



PARTNERS IN  
ENGINEERING, PLANNING &  
ENVIRONMENTAL SERVICES

November 11, 2022

Municipality of Trent Lakes  
760 County Road 36  
Trent Lakes, ON  
K0M 1A0

**Attention: Adele Arbour, Temporary Manager of Building and Planning  
Chris Jones, Municipal Planning Consultant**

Dear Ms. Arbour & Mr. Jones,

**Re: Comment Response Letter [Peer Review & Public Comments]  
Application for Rezoning- Pigeon Lake Commercial Cabins  
16 Fire Route 94A, Trent Lakes  
D.M. Wills Associates Project No. 20-85099**

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On behalf of our Client, Mr. Stephen Lennox, please find attached to this letter a revised copy of the following:

- Concept Site Plan
- Preliminary Grading Plan
- Traffic Brief
- Phase 1 Environmental Site Assessment (ESA)
- Environmental Impact Study (EIS)
- Functional Servicing Report (FSR)

Additionally, the following documents are attached in direct response to the peer review comments (Stantec) provided by the Municipality on May 5<sup>th</sup>, 2022, and the public comments provided by the Municipality on September 12<sup>th</sup>, 2022:

- Phase 1 ESA Comment Response Letter (August 3, 2022)
- EIS Comment Response Letter (July 15, 2022)
- FSR Comment Response Letter (July 8, 2022)
- Hydrogeological Study Comment Response Letter (August 18, 2022)
- Information Letter – Application Update (October 25, 2022)

The peer review comments have been addressed by the respective disciplines and are summarized below.

Additionally, with respect to the public comments provided by the Municipality, and further discussion with the Municipality's consulting planner, our Client has agreed to amend the application in order to bring the proposed development further into compliance with the Municipality's Zoning By-law B2014-070. A discussion of the amended application follows.

## **Subject Property and Proposed Development**

D.M. Wills Associates Limited (Wills) has been retained by Mr. Stephen Lennox (client) to prepare and submit an application for a Zoning By-law Amendment (ZBA) for the property located at 16 Fire Route 94A, Pigeon Lake (Subject Property), Part of Lot 16, Concession 13, Municipality of Trent Lakes (Municipality) in the County of Peterborough (County). The existing ZBA application entails a site-specific amendment to permit the redevelopment of the property in the form of a tourist cabin rental establishment, together with an accessory dwelling and dry-land boathouse.

The Subject Property is comprised of approximately 0.65 hectares (1.6 acres) of land with approximately 300 metres of irregular shoreline frontage, owing to the peninsula shape of the property. The Subject Property is designated Commercial in the Municipality of Trent Lakes Official Plan and zoned Shoreline Residential-Private Access (SR-PA) in the Municipality's Zoning By-law B2014-070.

The Subject Property currently contains ten (10) derelict former commercial cabins with two (2) septic holding tanks, and presumably operated as a fishing resort during the period when the area served as a popular tourist region for visitors from the U.S. The cabins were constructed in 1949 and the Subject Property operated as a tourist commercial resort from 1949 to the early 1980's at which point the operations ceased and have remained non-operational to present.

The Subject Property was rezoned from Tourist Commercial to Rural Residential in 2002, which appears to have been triggered by the severance of the neighbouring property to the north from the Subject Property. The staff report from this rezoning (2002-10) has yet to be located and provided to my client. In its absence we cannot confirm the applicant's intention or the opinion of Staff at the time regarding the use of the retained parcel (lands owned by our Client).

Our Client originally proposed to remove certain of the existing cabins, save and except five (5) of the existing cabins located on the northwestern portion of the property. The proposed redevelopment included demolishing, repositioning and reconstructing those five (5) cabins with each having ground floor areas of 92.9 square metres and containing a second storey. Our client also proposes to construct a two-storey accessory dwelling (with a ground floor area of 186 square metres) at the southern-most portion of the peninsula with an accompanying dry land boathouse being located on the northeastern shoreline.

Having received letters of concern from adjacent property owners, our client has, in response to concerns expressed, decided to amend the application by reducing the number of rental cabins from five (5) to three (3). Please see attached the updated concept site plan for reference.

All proposed redevelopment (save and except the dry land boat house) will increase the setbacks from the high-water mark beyond what the existing onsite structures provide.

As previously noted, the ZBA is required to rezone the Subject Property from the Shoreline Residential-Private Access (SR-PA) Zone to the Special Tourist Commercial (TC-X) Zone. The table below illustrates the relevant zoning provisions for what is existing on site and what is proposed.

