

BEFORE THE ISLAND REGULATORY AND APPEALS COMMISSION

IN THE MATTER OF an appeal pursuant to section 28 of the ***Planning Act***, by Natasha Kelly and James Kelly, against the August 24, 2026 decision of the Minister of Land and Environment denying Change of Use Application CU-2026-012 for PID 924365, Allen Road, Southwest Lot 16, requesting a change from Wood Lot Use only to Residential (Single Unit Dwelling) Use.

Appellants' Supporting Appendices

Natasha Kelly and James Kelly
Appellants

Minister of Land and Environment
Respondent

Date submitted: October 10, 2026

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Appendix

Description of Record

- A. Email correspondence with Chad Quigley
- B. Provincial mapping screenshots attached to the August 24, 2026 email
- C. Wetland Field Data Sheet
- D. Photographs supplied by ELM
- E. Desktop mapping supplied by ELM

APPENDIX A

Natasha Kelly <natashakellypei@gmail.com>
To: cQuigley@gov.pe.ca

We received the decision today regarding our Change of Use Application CU-2026-012 for PID 924365 on Allen Road, and I'm hoping you can help us better understand the wetland determination made following the July 14 site visit.

The decision states that the majority of the property, excluding the driveway access and pad, was confirmed to be wetland and that there is insufficient developable area outside the required buffer and setbacks.

Before purchasing this property, we reviewed PID 924365 using the Province's PEI Information Mapping system, including the Potential Development Restrictions layer. We specifically used the provincial mapping to help us identify any potential issues that could affect our ability to eventually develop the property.

The Potential Development Restrictions shown on PID 924365 are relatively limited and are primarily along the southern portion of the property. Based on the information available through the Province's mapping, we had no indication that the majority of the property could potentially be considered wetland. I have attached a current screenshot of the mapping for reference.

We understand that the Potential Development Restrictions layer is a screening tool and is not a formal wetland delineation, and that conditions identified during a site assessment can differ from what is shown on the public mapping. However, given the significant difference between what the mapping indicates and the conclusion reached following the site visit, we would really like to understand how the wetland determination was made.

Could you please provide us with any information or documentation from the July 14 assessment showing the extent and boundaries of the area determined to be wetland? In particular, we would appreciate copies of any wetland delineation, mapping, GPS coordinates or points, field notes, photographs, measurements, or other records used in making that determination.

Could you also let us know whether a formal wetland delineation was completed and, if so, provide us with a copy showing the inland boundary of the wetland?

The decision also specifically excludes the existing driveway access and pad from the area confirmed as wetland. Could you clarify the boundaries of the area that was determined not to be wetland and whether that area was evaluated to determine if a dwelling could be located there while meeting the required setbacks?

Our main concern at this point is understanding exactly where the wetland boundary was determined to be and how it was concluded that there is no location on the property where the required setbacks could be achieved.

Thank you for your help. We would really appreciate any mapping, documentation or additional explanation you can provide.

James and Natasha Kelly

2 attachments

Screenshot 2026-08-24 at 3.49.33 PM.png 1368K



Screenshot 2026-08-24 at 3.50.21 PM.png 1491K



To: Natasha Kelly <natashakellypei@gmail.com>

Good afternoon Natasha,

I have received your e-mail and will respond with all relevant information. My apologies on the delay responding to the initial e-mail but this will be at the very top of my priority list and I will provide an update at the beginning of next week with the requested information and answers to the provided questions.

Best regards,

Chad Quigley

Watercourse and Wetland Alteration Technician
Department of Land and Environment
11 Kent St., PO Box 2000
Charlottetown, PE C1A 7N8
Phone (902) 213-0892

Chad Quigley <cquigley@gov.pe.ca>

Fri, Sep 4, 2026 at 11:12 AM

To: Natasha Kelly <natashakellypei@gmail.com>

Good morning Natasha,

My sincerest apologies in the delay in getting back to you. The Provincial Information Mapping system provides tools to assist landowners in obtaining more knowledge about the land they are interested in purchasing. The Potential Development Restrictions layer is helpful in determining the presence of unmapped wetlands, although it does not capture all presence of unmapped wetlands.

During my site visit on July 14th, I was looking for three factors to assess whether the property was wetland: 1) Presence of hydrophytic vegetation 2) Signs of hydrology on the property and 3) Hydric soil indicators. All three were present during my site visit on July 14th.

Attached information includes the wetland data sheet that was completed and some pictures showing some of the more prominent wetland features noted on site.

- IMG_7641: Example of primary indicator of hydrology: water stained leaves
- IMG_7652: Example of hydrophytic vegetation: Sphagnum moss
- IMG_7701: Example of hydric soil indicator: Redox Depressions.

There was no formal wetland delineation completed, the Department completes boundary determinations, in which desktop information is utilized to educate staff on the environmentally sensitive features they may expect to see on property, which is followed by a site visit to assess the three wetland features noted above. If all three indicators are present, it is a wetland. If even one of the three factors is missing, it would not be considered a wetland. In the case of the driveway access and pad already in place, the footprint of the of fill does not qualify as wetland, although wetland would be directly adjacent the footprint of fill, which would have the pad and driveway access entirely in buffer zone, which is also protected from development.

If you want to have a further discussion or have any questions, you can always reach out via e-mail or by phone.

Best regards,

Chad Quigley

Watercourse and Wetland Alteration Technician
Department of Land and Environment
11 Kent St., PO Box 2000
Charlottetown, PE C1A 7N8
Phone (902) 213-0892

4 attachments



IMG_7641.jpeg
5279K



IMG_7652.jpeg
4553K



Field Data Sheet PID # 924365.pdf
641K



IMG_7701.jpeg
3846K

Natasha Kelly <natashakellypei@gmail.com>
To: Chad Quigley <cquigley@gov.pe.ca>

Sun, Sep 6, 2026 at 3:50 PM

Hi Chad,

Thank you for getting back to me and for providing the field data sheet and photographs. This information is helpful in understanding what was observed during the assessment.

I do have some follow-up questions because we are trying to understand how the extent and boundary of the wetland, and the conclusion that there is insufficient developable area on the property, were determined.

You mentioned that a formal wetland delineation was not completed, but that the Department completed a boundary determination. Could you please provide us with the boundary determination itself, including any map, aerial imagery, GPS information, coordinates or other information showing the wetland boundary that was determined for PID 924365?

The field data sheet has sections for GPS coordinates/mapping points and photographs that state "See file folder." Could you please provide the information referenced as being in that file folder, including all GPS coordinates, mapping points, photographs and any associated information showing where on the property the observations and photographs were taken?

Could you also provide the desktop information, mapping, aerial imagery or other records that were used in conjunction with the site visit to determine the extent of the wetland? We understand from the information you provided that the three wetland indicators were observed at the location or locations assessed. What we are particularly trying to understand is how those observations were used to determine that the majority of the approximately 10-acre parcel is wetland.

Could you please clarify how much of the property was physically assessed during the July 14 site visit, approximately where on the property the assessment took place, and how the wetland boundary across the property was established? We would also appreciate the information used to determine that wetland is directly adjacent to the existing driveway and pad, that the entire driveway and pad are within the wetland buffer, and that there is no other location on the property where a residential dwelling could meet the required setbacks.

Finally, I noticed that the field data sheet provided is signed and dated September 4, 2026. Could you please clarify when the observations shown on this particular data sheet were recorded and whether the sheet was completed during the July 14 site visit or subsequently prepared from notes, photographs or other records from that visit? Thank you again for providing this information. We are simply trying to understand exactly what was assessed, where the observations were made, and how the wetland boundary and resulting developable area were determined.

Natasha Kelly

Good morning Natasha,

During my site visit, I concluded the boundary for the wetland to be the whole property, excluding the driveway and pad on site. Due to this fact, I did not collect GPS points.

Ido have ample photos that were collected on site, demonstrating some of the features noted that has led me to the wetland determination, I can send these photos along, although they are too large to attach to this e-mail.

Attached is the desktop information used to aid in my decision on wetland status:

1. The attached map shows mapped wetland upslope from your property, the contours show the drainage of the area towards Allen Rd (PID 924365 Contour Lines)
2. The property is entirely within the poorly drained soil layer (PID 924365 Poorly Drained Soil Layer). The soil composition for the whole property is consistent, with it being of the Mossy Point Soil Series (PID 924365 Soil Type). Mossy point soils are typically characterized by prolonged periods of saturation, which can form hydric soil conditions.
3. Also attached is the Depth to Water Layer (PID 924365 DTW), which is depicted with the blue color near the southern boundary of the property. This layer is indicative of the ground water table as it relates with distance to the surface. This is an important layer for us to understand the flow of water and proximity of the water table to the soils surface. During my next visit to the site, the assessment will be focused on the northern property boundary to try and determine if any upland is present in this area.

The assessment of the property was focused on the area slated for development, although an observation was conducted to ensure the conditions were consistent with the remainder of the property. I am willing to provide a more intensive look at the remainder of the property, although this will take a bit of time due to the property size and recent rainfall we have been experiencing. I would expect to be on site for next week, providing the weather cooperates. Following my site visit, I can meet with James and yourself to discuss my findings and show what I found to make my determination as to whether the remainder of the property was wetland or not.

The information provided within the data sheet was collected on my site visit during July 14th, the signed off date of September 4th is when the datasheet was considered complete. These would include information such as percentages of wetland type coverage on the property, which is more to ensure our mapping stays consistent with the wetland type found on property. Although the majority of information such as vegetation type, hydrology indicators and hydric soil indicators were collected at the time of visit, the addition of percent coverage was added to the data sheet when time permitted.

If you have any further questions or I failed to answer any of your previously asked questions, feel free to reach out via e-mail or phone. I will give you an update next week on when I expect to be able to make it on property.

Natasha Kelly <natashakellypei@gmail.com>
To: Chad Quigley <cquigley@gov.pe.ca>

Sat, Sep 12, 2026 at 2:12 PM

Hi Chad,

Thank you for the detailed response and for providing the additional mapping. We would very much appreciate you taking a more intensive look at the remainder of the property, particularly the northern portion, to determine whether any upland areas are present.

Since the extent of the wetland and whether there is any potential compliant building area are central to our appeal, would it be possible during this visit to record GPS locations for the areas assessed, particularly any wetland/upland transition points or areas where one or more of the three wetland indicators are absent?

We would also appreciate receiving the additional photographs you mentioned. If they are too large for email, please let us know the easiest way for us to receive them.

James and I would be happy to meet with you following your site visit as you suggested so that you can show us what you found and explain your determination.

Please let us know when you expect to attend the property next week.

Thank you,
Natasha

Chad Quigley <cquigley@gov.pe.ca>
To: Natasha Kelly
<natashakellypei@gmail.com>

Mon, Sep 21, 2026 at 9:38 AM

Good morning
Natasha,

This wouldn't be a problem in the least. I just wanted to provide an update that I was not able to get on site last week but am fully expecting to be on site either tomorrow or Wednesday at the latest.

Following my visit, I'll follow up with an e-mail and a request to meet on site to go over any findings.

Natasha Kelly

<natashakellypei@gmail.com> To: Chad
Quigley <cquigley@gov.pe.ca>

Wed, Sep 30, 2026 at 8:28 PM

Hi Chad,

I wanted to follow up regarding the additional site visit to PID 924365. We understand that the property was visited last week, so I wanted to check whether that was the more intensive follow-up assessment you had mentioned in your previous emails.

If so, could you please provide us with your findings from that visit, particularly whether any upland areas were identified along the northern portion or elsewhere on the property?

We would also appreciate any GPS locations recorded during the follow-up assessment, including the locations assessed and any wetland/upland transition points or areas where one or more of the three wetland indicators were absent, as we had previously discussed.

If your follow-up assessment resulted in any change or refinement to your previous determination that the wetland boundary encompassed the entire property other than the driveway and pad, could you please provide the updated boundary information or mapping as well?

We would also still very much appreciate the opportunity to meet with you on site, as you had suggested, so that you can show James and me the areas you assessed and explain your findings.

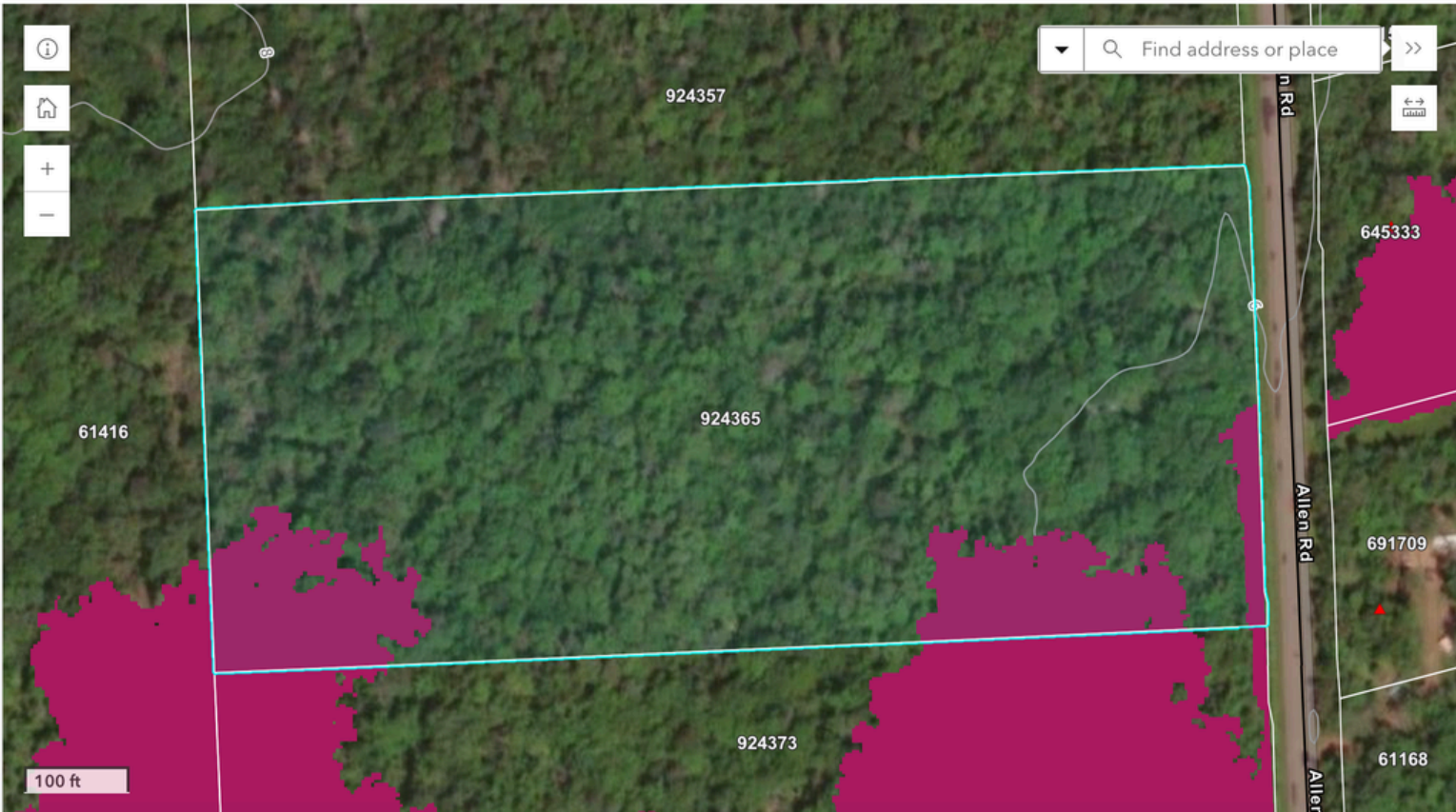
We have now received the Department's Appeal Record and written response, and our response is due October 12. Because the extent and boundary of the wetland and the availability of any developable area are central issues in our appeal, we would really appreciate receiving the results of your follow-up assessment and meeting with you before that date if possible.

Thank you again for taking the time to conduct the additional assessment. Please let us know when you might be available to meet.

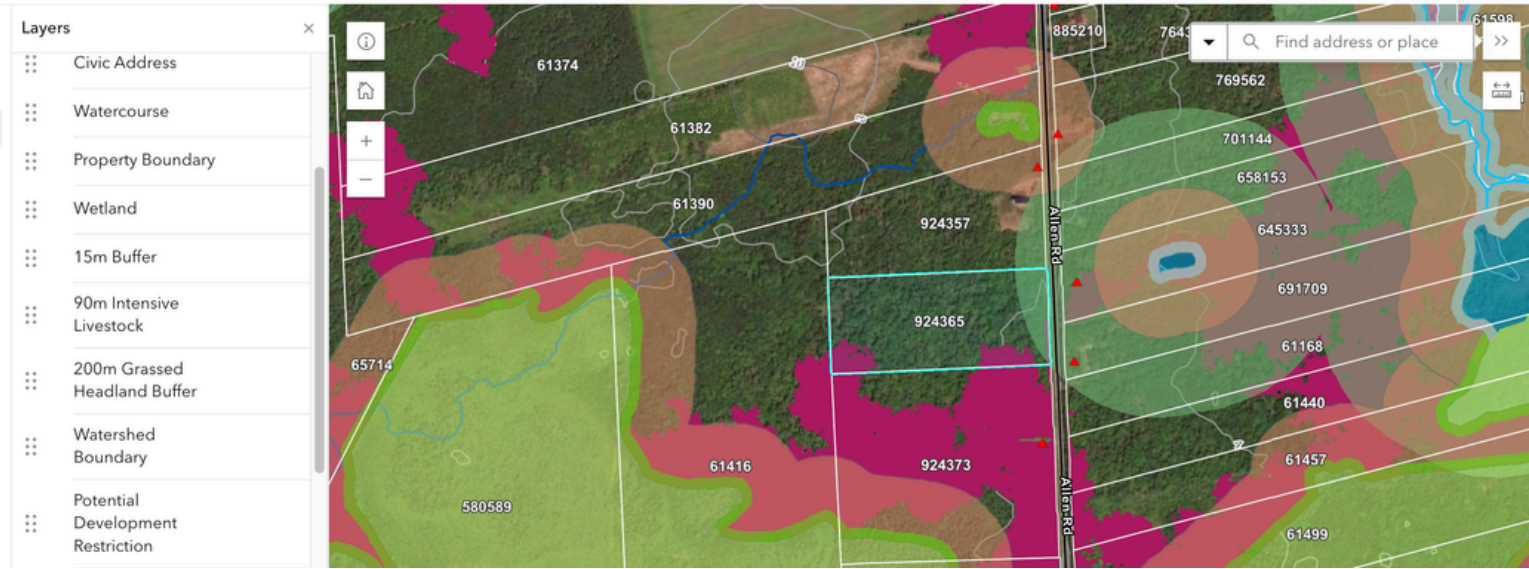
Thank You
Natasha

APPENDIX B

Screenshot 2026-08-24 at 3.49.33 PM.png 1368K



Screenshot 2026-08-24 at 3.50.21 PM.png 1491K



APPENDIX C

EECA FIELD DATA SHEET FOR DETERMINATION OF WETLAND STATUS/BOUNDARY

Client Name <i>James & Natasha Kelly</i>		File # <i>Case - 20959</i>	
PID #(s) <i>924365</i>		Location <i>Southwest Lot 16</i>	
Environment Officer <i>Chad Quigley</i>		Date <i>July 14, 2026</i>	
SOILS			
Drainage <i>Poor</i>	Unit <i>MP/BD-Bp</i>	PDR Layer	Y ☒ N
Soil characteristics/Indicators or N/A			
<i>f8: Redox Depressions</i>			
Hydric Soil Present ☒ Y ☐ N			
HYDROLOGY			
Hydrology Indicators or N/A			
<i>A2: High water table (P)</i>			
<i>A3: Saturation (P)</i>			
<i>Bq: water stained leaves (P)</i>			
Hydrology Present ☒ Y ☐ N			
VEGETATION			
Dominants			
Tree layer	<i>Acer rubrum</i>		
	<i>Populus tremuloides</i>		
	<i>Picea mariana</i>		
	<i>Abies balsamea</i>		
Shrub layer	<i>Spiraea alba</i>		
	<i>Dryopteris carthusiana</i>		
Herb layer	<i>Sphagnum sp.</i>		
	<i>Juncus effusus</i>		
	<i>Rubus pubescens</i>		
	<i>Equisetum fluviale</i>		
	<i>Aralia nudicaulis</i>		
Hydrophytic Vegetation Present ☒ Y ☐ N			
Wetland Class and Estimated % of each			
OWW	DMW	SMW	SFW
MDW	BOW	WSW <i>90%</i>	SSW <i>10%</i>
Open water and/or marsh component		Y ☒ N	
Impoundment Code			
BPA	OMA	BA	BPI
		OMI	BI
		BS	BB
N/A			

Dec 29, 2025

Level of Disturbance		
None	☐	
Vegetation (mowing, tree cutting, etc)	☐	
Ground (grubbing, imported fill, etc)	☒	small pad
Septic/Well	☐	
Dwelling/Structure	☐	
Entrance/Driveway	☒	
Other	☐	
Attach map(s) showing locations of stakes/flags on the ground		
GPS Coordinates		
Mapping Point	Lat	Long
1		
2		
3		
4	See file folder	
5		
6		
7		
8		
9		
10		
11		
12		
Attach picture(s) showing wetland indicators, etc		
Picture	Description	
1		
2		
3		
4	See file folder	
5		
6		
7		
8		
9		
10		
Additional Comments:		
Signature		Date
Chad Quigg		Sept 4, 2026

Dec 29, 2025

APPENDIX D

IMG_7652.jpeg 4553K



IMG_7641.jpeg 5279K



IMG_7701.jpeg 3846K



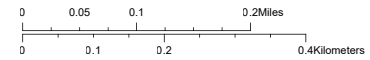
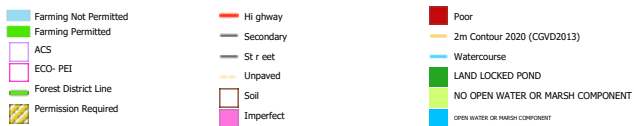
APPENDIX E

PID 924365 Soil Type



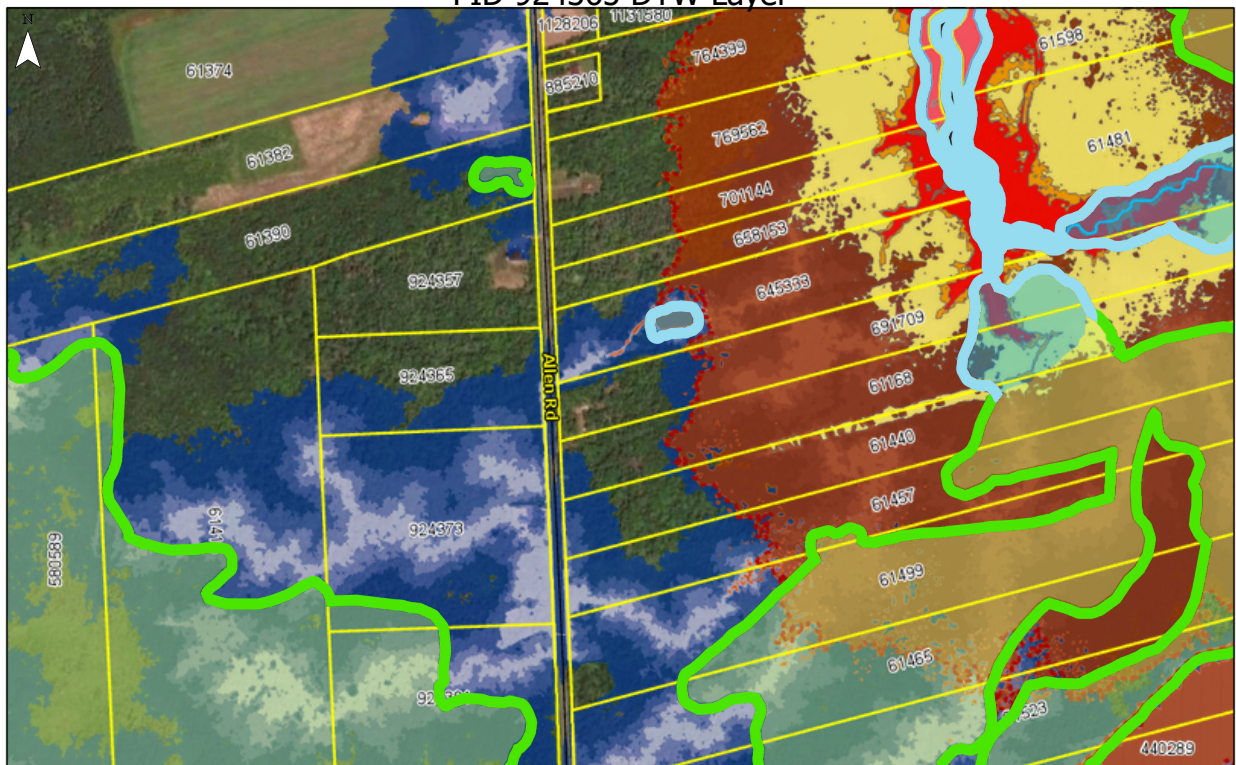
September 10, 2026 This map is not intended for legal description or to calculate exact land dimensions.

