



## Peterborough boathouses have neighbouring cottagers fighting mad

FRED THORNHILL/FRED THORNHILL FOR THE TORONTO STAR  
Barbara Turnbull Life Reporter



A 2,500 sq. ft. boathouse and rooftop patio, built without a permit on Jack Lake.

APSLEY, ONTARIO—Barry Glaspell and Christine Elser bought their three-bedroom wilderness dream on Big Cedar Lake in 2007, enchanted by the pristine beauty and tranquillity of the area. The realtor assured them that no boathouses or modern encumbrances were allowed on the lake, which they share with 127 other cottagers.

Their rude awakening came early last summer in the form of a 1,000-square-foot dock on their next door neighbour's waterfront, anchored by steel cables, mere metres from their property line, the first such development on the lake. Within weeks, a large boathouse — they liken it

to a suburban garage — had been erected over it, with an open sitting area on the far side.

The Glaspell-Elsers' dismay turned to frustration when, following repeated calls to the municipality of North Kawartha and Ministry of Natural Resources, it became clear that neither level of government would take responsibility.

"We were shocked," Glaspell says, in an interview at his Toronto law office, Borden Ladner Gervais, high in the Scotiabank Tower. "I'm still in shock."

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### Concert By The Lake

The SDLCA is pleased to announce that this year's Featured Performer in our Concert By The Lake Series on Saturday July 21st, is Jerome Godboo, one of Canada's premier blues harp players and a veteran entertainer who has a well deserved reputation as a crowd pleaser.

*See Jerome Godboo, page 4*



[www.jeromegodboo.com](http://www.jeromegodboo.com)  
[www.myspace.com/jeromegodboo](http://www.myspace.com/jeromegodboo)

# Peterborough boathouses have neighbouring cottagers fighting mad

Over the years, many laws and regulations have been placed on cottage-country development to protect shorelines and prevent unchecked development, with the result that Ontario cottage country is a mosaic of philosophies and rules.

The Star contacted building officials in every municipality in Muskoka, Haliburton and Peterborough. All but two have strict rules regarding docks and structures attached to the shore. In Haliburton County, boathouses and shoreline development were banned outright in the 1970s. In Muskoka, the opposite esthetic prevails: It allows strictly regulated two-storey structures on its three largest lakes and people can live on the top level. On Georgian Bay, a boathouse can't be more than 1,300 square feet.

But remarkably, in those two municipalities, both in Peterborough County, it's possible to build your own lakeside dream without a permit or permission: The townships of North Kawartha and Havelock-Belmont-Metheun claim to have no jurisdiction over the water. Municipal officials maintain that as a result of the Ministry of Natural Resource's 2004 Free Use Policy, property owners don't need permits if structures occupy less than 14 sq. metres (about 150 sq. ft.) of the lake bottom. According to one calculation, steel piles, driven into the lake bed within that acceptable area, could support a 36,000-square-foot structure.

As a result, owners of country homes in these two municipalities with the money and inclination can build large in-water boathouses that intrude on neighbours' site lines and impose environmental and safety hazards. This isn't merely theoretical: Last fall, a covered dock, built without a permit, broke from its mooring

and floated for days on Big Cedar Lake before being reined in.

Unchecked shoreline development has implications for all Ontario, indeed Canada, says Glaspell, who has launched a law suit to challenge the province and townships on the ground that they have misinterpreted the law and,

## Save the Date!

### Fireworks

June 30th at 10 pm - West of the island.

### Concert On The Lake

Jerome Godboo with Eric Schenkman  
July 21st @ 6:30 pm

### SDLCA General Meeting

August 4th, 10 am  
Irondale Community Centre

### Canoe Race

Childrens' Games and Barbecue  
August 5th, Registration at Noon,  
Irondale Bridge

in effect, allowed private people to appropriate public space. This, he says, has public-policy implications that the courts must clarify.

"I felt that there was an important issue here that really has nothing to do with our neighbours but with the government applying the law that is already there. The issue is unregulated development on lakes and it's shocking for people who don't like uncontrolled development," he says. "If you like building boathouses on lakes, it's great."

Tim Powell, a building official with the township, says, "We recognize it's a concern, but at the present time the jurisdiction of the municipality only goes as far as the high-water mark." He declined to comment further because he's named in Glaspell's lawsuit, along with the Ministry of Municipal Affairs and

Housing, the Ministry of Natural Resources, the Municipal Property Assessment Corp. and Jane Doe, a pseudonym representing the owner of the boathouse and the owners of "every other similar structure in excess of 100 square feet installed on, over or under an Ontario lake since March 15, 2010, without any permit." (A two-year statute prevents him from going back further.)

Competing interests have made boathouses a sensitive topic on the lake. "We all want to be good neighbours," Glaspell says. "Cottages are for the long haul, right? You want to keep it for the family. This is a major policy issue for Ontario."

