constraint, with the actual extent of constraint then to be determined by site-specific investigations. Site-specific requirements of course vary in accordance of the ecological attributes and functions of individual environmental features, but are most typically in the range of 10 m (for example, as a typical structural setback from features such as Significant Woodlands) up to 30 m (for example, as a more stringent protection requirement for more sensitive features, including coldwater fish habitat, Provincially Significant Wetlands and the habitats of certain Endangered or Threatened species which are more sensitive to adjacent human activities). **In the great majority of projects in Ontario on which I have been involved, environmental setback and natural buffer requirements almost never exceed 30 m;** as a good example, 30 m has, due to a combination of both published literature on its effectiveness and practical considerations in land use planning, become the defacto buffer requirement in relation to hundreds of Provincially Significant Wetlands throughout Ontario around which there has been adjacent land development.

It is reasonable that the RR-13 Exception Zone include a 120 m setback distance as a general standard, in the absence of better information to determine what constitutes an appropriate site-specific standard. It is equally reasonable that the extent of actual setback that is required on an individual property then be defined through ecological investigations, as have been undertaken in this circumstance. As such, **I trust that planning staff of the Municipality of Dysart et al. will be receptive to the information contained in this report, which properly establishes the limits of the wetland in question, which properly considers the ecological values of that feature, and which recommends appropriate environmental setbacks and ecological buffers to protect its specific ecological functions and attributes.**

As a secondary part of my assessment, I also examined the existing right-of-way through the subject property, in order to provide commentary on its biophysical attributes, and what, from my perspective as an ecologist and someone well versed in assessing constraints associated with terrain conditions, believes should be a necessary setback for a dwelling from that right-of-way. This is important in better defining appropriate building envelopes on this property. I additionally examined general biophysical constraints on lands outside of those constrained by the wetland and right-of-way to further define appropriate building envelopes.

In the pages following, I first provide comments on existing site conditions, based on both my background review and site investigation. I then provide comments on Species at Risk, Significant Wildlife Habitat and fish habitat opportunities in association with areas of constraint. This is followed by my summary comments and recommendations regarding the protection of the wetland and inletting stream, setbacks from the right-of-way, the protection of other areas of environmental constraints, and what I believe to be the most appropriate locations for building envelopes on the subject property.

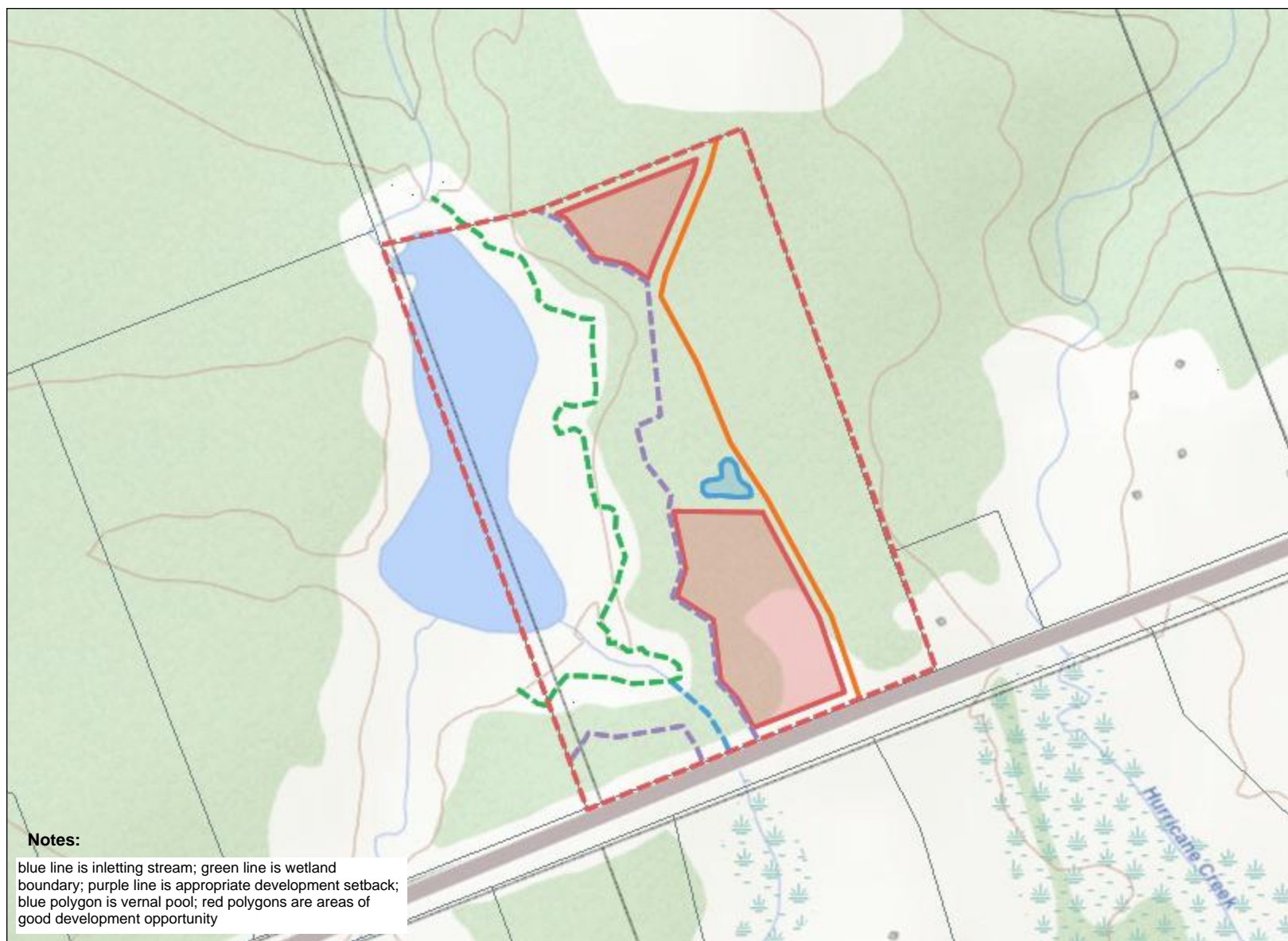
## **2.0            Existing Site Conditions**

The final two maps in **Appendix A**, which use the Province's Natural Heritage Information Centre mapping as a base, shows that there is a wetland within the western portion of these lands which straddles that western property line, with that wetland also being partially located within the parcel of land to the west. That wetland forms part of the connected series of wetlands along a small watercourse that originates south of Irish Line and which flows north into Green Lake. While the wetland on the subject property is not actually identified as wetland within the Province's natural heritage mapping, it is shown as a pond and is clearly wetland; it is not designated as a Provincially Significant Wetland, nor is it an evaluated non-provincially significant wetland. This wetland is actually larger than the area shown as pond might suggest, with the final map in **Appendix A** showing its more precise limits in relation to the subject property in green, based on both aerial photographic interpretation and my subsequent site investigation. **Figures 1a** and **1b**, together with **Figures 1c** and **1d** providing expanded views of the north and south portions of the property, respectively, show the more precise wetland boundary, which is very well delineated in the field. The inletting watercourse from the south that traverses a portion of the subject property is shown in the above-referenced maps in blue, with this being one of two watercourses that feeds the wetland (the other occurring to the west of the subject property).

A site inspection of the subject property was undertaken on May 22, 2025, a period of the year when wetland vegetation was becoming well-established and when water levels were still seasonally elevated; the timing of that visit was fully appropriate for its intended purposes. **Photographs 1** and **2** show the right-of-way through the subject property, which has been maintained as a laneway and shows evidence of periodic use. Importantly, this laneway traverses areas of level to gentle grades, does not have any low wet areas along its length through the subject property and does not have any obstacles, such as boulders or rock outcroppings, which impede its use. **It can be very easily upgraded, in its current location, to a functional driveway.** In fact, doing so would not appear to require any cross-culverts, ditching or other

## Figure 1a. Wetland Constraints and Building Opportunities

Map created: 5/30/2025



### Notes:

blue line is inletting stream; green line is wetland boundary; purple line is appropriate development setback; blue polygon is vernal pool; red polygons are areas of good development opportunity

0.2 0 0.08 0.2 Kilometres

Absence of a feature in the map does not mean they do not exist in this area.










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### Legend

-  Assessment Parcel
-  ANSI
-  Earth Science Provincially Significant/sciences de la terre d'importance provinciale
-  Earth Science Regionally Significant/sciences de la terre d'importance régionale
-  Life Science Provincially Significant/sciences de la vie d'importance provinciale
-  Life Science Regionally Significant/sciences de la vie d'importance régionale
-  Conservation Reserve
-  Provincial Park
-  Natural Heritage System





## Figure 1b. Wetland Constraints and Building Opportunities

Map created: 5/30/2025



### Notes:

blue line is inletting stream; green line is wetland boundary; purple line is appropriate development setback; blue polygon is vernal pool; red polygons are areas of good development opportunity

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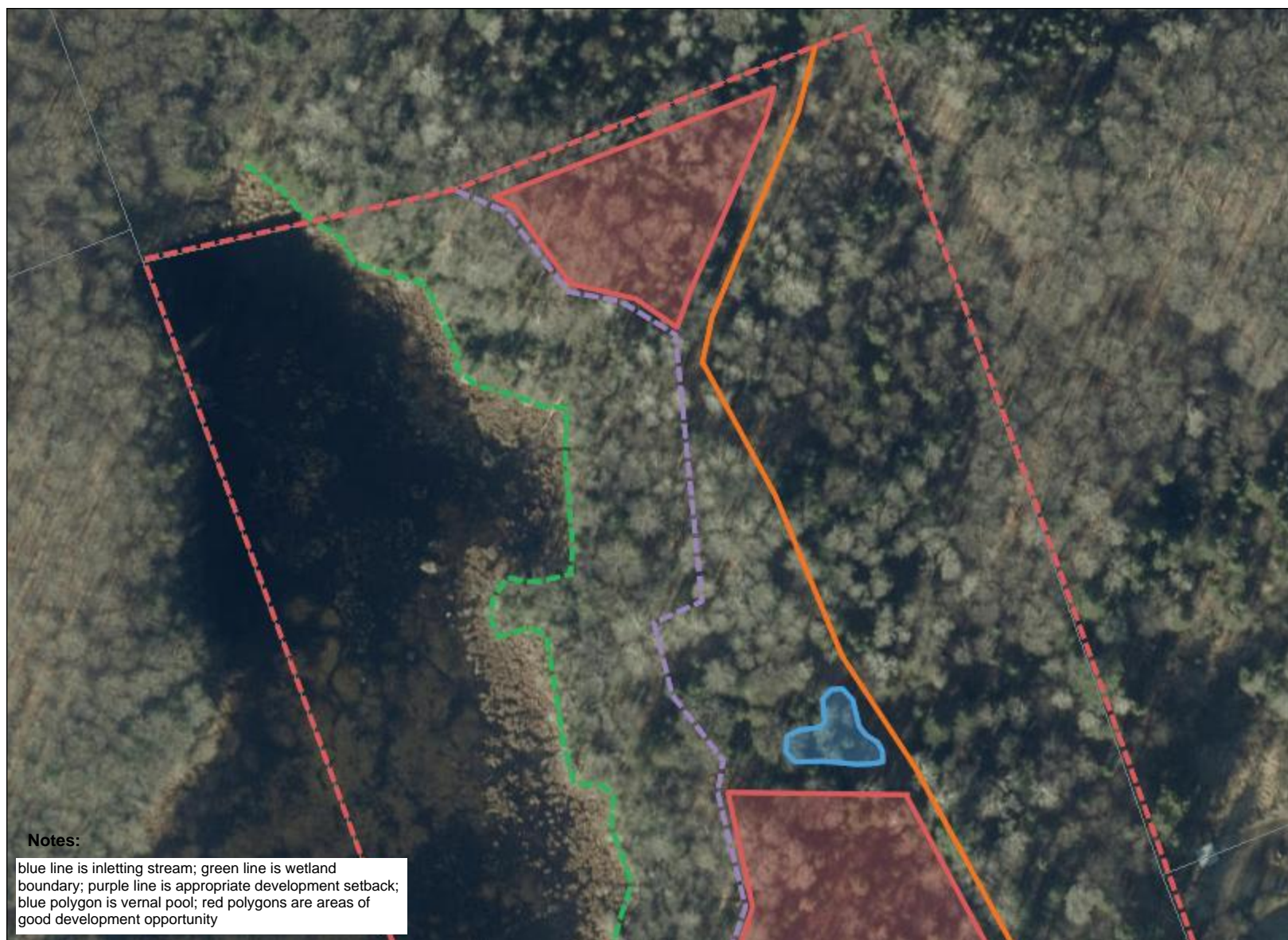
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## Figure 1c. Wetland Constraints and Building Opportunities

Map created: 5/30/2025



### Notes:

blue line is inletting stream; green line is wetland boundary; purple line is appropriate development setback; blue polygon is vernal pool; red polygons are areas of good development opportunity

0.1 0 0.04 0.1 Kilometres









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-  Conservation Reserve
-  Provincial Park
-  Natural Heritage System







## Figure 1d. Wetland Constraints and Building Opportunities

Map created: 5/30/2025



### Notes:

blue line is inletting stream; green line is wetland boundary; purple line is appropriate development setback; blue polygon is vernal pool; red polygons are areas of good development opportunity

0.1 0 0.04 0.1 Kilometres

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- Conservation Reserve
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**Photographs 1 and 2. Views of right-of-way through subject property (May 22, 2025).**



improvements beyond the addition of some gravel and minor clearing of understorey vegetation along its margins.

As was earlier noted, the wetland within the subject property is fed in part by a wetland south of Irish Line, which is shown in **Photograph 3**. Note the reasonably small culvert crossing (approximately 500 mm diameter) which conveys flows beneath Irish Line. The drainage from that culvert gives rise to a small marshy, and diffuse watercourse, which outlets to the wetland (blue line on **Figures 1a-1d**), with **Photograph 4** showing the origins of that watercourse just north of Irish Lane. **Photograph 5** shows the downgradient portion of that diffuse watercourse, which has a typical width of 5 m to 8 m but very shallow, braided and sluggish flows, despite my visit having occurred under wet spring conditions. Flows within that watercourse are intermittent; during the drier portion of the summer it likely remains damp underfoot but would not convey any flows. **Photograph 6** shows an area of meadow marsh into which the intermittent watercourse discharges, with that meadow marsh forming the southeast portion of the wetland within the subject property.

**Photographs 7 to 10** provide views of the wetland within the subject property from various vantage points. This wetland contains a large central pond, water levels of which are controlled by a beaver dam to the north; that portion of the wetland can be characterized as open marsh, and contains floating leafed vegetation. There is also a band of emergent marsh around the edges of this pond, varying in width from a couple of metres to over 20 m, where shallow water conditions support sedges and other emergent vegetation. A few flooded-out trees around the perimeter of this wetland bear evidence of beaver-influenced water level changes in this wetland over the years. The outer edge of the wetland is generally very well defined, with forested slopes of generally 10% or more, in cases over 20%, creating a typically sharp boundary between wetland and upland; that limit is shown by the green line on **Figures 1a-1d**, with that boundary incorporating the lobe of wetland in the southeast into which the intermittent watercourse from the south outlets (see **Photograph 6**).

The purple line on **Figures 1a-1d** is our recommended development setback from the wetland and watercourse. That setback is 30 m from the wetland and 15 m from the small length of intermittent stream inletting to that wetland from the south (for the stream, this has been measured from its centre line). Those setbacks, which are further discussed and rationalized in Section 3 of this report, are fully appropriate in protecting the functions and attributes of the wetland and its inletting stream.

The orange line on **Figures 1a-1d** shows the approximate location of the right-of-way through the subject property, with that right-of-way most accurately depicted on the survey that is included in **Appendix A**. The inclusion of the approximate location of the right-of-way on our mapping is important in helping to define those lands where a future property owner might wish to build; for the purposes of this report, we have reasonably assumed that a purchaser would want to have a dwelling on the west side of the right-of-way, where there would be views down to the wetland. As part of my work, I examined these lands to the west of the right-of-way in detail.





**Photograph 3.** Wetland within subject property receives part of its water supply from another wetland south of Irish Line (May 22, 2025).



**Photograph 4.** View of small intermittent stream inlet into subject property, which supplies part of the flow to the wetland within the property (May 22, 2025).





**Photograph 5. Downgradient portion of small inletting stream, just upgradient of where it empties into wetland (May 22, 2025).**



**Photograph 6. Narrower portion of wetland into which inletting stream flows (May 22, 2025).**





**Photographs 7 and 8. Views of broad area of wetland within the subject property (May 22, 2025).**





**Photographs 9 and 10. Additional views of wetland  
(May 22, 2025).**

The lands west of the right-of-way generally have very gentle grades, but with those grades increasing within our recommended buffer. As these lands are at an elevation of several metres above the wetland, they are generally very well-drained, with one notable exception, shown as the blue polygon on **Figures 1a-1d**; that area contains a depression in the bedrock surface which holds water during the spring (i.e., as a vernal pool). **Photographs 11** and **12** provide views of this vernal pool, which measures up to 25 m in length and 25 m in width, and which contains sufficient standing water under spring conditions to very likely support amphibian breeding habitat for woodland amphibians. As such, we believe it an important feature to protect.

Based on our detailed analysis of site conditions and associated ecological and terrain constraints, we have identified two very good building envelopes on the subject property, one at the south end, the other at its north end (i.e., the areas shown in pink on **Figures 1a-1d**). Recognizing there are also opportunities to locate secondary structures and perhaps even the sewage disposal system to the east of the right-of-way, both of these envelopes provide sufficient space for the construction of single family homes. **Photographs 13** and **14** provide views of the broad area of generally 5% to 10% slopes within the southerly of the two identified building envelopes. These lands are very easy to build on, with slopes west of the identified building envelope increasing to 15%, in areas up to about 20%, towards the wetland (areas of increasing slope occur within our recommended setback from the wetland). **Photographs 15** and **16** provide views of a broad area with good building opportunities within the northerly of the two identified building envelopes. This area typically has 10% to 15% slopes, with those slopes steepening to 20% to 25% within our identified setback to the wetland.

### **3.0                    Ecological Constraints Contributing to our Identified Development Setbacks**

As previously discussed, the purple line on **Figures 1a-1d** identifies our recommended development setback from the wetland (30 m) and small inletting watercourse (15 m from centre line). The limits have been established primarily on the basis of ecological constraints, while also considering topographic constraints. Decisions on appropriate environmental setbacks have included full consideration of Species at Risk habitat potential, Significant Wildlife Habitat potential and fish habitat potential, each as further discussed below.

#### **Species at Risk Review**

A Species at Risk review was completed by reviewing data records from the MNR's Natural Heritage Information Centre database, which describes known species occurrences within 1 km squares. As is typical of our searches of that database, we examined species records of relevance within the 1 km square that includes the subject property, as well as within a broader 5 km radius of this property. Relevant species records within the 1 km square that includes the subject property include:

Blanding's Turtle

Threatened





**Photographs 11 and 12. A prominent venal pool within the subject property is a local area of constraint (May 22, 2025).**





**Photographs 13 and 14. Views of broad area in which there are good building opportunities within southern portion of subject property (May 22, 2025).**





**Photographs 15 and 16. Views of broad area in which there are good building opportunities within northern portion of subject property (May 22, 2025).**

Relevant records within a broader 5 km radius include:

Snapping Turtle	Special Concern
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While there are several additional records for Special Concern or Threatened birds in this area, none of those are of relevance to the wetland or its inletting tributary. This is also true of protected bat species which potentially occur in this area.

The wetland within the subject property does provide quite excellent opportunities for both Blanding's Turtle and Snapping Turtle, including potential for these species to overwinter in the central ponded area and to nest along the margins. Blanding's Turtle is a Threatened species and its habitat is protected under the *Endangered Species Act*. Further, we often view this species as a key habitat indicator; if we ensure its habitat is being protected, then we additionally ensure the habitat of a broad range of other species is also protected. While there is no confirmation that this species does indeed occupy the wetland on the subject property, the conservative assumption is that it does. Following the direction of the Ministry of Environment, Conservation and Parks' (MECP's) General Habitat Description for Blanding's Turtle, the wetland and lands within a 30 m radius of that wetland are most important to protect in order to preserve habitat opportunities for this species. While Blanding's Turtle also need to be able to move from the wetlands that they overwinter in to other wetlands that they may use in the course of their annual activities (this species tends to move considerable distances over the season), the very low density of development that will occur with the development of a single family home on the subject property will not impact on the ability of this species to move to and from the wetland.

The recommended 30 m development setback from the wetland, in concert with specific recommendations in Section 4 of this report regarding the protection of virtually all of that minimum 30 m setback as a natural buffer, is based substantially on the protection requirements for Blanding's Turtle.

Neither the vernal pool feature nor small inletting watercourse to the wetland provide any potential Species at Risk habitat.

### **Significant Wildlife Habitat Review**

In the Province of Ontario, there are Ecoregion-specific criteria for what constitutes Significant Wildlife Habitat (SWH). The subject property is located within Ecoregion 5E, with the wetland within it potentially meeting the following specific criteria for SWH:

Category 1: Seasonal Conservation Areas for Wildlife

- turtle wintering area (likely)



Category 2: Rare Vegetation Community or Specialized Wildlife Habitat

- waterfowl nesting (likely; some nesting waterfowl observed)
- wetland amphibian breeding habitat (very likely)

Category 3: Habitat for Species of Conservation Concern

- marsh bird breeding habitat (possible)
- Special Concern and rare wildlife species (likely for Snapping Turtle)

In all cases, these probable/potential functions will continue to be provided with a 30 m development setback.

It is noted that no colonial nesting bird habitat was seen within or around the periphery of the wetland.

With respect to the vernal pool, this potentially supports woodland amphibian breeding habitat. Given that potential future development within the subject property will retain woodland areas around substantial portions of that vernal pool, easily allowing woodland amphibians to move between it and their summer habitat in adjacent forested areas, the functions of such potential habitat can be fully retained with a development setback of only 10 m along those limited portions of a future development envelope which will border this feature.

The small inletting watercourse to the pond does not provide any potential SWH.

### **Fish Habitat**

The pond is very likely to support warmwater fish habitat for a variety of smaller forage fish species.

The vernal pool feature within this property is a small, isolated feature which will dry up over the summer months. As such, it does not provide any potential as fish habitat.

The small inletting watercourse to the wetland on this property has very diffuse flows, even under wet spring conditions. Further, that watercourse connects to an upgradient area of shrub thicket wetland that does not provide any fish habitat. Accordingly, this intermittent watercourse does not provide fish habitat.

### **Appropriate Environmental Setbacks to Wetland and Other Features on the Subject Property**

Based on our site-specific analysis of the functions and attributes of the wetland and other natural features on the property, environmental setbacks for a single family home are recommended as follows:

- wetland 30 m
- inletting watercourse 15 m from centre line

- vernal pool feature 10 m

In making these recommendations, it is important to note that the recommendations of Section 4 of this report additionally ensure that the great majority of these recommended development setbacks will be preserved as an environmental buffer over the long term.

#### **4.0 Summary Comments and Recommendations**

The wetland boundary on the subject property is currently shown somewhat imprecisely in municipal zoning schedules. Further the 120 m setback from that wetland that applies to the RR-13 Exception Zone appears to be established following precautionary principles, in order to ensure the long-term preservation of natural functions and attributes of this wetland on this property in the absence of any site-specific analysis of these, and as such should be able to be adjusted on the basis of our site-specific assessment. Sufficient site-specific analysis, through a combination of background review, aerial photograph interpretations and site work, has been undertaken for this property to establish appropriate environmental setbacks in relation to the construction of a single family home. Those setbacks, in combination with our additional recommendations below, will ensure that all of the natural functions and attributes of the wetland, together with those of a small stream inletting to that wetland and of an isolated vernal pool feature, will be preserved for the long-term. To this end, Michalski Nielsen Associates Limited recommends that:

- **the Township of Dysart et al amend its site-specific zone boundary for the EP lands on the subject property per the properly defined wetland boundary shown on Figures 1a-1d of this report;**
- **the zoning restrictions for the rural lands on the subject property be amended to require a 30 m development setback from the newly defined wetland boundary;**
- **there be additional restrictions placed on this property requiring a 15 m development setback, as measured from the centre line, for the small inletting drainage course to the wetland, and a 10 m development setback from the vernal pool feature, both as identified on Figures 1a-1d;**
- **the Township consider that the development of this property be subject to Site Plan Control , or use other planning tools as it deems appropriate, to ensure the above matters are adhered to in locating the dwelling, any other structures and the sewage disposal bed, and to additionally ensure the recommendations below are adhered to;**
- **a natural buffer is to be retained over the great majority of the above-noted environmental setbacks, with allowance for clearing of trees, grading and hard and soft landscaping efforts to extend up to 3 m beyond the footprint of the dwelling. The remainder of the recommended environmental setbacks are to be treated as natural buffers, with vegetation removal limited to:**
  - **the minimum requirements to allow for maximum 1.5 m wide walking paths, oriented to avoid larger trees and to follow natural breaks in areas of steeper grades;**
  - **limited limbing of trees and removal of understorey vegetation to provide selective view windows down to the wetland; and**



- **removal of trees that are in a state of decline and/or leaning and creating a legitimate safety hazard.**
- **the potential building envelopes identified on Figures 1a-1d should be considered generalized, but do illustrate that construction of a single family home on this property is very feasible. In constructing such a home, there is no reason why accessory structures, the sewage disposal bed and/or amenity features cannot be established on the east side of the right-of-way through this property; and**
- **with respect to an appropriate setback for the right-of-way, the existing grass/earthen trail can be very easily upgraded to a functional driveway in its current location, including to access the property to the north, the sole property having access rights over the subject lands. Terrain conditions along this right-of-way are gentle and there are no other impediments to such upgrades. As such, Michalski Nielsen Associates Limited sees no reason why the setback requirements from such a driveway should exceed those which are typically required between a rural road and a rural residential lot within this municipality, with it being my understanding that those setback requirements are 12.5 m.**

\* \* \* \* \*

In closing, Michalski Nielsen Associates Limited trusts that the information contained in this report is helpful in assisting the applicant and municipality resolve concerns about the buildability of the subject property, a very attractive property for a single family home which can be established, in accordance with the recommendations of this report, in a location and manner that does not negatively impact on the natural functions and attributes of the wetland and other environmental features on these lands, including their potential functions as Species at Risk habitat, Significant Wildlife Habitat and fish habitat. I would be pleased to answer any questions you or municipal planning staff may have.

Yours truly,

MICHALSKI NIELSEN ASSOCIATES LIMITED

Per:



Gord Nielsen, M.Sc.  
Ecologist  
President

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**APPENDIX A – BACKGROUND MAPPING FOR  
SUBJECT PROPERTY**

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# GIS Property Map

Irish Line Road, Haliburton

Irish Line Road, Haliburton



Scale: 1:72,224



February 23, 2024

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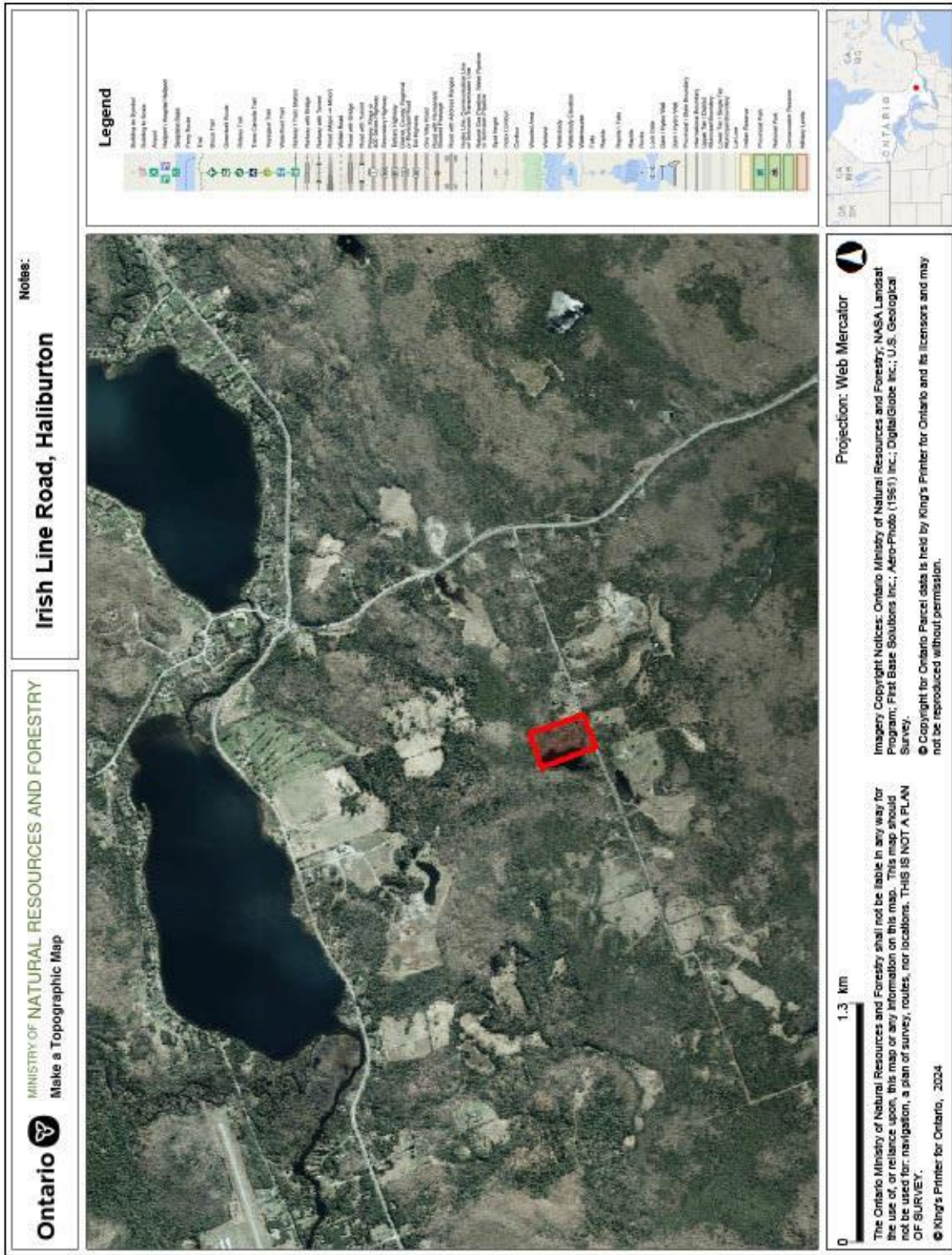
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BROKERAGE

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# GIS Property Map

Irish Line Road, Haliburton

Irish Line Road, Haliburton



Scale: 1:4,514



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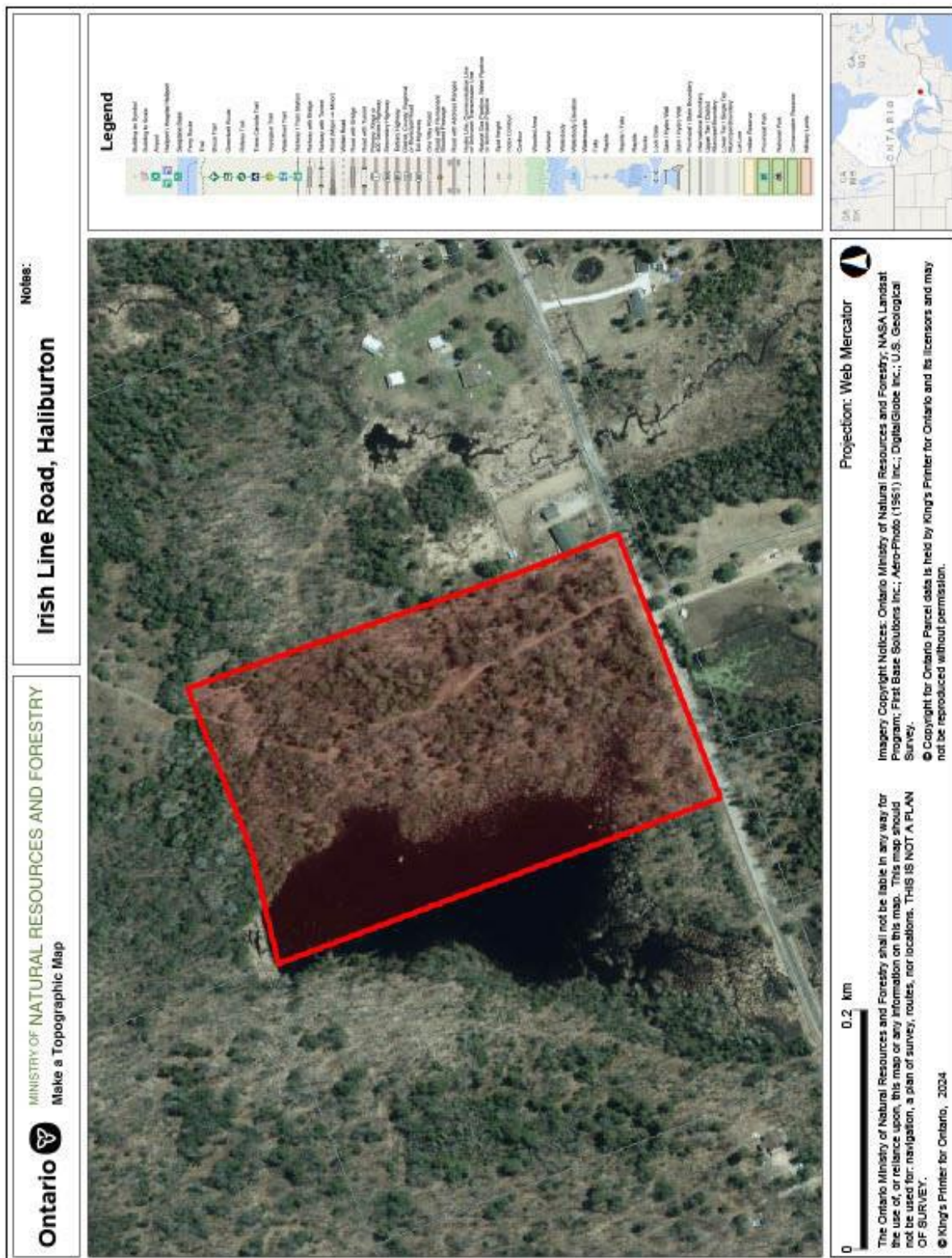
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# Zoning Map