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Statistics Canada



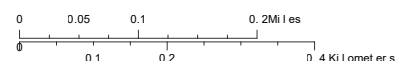
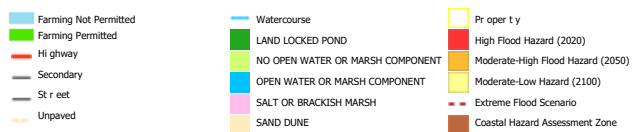
Scale: 1:9,028

PID 924365 DTW Layer



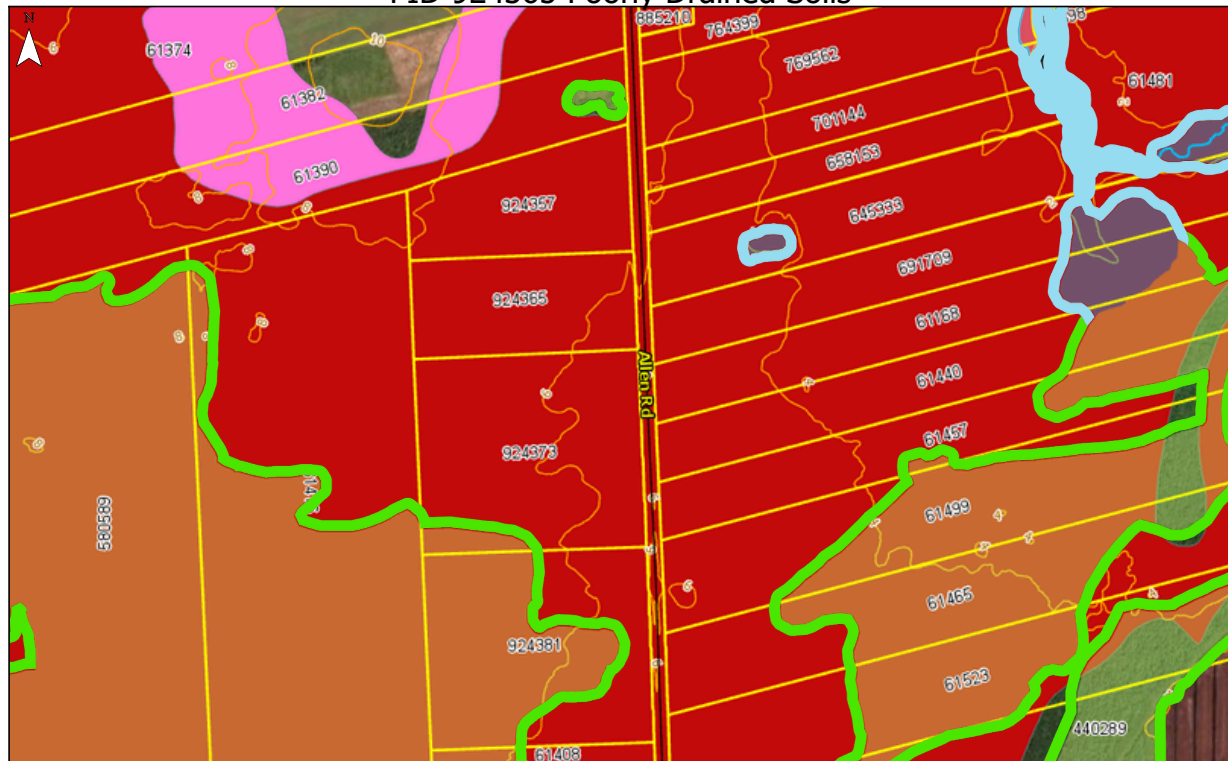
September 10, 2026 This map is not intended for legal description or to calculate exact land dimensions.

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



Scale: 1:9,028

PID 924365 Poorly Drained Soils



PID 924365 Contours