He wants the court to establish that municipalities and the Ministry of Natural Resources have the responsibility to regulate construction on the province's lakes. More specifically, he wants an acknowledgement that North Kawartha's bylaws apply to all in-water structures, such as boathouses, and an acknowledgement that town officials breached their duty by not informing cottagers of the laissez-faire attitude toward building them. Further, the suit calls for removal of all structures built without permits. (Were the courts to find against him, he observes, it would mean that every Ontario cottager who has gone through the inspections and permit process to build a boathouse has done so unnecessarily and may be owed a refund of permit fees.)

The trend throughout Ontario has been to tougher zoning bylaws, which is why boathouses are coveted in areas where existing structures can be rebuilt and new development is banned.

"The goal is that 50 or 100 years from now, Haliburton lakes still have

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## Message from El Presidente

For an additional comment on this article about boathouses and structures built beyond the high water mark, I contacted the building departments of both Minden Hills and Highlands East. In both instances, I was assured that boathouses are no longer allowed to be constructed within the boundaries of these townships since 2005. Reconstruction of an existing boathouse may be allowed but with very strict guidelines.

Nonetheless the Building Inspectors rely on information supplied to them because in both municipalities there are only one or 2 employees within the building departments. So if a question arises regarding a building under construction, please contact the appropriate building department with any inquiries and be sure to document your concerns.

untouched shorelines,” says Patricia Martin, director of planning and development for the municipality of Dysart et al.

“That’s basically why people want to come here, to look at naturalized shoreline and enjoy the water,” says Scott Lucas, Gravenhurst’s planner. “We will allow boathouses to be built on the shoreline, but we don’t want them to be the primary focus of the waterfront. We want to keep things looking as natural as possible.”

And, finally, Todd Weatherell, a Georgian Bay building official, says that limiting the size of boathouses is better for the environment and the community. “We’ve gone through a process that has downsized boathouses and shoreline developments. The trend is to try to preserve the shoreline and reduce structures on it.”

People push the limits, of course. Many on-land boathouses have been converted to illegal guest cabins. Some cottagers violate bylaws and factor the fine they’ll pay into the cost.

Stringent regulations go beyond esthetic

considerations. Shorelines are fragile ecosystems, requiring buffer zones along the water’s edge to remove sediment and excess nutrients, control erosion and moderate stormwater runoff. They provide habitat to species like turtles, amphibians, the loon and mink.

“A buffer has all the native shrub layers, the ground cover layer and trees and everything just as nature would have it,” explains Jan McDonnell, a wildlife specialist with MNR.

Thus, all municipalities have setback requirements of 15 to 30 metres from the water for structures built on land. “That’s a very important area environmentally,” says Huntsville planner Chris Marshall, and most of the pressure to keep lakes clutter-free comes from lake associations, made up of longtime cottagers, he says. “There are a lot of eyes on the prize,” he notes. Which is why the boathouse free-for-all in North Kawartha and Havelock-Belmont-Metheun has sparked debate.

**Guardians of the lakeshore**  
*Barbara Turnbull - Life Reporter*

Every level of government is involved in

administering Ontario’s waterways, sometimes through more than one department. Here’s a capsule look at who is responsible for what:

All development — urban and rural — begins with the Ministry of Municipal Affairs and Housing, which oversees the province’s Building Code and Planning Act.

Then it’s up to the municipalities to create and enforce local zoning bylaws that comply with the overarching provincial legislation.

The Ministry of Natural Resources has responsibility for Crown land — which includes lakes — through the Public Lands Act.

The federal Department of Fisheries and Oceans has oversight for dock and boathouse construction, along with activities, such as dredging, that might have an impact on fish and wildlife habitat.

Finally, Transport Canada sets the rules of the road, whether on land or water.

## Jerome Godboo



Jerome burst upon the Canadian blues scene in the late Eighties as the front man for blues/rock legends The Phantoms who played every notable venue and



## Around the lake

packed them with regularity. (The Elmo, The Horseshoe, Grossman's, The Isabella). Since going solo Jerome has recorded more than a dozen CD's plus appearances on record with the likes of Jeff Healey, Dutch Mason and Ronnie Hawkins. He has headlined the Montreal Jazz Festival (2005) and at Mt. Tremblant (2009). He has regular gigs all over Southern Ontario and has been nominated three times for Blues Harmonica Player of The Year. He is also a member of acoustic blues trio Broken Joe - check out their performance video on Jerome's MySpace Page.

For this engagement, Jerome will be joined by guitarist Eric Shenkman who is a founding member of alternative rock band, The Spin Doctors, who had a number of big hits in the early 90s including a multi-million selling album, Pocket Full Of Kryptonite, which made it to #3 on The Billboard Top 200. Eric has appeared on Saturday Night Live, The David Letterman Show, and Sesame Street.

### The Turtle Hunt Is It Sustainable?



At present, the snapping turtle is listed under Ontario's Endangered Species Act, 2007 as a species of special concern. This designation means that the species is not yet endangered or threatened but may become so due to a combination of

biological characteristics and identified threats. While snapping turtles are still present in many places in the province, the many threats to these animals combined with their complex life cycle make them vulnerable to extinction. Why then does MNR still allow the snapping turtle to be hunted? Anyone with a valid Ontario small game or fishing licence may kill up to two snapping turtles a day; the possession limit is five turtles. MNR does not monitor or track how many turtles hunters kill.