The table below illustrates the amended Zoning By-law exemptions being sought, while also referencing the existing infractions for comparison, which include:

- Minimum Lot Area;
- Minimum Water Yard (Septic System);
- Minimum Front and Water Yard (Rental Cabins);
- Minimum Front and Water Yard (Accessory Dwelling);
- Accessory Dwelling – Height, and
- *Section 4.12.1 as it pertains to the requirement for frontage on a public street shall not apply.*

For context, the minimum water yard setback for the existing Shoreline Residential- Private Access Zone (SR-PA Zone) is 30 metres. In consideration of the unique peninsular shape of the Subject Property, any future development (including the installation of a septic system) on the property, would require zoning relief of this setback. The proposed location of the septic system is at the maximum distance possible from both the eastern and western shorelines.

Additionally, the maximum lot coverage of the existing SR-PA Zone is 20%. As proposed, the redevelopment (3 rental cabins, accessory dwelling, and dry land boathouse) is 8.28%.

<b>Tourist Commercial (TC) Zone</b>			
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>14.2.1 Minimum Lot Area</b>	4.0 ha (9.9 ac)	<b>0.65 ha (1.65 ac)</b>	<b>0.65 ha (1.65 ac)</b>
<b>Tourist Establishment (3 Rental Cabins)</b>			
<b>14.2.3 Minimum Lot Coverage</b>	15%	6.16 %	8.28 %
<b>14.2.4 Minimum Front Yard</b>	15.0 m	<b>2.91m – 16.81 m</b>	<b>10.0 m</b>
<b>14.2.8 Minimum Water Yard</b>	30.0 m	<b>2.91m – 16.81 m</b>	<b>10.0 m</b>
<b>Accessory Dwelling</b>			
<b>4.2.5 Lot Coverage and Height</b>			
<b>Height</b>	4.9 m	n/a	<b>11.0 m</b>
<b>14.2.4 Minimum Front Yard</b>	15.0 m	n/a	<b>8.2 m</b>
<b>14.2.8 Minimum Water Yard</b>	30.0 m	n/a	<b>8.2 m</b>
<b>Septic System</b>			
<b>14.2.8 Minimum Water Yard</b>	30.0 m	<b>10.64 m</b>	<b>20.0 m</b>
<ul style="list-style-type: none"> <li>- Section 4.12.1 as it pertains to the requirement for frontage on a public street shall not apply.</li> <li>- All other provisions of Section 14.1, 14.2 and Section 4 of this By-law shall apply.</li> </ul>			

### Peer Review Comment Response

The following summarizes the updates required as a result of the peer review comments provided by Stantec. Please note that all updates and comments reflect the original proposed development of 5 commercial cabins.

As previously noted, our Client has chosen to amend the application to bring it further into compliance with the zoning by-law (3 cabins), however the comments below are relevant as they reflect the originally proposed level of development (5 cabins).

### **Traffic Brief**

The Traffic Brief prepared by D.M. Wills Associated Ltd. has been updated to address the peer-review comments from Stantec Consulting Ltd. dated March 31, 2022. The updates include the trips generated for weekends and Fridays. The brief concludes that the additional trips generated by the original proposed development (5 commercial cabins) will be minimal and that the proposed development is not anticipated to have any significant impact on the normal traffic operations of Fire Route 94A.

### **Phase One Environmental Site Assessment**

The Phase One Environmental Site Assessment (ESA) prepared by Toronto Inspection Ltd. has been updated to address the peer-review comments from Stantec Consulting Ltd. dated March 31, 2022. Additionally, Toronto Inspection Ltd. has prepared a comment response letter addressing each of the comments provided. As requested, Toronto Inspection Ltd. obtained the available early aerial images of the property to establish the timing of the subject property's development. Based on their findings, the site was already developed in 1966 with the structures that currently exist on the Subject Property. The ESA concludes that the historical and current activities from on-site and off-site properties do not represent significant potential environmental concern which may impact the subsurface conditions of the Subject Property and that no further investigation is required.

### **Functional Servicing Report**

The Functional Servicing Report (FSR) prepared by D.M. Wills Associates Ltd. has been updated to address the peer-review comments from Stantec Consulting Ltd. dated March 31, 2022. Additionally, D.M. Wills has prepared a comment response letter addressing each of the comments provided. Of particular importance, the estimated water demand has been revised to reflect the similar estimates provided by the septic designer (using the Ontario Building Code) and what was stated in the Hydrogeological Study. The FSR concludes that there are no servicing or grading constraints identified that would preclude the proposed development of the Subject Property.

