

To: Glenn Girven
Clerk Township of Havelock Belmont Methuen

Submission #3 to Council of Havelock Belmont Methuen by Ambrose Moran
Re Proposed Zoning Bylaw Amendment (Public Mtg April 14 2009)

Existing Non Complying Cottages

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.

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
- 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.

Township of Belmont Official Plan⁵ 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

Section 4.10.1 appear to allow for the redevelopment⁶ or enlargement of an existing cottage which is currently located close to or even at the edge of a lake provided the replacement or enlargement does not further reduce the setback from a waterbody.

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 Township of Havelock Belmont Methuen Official Plan Consolidation January 2004

Section 4.10.1 (111) does not allow for the expansion of a boathouse which encroach into the required shoreline setback ...but there is no shoreline setback for boathouses.

COMMENTS

#1

If the proposed zoning amendment does allow the demolition of existing modest cottage currently located immediately adjacent to the lakes with large 2 storey 4 season homes along with large boathouses also at the shorelines, this is in direct contradiction to above referenced policies and unacceptable as being appropriate development for our lakes. I understand⁷ that if an owner of a non complying cottage takes out a building permit to demolish an existing cottage, then the owner would be required to re-construct his new building in conformity with the setback requirement then in effect

#2

Although I am not fully supportive of the 30 meter setback Official Plan policy, “for existing lots of record”, as was approved by the County of Peterborough new zoning bylaws must comply with this or the County OP must be amended.

#3

A similar bylaw allowing development close to lakes was passed by Burleigh Anstruther Township affecting Jack Lake in 1996 and successfully appealed to the OMB⁸. Since that time much stronger policies are in place for enhanced development setbacks from lakes.

RECOMMENDATIONS

- That in recognition of the planning approaches establish in the PPS and County OP and Township OP, expansion of and replacement of existing cottages close to lakes MUST have a minimum setback from lakes to establish a natural buffer zone around lakes.

⁶ Redevelopment is defined in HBM zoning bylaw Definitions section 2 as removal of building and erection of another building

⁷ Letter to Bryan Weir from Robert Pakenham Sept 29 2009

⁸ ONTARIO MUNICIPAL BOARD decision/order No 0602 Issued Mar 6 1998