

Submission by Ambrose Moran to Havelock Belmont Methuen Council Aug 25 2009

I received on Aug 24 the Letter dated Aug 18 from the twp inviting comments before Aug 25 or at this council meeting related to boathouses on lakes.

Firstly I would like to make clear that I am making this presentation as an individual and not representing and group although a member of the Jack Lake Cottagers Association and support both the Lake Plan and recommendation being made this evening through resolution of JLCA to pass an interim control bylaw while the issue of boathouses is studies relative to developing official plan policies and

My earlier submission #1 of April 14 2009 regarding Boat House and Boat Ports is still directly applicable to this issue.

At that meeting , I was very surprised to learn from the township's planner presentation that his rational for proposing a minimum boathouse size of 80 sq meters was based on the fact that in the Northern part of HMB township, Jack Lake was regulated by the Trent Severn Waterway (TSW) ---so in order to harmonize boat house sized he proposed to use the TSW boat house standard for all lakes in Havelock Belmont Methuen even though there is really no relationship between the scale of marine craft in our relatively small the inland lakes of our area compared to the those utilizing a major waterway such as TSW designed to accommodate even ocean going vessels.

I have had discussions with cottagers on small lakes such as Methuen and Oak Lakes. They are shock that any zoning bylaw would allow 900 sq ft boathouse with zero setback from lake while the new cottage and other accessory building setback regulation require a 30 meter setback.

As you may be aware North Kawartha Township is currently developing a new comprehensive zoning bylaw to implement the County Official Plan of which OPA 3 directly affects that township on conjunction with OPA 1 & 2 which apply to all of Peterborough County including Havelock Belmont Methuen

Havelock Belmont Methuen's Official Plan is dated January 2004 and according to the Planning Act is to be updated at least every 5 years which is now. This in-effect OP should be updated without delay to reflect the Provincial Policy Statement 2005 (PPS) and the County of Peterborough OP followed by a detailed review and update of the HBM Township comprehensive zoning bylaw.

The North Kawartha Twp (NK) is developing their new comprehensive bylaw through an appointed Committee of Elected reps and ratepayers including cottagers. This committee has been meeting every two weeks since last November and now has a working draft intended to implement the policies in the County Op and PPS. During their deliberation representatives from MMAH MNR and MOE were invited to the Feb 5 2009 meeting to clarify the provincial position on the 30 meter setback and exemption to that setback.

Alida Mitton from MOE said boathouses should be discouraged and some municipalities do not allow boathouses at all

Mike Turner from MNR expressed surprise that new boathouses were being allowed in the bylaw
John Macdonald from MMAH when asked if a property owner had studies done that showed there was no negative impact to shoreline if a building was located in the 30 meter setback, would it be allowed ..MacDonald said no

John pointed out that even sheds should not be allowed in the 30 meter setback as it results in gas storage and should not be allowed. That being the case boathouses should not be allowed for the same reason.

At that meeting, when the subject was raised about Lakes such as Jack Lake being in different townships requiring complimentary policies on boat houses, **Brian Weir Director of Planning for the County of Peterborough** stated **Municipalities are encouraged to work together**

At the Aug 20th NK Zoning committee meeting a letter was received from MNR indicating that it had been established that Jack Lake has lake trout population and was in process of being formally classified as Cold Water (Trout) Lake which in the County OP and Township Zoning Bylaw provides for a stricter development criteria. It is anticipated that the classification will be in place prior to approval of the North Kawartha new comprehensive zoning bylaw and the prohibition of boathouses on the part of Jack Lake within North Kawartha will be implemented.

Although not yet determined, I sense the NK Zoning Committee will treat Stony Lake being that it is on the TSW as a separate classification of Lake for certain development controls including possibly harmonizing boat house standard with other township bordering Stony Lake. **Not all lakes are the same and the County OP recognizes and that and has different development policies** for different classifications of lakes. Obviously Jack Lake being a cold water lake will require enhance water quality protection in the development standards to support the sensitive water quality parameters required to support a recently recognized trout population.

Jack Lake is unique to Havelock Belmont Methuen Lake being within the Trent Severn Watershed and within the Canadian Shield and supporting a cold water fishery.

Currently in the Burleigh Anstruther Zoning Bylaw, special unique to the township regulation apply to boathouse on Jack lake as a result of an OMB decision in 1997 requiring boathouses to be setback 29 ft from the high watermark respecting various Official Plan policies intended to protect shore lands. The Jack Lake is surrounded by the Peterborough Crown Game Preserve and wildlife corridors along the shores of Jack Lake should not be disturbed by construction of boathouse barriers.

Current HBM Zoning Bylaw

This bylaw is recognized as being defective in the absence of regulations pertaining to the **size of boathouses**. The **only size restriction appear to be limiting boat house to one storey** which based on observation on Jack Lake even this restriction appears to be either

- missed when building permits are issues or
- property owners apply and receive receiving planning relief from this requirement or
- construction in contravention with approved building permit drawings.

Too often I am asked “how come that guy is building a two storey boathouse?”

Now that the existing zoning bylaw defect of not having a size limitation on boathouse is becoming apparent to property owners, **our lakes are at risk**. A large number of oversized boathouses negatively impacting the beauty of area lakes could potentially be built before agreement can be reached on appropriate boathouse sizes or even if boathouses should be permitted on all the lakes within the township. Construction of oversized boathouse is in direct contravention with the County OP and PPS requirements to protect water quality.

The Planning Act has provision for dealing with zoning bylaws which are recognized as being deficient and inappropriate development could proceed prior to the issuing being resolved through the public input and appeal

process. In order to minimize this potentially negative effect, **The Planning Act section 38** provides for municipalities to pass Interim Control Bylaws to basically hold off a certain type of inappropriate development until such time as the zoning provisions related to boathouses can be reviewed and resolved through approval of a zoning amendment to rectify the identified zoning deficiency. Such an interim control bylaw can be passed by council without providing public notice and based on a computer search it appears that interim control bylaws have been passed by several municipalities related to boat house standards.

This approach is particularly applicable under the current circumstances of the recently announced provincial initiative to proceed with designating Jack Lake as a Cold Water Lake which will directly affect the development standards applicable to the shore land of Jack Lake to protect water quality sensitive to the health of the developing trout population. During the time the interim control bylaw is in effect this designation can be formalized and appropriate consultation can take place with other affected lakes without the pressure of trying to rush a fix through under pressure of inviting application for oversized boathouse prior to passing appropriate controls.

SUMMARY

To pass a bylaw at this time as proposed allowing 80 sq meter boathouses (861 sq ft) at zero setback from Jack Lake would be a misguided and unlikely to be supported if challenged.

RECOMMENDATION

A) that council not pass the proposed bylaw which as outlined in my submission #1 April 14 2009 –passing of this bylaw would conflict with

- Provincial Policy Statement 2005 Natural Heritage section
- County of Peterborough OP policies protecting water quality and upholding the visual and environmental integrity of the waterfront
- Township of Havelock Belmont Methuen Township OP Policy b5.10.1 “ Development SHALL be set back an appropriate distance from shoreline in order to maintain as far as possible existing vegetation or more specifically the natural environment.

B) That council passes asap an interim control bylaw to provide time to study and resolve issue.

C) ALTERNATIVELY -That council amend the proposed bylaw to delete boathouses as a permitted use on Jack Lake and only consider permitting boathouses on Jack Lake based on site specific applications taking into account

- in-effect policies to protect shore lands,
- water quality objectives on the Peterborough County OP,
- protection of buffer zones

and through planning applications the adjacent landowners and provincial agencies would be able to participate in the approval process.