### **Hydrogeological Study**

D.M. Wills Associates Ltd. has prepared a comment response letter to address the peer-review comments from Stantec Consulting Ltd. dated April 14, 2022. As requested, the letter provides additional clarification with respect to flow rates; setback requirements; phosphorus concentrations in Pigeon Lake; nutrient attenuation; and sewage system effluent quality monitoring. The Hydrogeological Study maintains the original conclusions that the study supports the Client's Zoning By-law amendment application for the Subject Property, provided that the proposed sewage system design considers the MECP and LCA design requirements provided.

### **Environmental Impact Study**

The Environmental Impact Study (EIS) prepared by GHD has been updated to address the peer-review comments from Stantec Consulting Ltd. dated April 29, 2022. Additionally, GHD has prepared a comment response letter addressing each of the comments provided. Of particular importance, further detail was provided with respect to the SAR investigation (Blanding's Turtle, Bats) and additional discussion regarding the encroachment into the 30-metre setback from the high-water mark was provided. The EIS concludes that there will be no significant impacts from the redevelopment of the Subject Property and provides recommendations to minimize any potential negative impacts on the natural heritage features on and adjacent to the Subject Property.

### **Planning Justification Report**

The following discussion has been prepared to reflect the August 4<sup>th</sup> email comments received from Chris Jones, the Planning Consultant for the Municipality of Trent Lakes. The consultant provided the following comments:

***"It does not appear that the PJR has addressed the development criteria required under Section 4.2.4.5 of the GPGGH. I believe this was noted in the peer review of the EIS."***

For ease of reference, justification with respect to the policy direction of Section 4.2.4.5 of the Growth Plan is provided below.

Section 4.2.4.5 of the Growth Plan for the Greater Golden Horseshoe states:

5. *Outside of settlement areas, in developed shoreline areas of inland lakes that are designated or zoned for concentrations of development as of July 1, 2017, infill development, redevelopment and resort development is permitted, subject to municipal and agency planning and regulatory requirements, if the development will:*

- a) *be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts;*

With respect to constraining any ongoing or planned stewardship and remediation efforts, this application proposes to remediate the property by removing the existing derelict buildings and aged septic holding tanks, to be replaced with structures that are set further back from the shoreline than what already exists. Additionally, the proposed use of a tourist cabin establishment will support the economic viability of existing parks and recreational trails in the Municipality.

- b) *restore, to the maximum extent possible, the ecological features and functions in developed shoreline areas; and*

As noted above and in the Environmental Impact Study (EIS) completed by GHD, the proposed redevelopment (save and except the dryland boathouse) is increasing the setbacks from the high-water mark. The EIS also concludes that no significant impacts are anticipated on the features identified onsite or the shoreline. The EIS also provided mitigation measures to minimize the impacts of redevelopment. The removal of the existing derelict structures will provide an opportunity to restore the grounds and establish native vegetation on those areas. Should zoning approvals be granted, through the Site Plan Approval process, our client will demonstrate appropriate vegetative planting/ buffers to further protect and enhance the shoreline area.

- c) *in the case of redevelopment and resort development:*
  - i. *establish, or increase the extent and width of, a vegetation protection zone along the shoreline to a minimum of 30 metres;*

While a 30-metre setback from the shoreline cannot be achieved given the configuration of the Subject Property, the new cabins will be constructed with significantly improved setbacks to the water yard, increasing the vegetated area between the development and the shoreline. Moreover, the proposed redevelopment will be located outside of the identified floodplain. As indicated in the supporting studies, no impacts to natural features are anticipated as a result of the



redevelopment, provided the recommendations in the report are adhered to.

*ii. increase the extent of fish habitat in the littoral zone;*

An aquatic assessment was completed as a part of the EIS. The EIS concluded that no significant impacts to fish or fish habitat are anticipated from the proposed redevelopment, provided that the mitigation measures and recommendations of the report are adhered to. Additionally, no in-water works are proposed as a part of this redevelopment.

*iii. be planned, designed, and constructed to protect hydrologic functions, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;*

As supported by the Hydrogeological Study and the Functional Servicing Report (FSR), the proposed redevelopment will utilize a state-of-the-art communal septic system which incorporates stormwater management controls as they pertain to quality of runoff. As discussed in the PJR, the FSR concluded that the proposed redevelopment will not increase the impervious area. (With respect to lot coverage, the permitted lot coverage of the Tourist Commercial (TC) