

Dec 17 2009

Donna Cranfield  
Minister of Natural Resources

via Fax # 705 755 1677 @ E mail mnr.nric@mnr.gov.on.ca

**Re County of Peterborough - Havelock Belmont Methuen Township Zoning Bylaw 2009-97**

This is a request the your ministry request that Municipal Affairs and Housing appeal to the Ontario Municipal Board the passing of bylaw 2009-97 by the Corporation of the Township of Havelock-Belmont Methuen.

I am attaching a copy of the Notice of Passing of the Zoning bylaw which I received by regular mail on December 14<sup>th</sup>. I understand from inquiries I made this week that your ministry in fact can protect the provincial interest by appealing this bylaw. Appeal must be filed by Jan 4 2010!

Through the Planning Act, the Province of Ontario issues Provincial Policy Statements (PPS) which are intended to provide policy direction on land use planning issues of provincial interest. Local municipalities are obligated to pass Official Plans or Zoning bylaw that are consistent with the PPS.

The current PPS included policies to protect our natural heritage features. This has resulted in the imposition of 30 meter setback through our local official plans and zoning bylaws for new development around lakes with recognition of the positive contribution buffer zones have in protecting fish habitat and water quality.

The County of Peterborough has developed an Official Plan with emphasis on protecting water quality consistent with the PPS.

At the Havelock Belmont Methuen Council meeting on December 1 2009, the council adopted an Official Plan Amendment #8 which included commendable policies stating the following

5.10.1 Development Standards

General

***Proposed development of the shoreline of any water body or watercourse shall encourage the preservation and maintenance of existing natural shoreline vegetation in order to minimize shoreline erosion, potential loss of wildlife and wetbeach habitat and adverse visual impacts on the water body while protecting and enhancing water quality.***

I attended that meeting and approximately 10 minutes after the adoption of the OPA #8, the council passed a zoning amendment applicable to all lakes in the township of Havelock Belmont Methuen permitting the construction of very large ( 80 sq meter – 861 Square feet) boathouses with zeros setback from lake on all waterfront lot in the township. This is approximately the size

of a three car garage! It is also noteworthy that the minimum size cottage in the township is 797 square feet which for new construction would be required to be set back from a water body of minimum of 100 feet to comply with County of Peterborough Official Plan and Havelock Belmont Methuen adopted official plan.

The statutory public meeting for this boathouse bylaw was held by Council on April 14 2009. At that time I made a submission and a further submission on Aug 25 – copies attached.

The Ministry of Natural Resources has for many years discouraged the construction of boathouses within the buffer zones adjacent to lake. Based on my extensive involvement with lake planning issues in this area, I have several pieces of correspondence from staff of your ministry expressing disagreement with township allowing boathouses within the buffer zones around lakes. In one letter the following was stated by MNR ***“in our opinion the need to protect lake environments through shoreline vegetation protection supercedes the individual needs of landowners wishing to construct boathouses”*** The Ministry of Environment recognized the need to set back all development around lakes to protect water quality. The Conservation authorities have prompted a buffer zone around lake with no regulation intended to any development within the buffer zones. Provincial Ministries have participated in joint scientific studies concluding the need to have buffer zones between new development and lake bodies to protect water quality. Those studies were as I understand it the basis of the policies in the PPS 2005 and resulting 30 meter setback policies for new development around lakes.

The Environmental Commissioner of Ontario issues his latest Annual Report in October 2009. On Page #20 it states

Natural Heritage

***The ECO has received many EBR applications requesting the enhance protection of natural heritage features. Two application raised concerns about how natural heritage features, such as fish habitat are considered in the governments one-window planning system, noting that MMAH allow small structures to be built close to water edge contrary to MNR’s recommended setbacks. ....***

Based on the above and the attachments, I feel very strongly that MNR, in order to uphold the integrity of the in effect provincial policy to protect fish habitat and water quality of lakes, need to appeal the Bylaw of Havelock Belmont Methuen to the OMB to stop the proposal to allow very large boat houses to be build with zeros setbacks.

Ambrose Moran

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cc

to Cottage Associations in Havelock Belmont Methuen

Jack Lake---Round Lake---Cordova Lake--Kashabog Lake--Belmont Lake  
and FOCA

Attached

Notice of Passing of Zoning Bylaw ( 2009-97)

Submission #1 To Council of Belmont Methuen by Ambrose Moran –Public mtg April 14 2009

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