The Endangered Species Act is supposed to be implemented according to the precautionary principle. As set out in the legislation, where the threat of significant reduction or loss of biological diversity exists, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat. It is difficult to understand how MNR reconciles the required precautionary approach with the hunting of this species at risk, especially in the absence of any monitoring of the impacts of hunting on vulnerable populations.

Snapping turtles mature very slowly. Females do not start to lay eggs until they are between 17 and 19 years old. Once an egg is laid, the probability that the offspring will survive to adulthood is very small. On average, a female snapping turtle would have to lay about 1,400 eggs during her lifetime in order for one of her offspring to survive to adulthood! In other words, a female snapping turtle that lays an average of 34 eggs per year would need to survive 58 to 60 years to replace herself in the population with another adult snapping turtle. In comparison, a female white-tailed deer, which matures at two years of age is able to replace herself in only four years. Due to the snapping turtle's low rate of reproduction,

any increase in the number of adult deaths, such as those due to hunting or road mortality, will cause populations to decline. Scientists have shown that even a 10% increase in adult mortality in a snapping turtle population would result in the disappearance of half of that population in less than 20 years. Few data are available on how many snapping turtles are taken in Ontario each year or how large populations are. Huge portions of their natural habitat have disappeared – over 70% of southern Ontario's wetlands are gone. As well, large numbers of snapping turtles are known to be killed on roads every year. These factors, in combination with the snapping turtle's low reproductive rate, make it clear that this species cannot be sustainably hunted.

### Requiem for A Faithful Companion Obituary: Viva



Beloved companion of Kay Armatage, Viva disappeared in Irondale, ON, on Aug. 16, 2011. Although she often lost her way and needed rescue as an adolescent, Viva was comfortable in her territory in the summer of 2011, when she spent nearly two months at Lake Salerno. She had a wonderful time chasing butterflies and frogs, catching mice and voles, and

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feasting on liver and salmon tartar. She loved to crawl under the Saturday paper being read in bed, pounce on feet under blankets, snuggle room to room when there were guests, and snooze on the screen porch. Every morning she woke at dawn, eager to go outside. Alas, in those hunting hours, it seems that she was taken for breakfast by a larger animal.

Viva is fondly remembered by Kay's daughter Alex Armatage, House and partner Erich Entner, all of Kay's friends who met her, and her feral companion Little Joe (not seen since Aug. 2010).

Everyone who knew Viva loved her. Lynda Hansen, who endured the week of grieving after Viva's disappearance with Kay, said she had felt "honoured" in previous years when Viva visited her in bed. Harvey Crossland said, "She was the most delightful creature I ever met." Kay wholeheartedly agrees and is deeply saddened by her loss.  
R.I.P. Viva, Aug. 2008 to Aug. 2011.

### Freeze Alarm Device

I received this unsolicited testimonial from a member of the Association. Those of you who heat your cottages when you're away during the winter might be interested.

"I installed one of these last fall and managed to reduce our power consumption (we heat with an electric forced air furnace) by about two-thirds this season - mind you it was a mild winter but it helped to toggle the heat on/off with a simple phone call and know at any given time what the temp was inside the cottage - very handy as I didn't need to bother my neighbours :)

For more information see the FA-D2 at:  
<http://www.aartech.ca/freeze-alarm/>

### Floating Loon's Nest



In late May, El Presidente Douglas Rodger and Wendy Kidd, Lake Steward, constructed and placed a floating loon's nest in the small bay to the south-east of the island. It is constructed out of cedar logs, fencing material and dressed with straw and other organic material in accordance with instructions. Because there were concerns that the eggs and the young loons, (if and when we get tenants) might be vulnerable to raptors like hawks or even seagulls, some saplings were added and wired together to create a deterrent. We shall keep a close watch and report if something positive occurs. Loons like to nest on floating reed beds and they like to allow for changes in water levels but given the size of boat wakes, it becomes even more important that the nest is buoyant. Waves can wash eggs away and displace chicks from the nest with fatal results. This is situated in a little traveled part of the lake but we ask folks to be aware of the nest when boating east of the island.

### INSURANCE SAVINGS Another good reason to join the SDLCA!

Did you know that a number of insurers offer discounts on cottage insurance to clients who are members of their local Cottagers' Association. They ask to see a copy of an up-to-date membership card which we provide of course. Our dues are only 30\$ per year and along with all the other good things that investment brings, it may also pay for itself!

### Calling all Cottager Gardeners Soil Alert

by Barabara Gordon

My neighbour Miro Iskic has been gardening all his life and he is an award winning horticulturist. I've asked him contribute to our newsletter.

He reminds us that transplanting your favourite annuals and perennials from the city to the cottage has dangers we should take seriously.

The soil we bring to our fragile and unique landscape on Salerno Lake is susceptible to all the pests that may hitch a ride in the soil from home - everything from dog-strangling weed (may you never



know!) to giant slugs.

So we're advised to buy only from reputable nurseries that sell plants in sterilized soil, or wash the soil from plant roots completely before they travel and replace with sterile soil.

Happy gardening!



Salerno Devil's Lake  
Cottagers' Association