Irish Line Road, Haliburton



**ANDREW HODGSON**  
REAL ESTATE

**CENTURY 21**  
Granite Realty Group Inc.  
BROKERAGE












ANDREW HODGSON – REAL ESTATE BROKER – 705-854-0130 – [ANDREW.HODGSON@CENTURY21.CA](mailto:ANDREW.HODGSON@CENTURY21.CA)

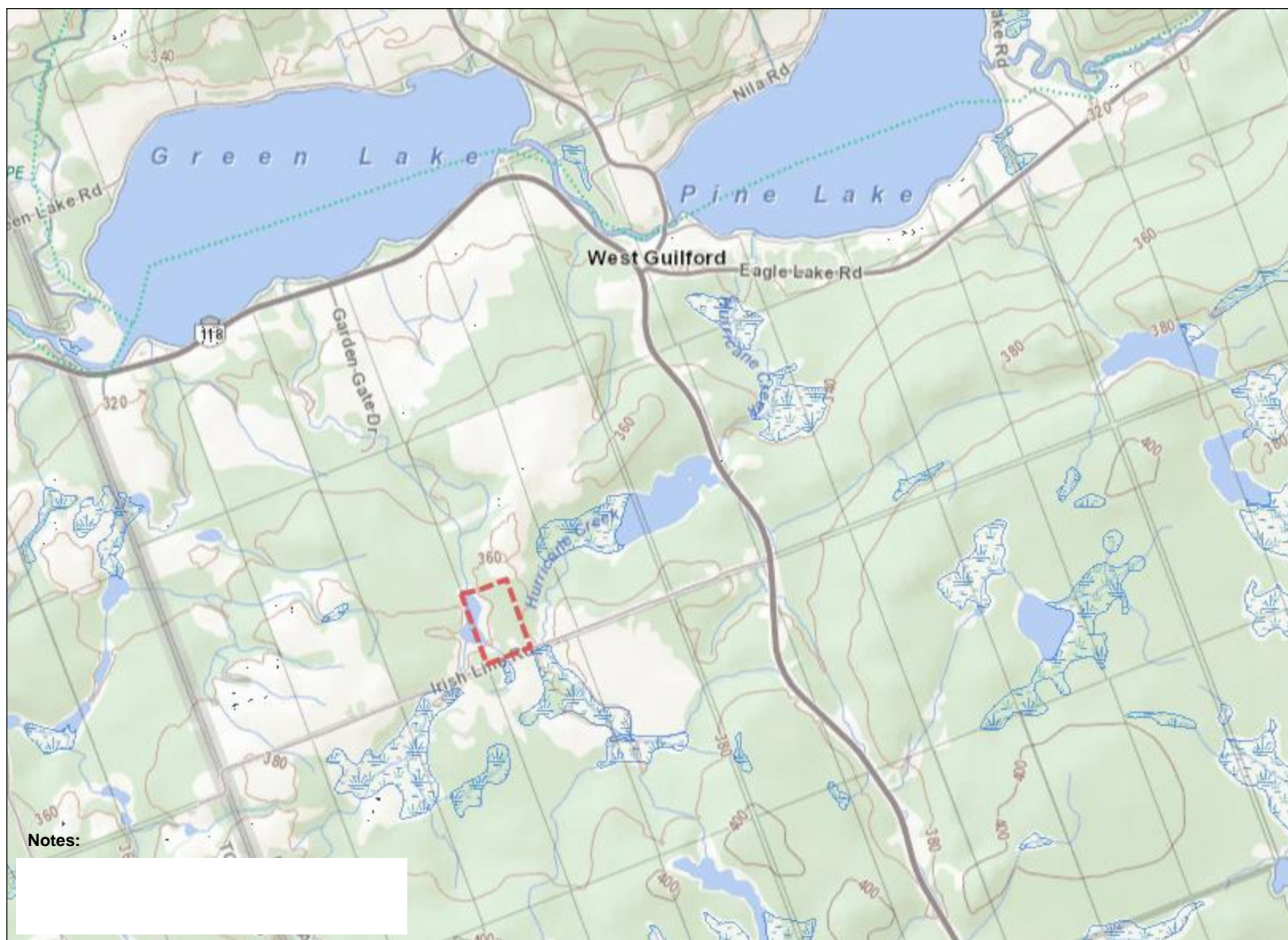
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**Legend**

