

To: Glenn Girven
Clerk Township of Havelock Belmont Methuen

**Submission #1 to Council of Havelock Belmont Methuen by Ambrose Moran
Re Proposed Zoning Bylaw Amendment (Public Mtg April 14 2009)**

Boat House Boat Ports

Background

Provincial Policy Statement 2005 (PPS,2005) provides policy direction on matters relating to land use planning that are of a provincial interest. The Natural Heritage policy¹ states development and site alterations shall not be permitted on adjacent lands to natural heritage features which includes lakes 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 function, In the PPS, 2000 the definition² of development includes among other things the construction of building and structures the development.

County of Peterborough Official Plan³ has policies related to SHORELAND AREAS which includes all lands inland 150 meters from lakes. The **GOAL** is to improve and protect waterfront areas in Peterborough County.....

One of the **OBJECTIVES** is to improve water quality on a watershed basis and to ensure the built form along the shorelands is not overly concentrated or dominating to the detriment of the natural form...and to preserve and enhance fish and wildlife habitat area within and along waterbodies. The **POLICY** 4.43 for shoreline areas is to:

- protect where possible those qualities which contribute to the area's character
- lands which form the bed of waterbodies should generally be open , free and clear from buildings or structures...except as identified in Local Official Plans
- tree cover and vegetation is encouraged to be retained along shoreline to uphold the visual and environmental integrity of waterfront areas
- notwithstanding any other policy of section 4.4.3 local plans and zoning bylaws will require all new development⁴ and sewage disposal systems be setback at least 30 meters from the ordinary high water mark of all waterbodies. Excepted from this requirement are marina facilities⁵, docks and water access facilities , pump houses and minor accessory buildings and structures as defined in zoning bylaws

Township of Belmont Official Plan⁶ has policies for DEVELOPMENT ADJACENT TO WATERBODIES and policy 5.10.1 1. states Development shall be setback an appropriate distance from the shoreline in order to maintain as far as possible existing vegetation or more specifically the natural environment.

Proposed Zoning Bylaw Amendment

¹ Provincial Policy Statement 2005 2.16

² Provincial Policy Statement 2005 6.0 definitions

³ Official Plan County of Peterborough Consolidation :includes OPA#1 and OPA #2 (March 2006)

⁴ Defined in County OP Page 8-3 as Building or structures –significant addition or alteration to existing building-placement of fill

⁵ Not defined in County OP

⁶ Township of Havelock Belmont Methuen Official Plan Consolidation January 2004

Definitions – provides for a new definition of BOATHOUSE OR BOAT PORT – and appears to consider them as marine facilities and introduces general provisions to **notwithstanding** any other provisions of the bylaw to the contrary where a lot extends to the high watermark:

- allow new 80 sq meter boathouses 10 meters wide along shorelines to max 25% of frontage based on zero setback from lakes
- boathouse shall have pitched roofs
- boathouses or boat ports or any portion thereof , which are located over claimed land or known lake/river beds Are considered to be beyond the jurisdiction of the Township, and therefore not the subject of municipal regulations nor the issuance of a building permit.

COMMENTS

#1

I am not sure what a boat port is and sense it is different than a boathouse so should have a separate definition and both are different from marine facilities and should not be treated as same in general provisions or as permitted uses.

Allowing for new boathouses to be built on lakes in Havelock Belmont Methuen Township with no setback from lakes is in direct conflict with

- Provincial Policy Statement section 2.16
- County of Peterborough Official Plan GOAL OBJECTIVES and POLICIES related to Shoreland Areas
- Township of Havelock Belmont Methuen Official Plan policy for Development Adjacent to Waterbodies

And allowing the proposed boathouses has the potential to destroy the aesthetics of our lakes and impact on water quality and in some cases destroys the established views of adjacent landowners.

#2

Restricting design of buildings to pitched roof may not be appropriate- I am concerned the planning act may not have the authority to regulate architectural design of buildings

#3

Many lots technically do not extend to the high watermark—certain survey define the boundary of a property at the lake as being the high water mark but where the provincial crown in more recent time has disposed of warterfront lots or crown reserves the actual properties were surveyed to establish an exact boundary slightly upland from the high watermark

#4

It is my opinion that the township does have jurisdiction on lake beds and the township zoning bylaw can restrict structures on lake beds and certain structures built on lake beds would require a building permit under the Ontario Building Code.

RECOMMENDATIONS

- That in recognition of the planning approaches establish in the PPS and County OP and Township OP, boathouses and boat ports not be permitted in the proposed zone amendment
- That the township zoning bylaw applies to all land within the limits of the Municipality include lake beds
- That if any boathouse are permitted it be based on a site specific application taking into account in effect policies to protect shorelands, water quality, buffer zones and through planning application the adjacent landowners and applicable provincial agencies would be able to participate in the approval process.