ANSI

-  Earth Science Provincially Significant/sciences de la terre d'importance provinciale
-  Earth Science Regionally Significant/sciences de la terre d'importance régionale
-  Life Science Provincially Significant/sciences de la vie d'importance provinciale
-  Life Science Regionally Significant/sciences de la vie d'importance régionale
-  Evaluated Wetland
-  Provincially Significant/considérée d'importance provinciale
-  Non-Provincially Significant/non considérée d'importance provinciale
-  Unevaluated Wetland
-  Conservation Reserve
-  Provincial Park
-  Natural Heritage System



Notes:

1.3 0 0.65 1.3 Kilometres

Absence of a feature in the map does not mean they do not exist in this area.

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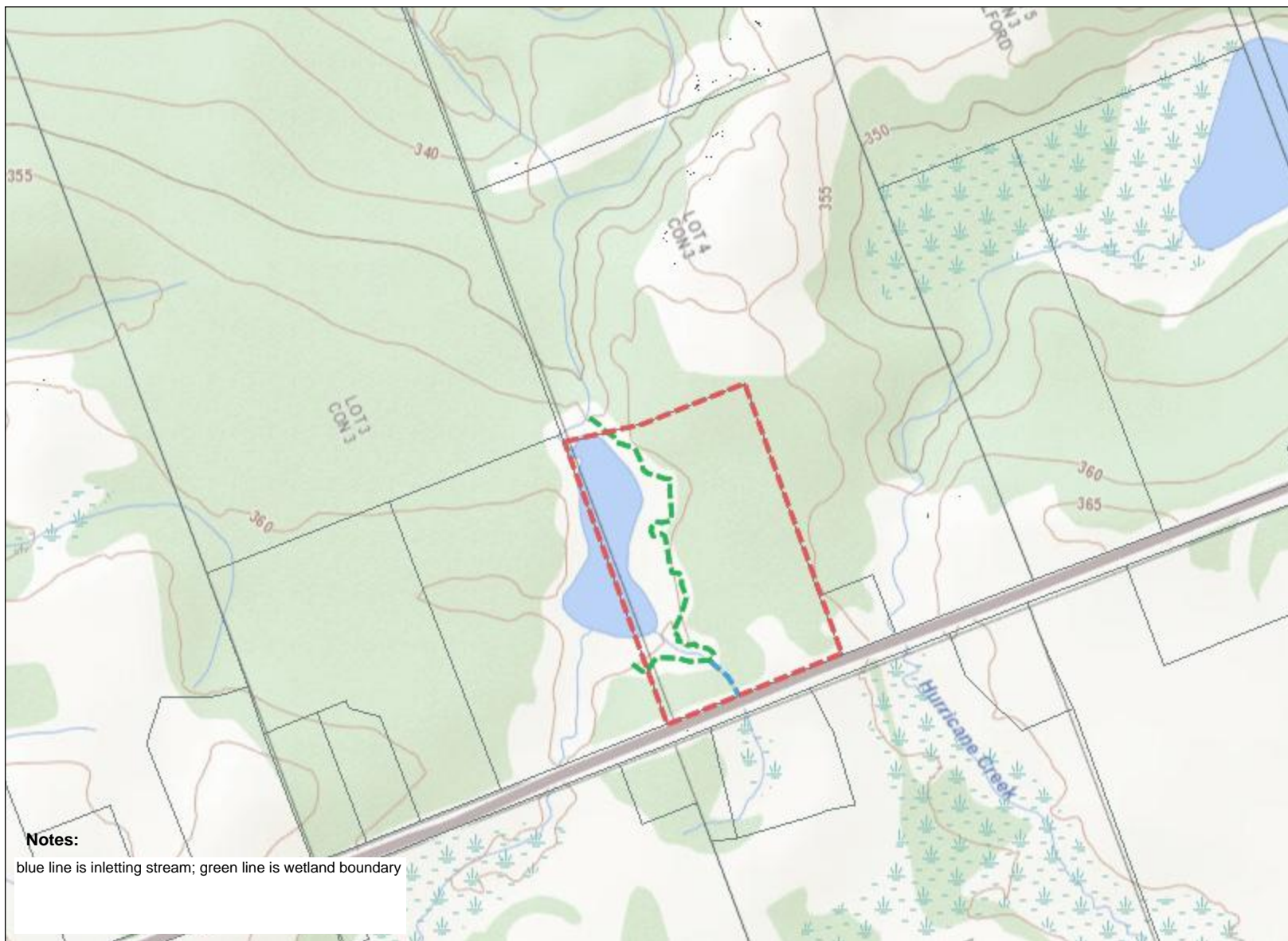
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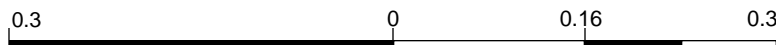
**Legend**

- Assessment Parcel
- ANSI
- Earth Science Provincially Significant/sciences de la terre d'importance provinciale
- Earth Science Regionally Significant/sciences de la terre d'importance régionale
- Life Science Provincially Significant/sciences de la vie d'importance provinciale
- Life Science Regionally Significant/sciences de la vie d'importance régionale
- Conservation Reserve
- Provincial Park
- Natural Heritage System



**Notes:**

blue line is inletting stream; green line is wetland boundary



Kilometres Absence of a feature in the map does not mean they do not exist in this area.

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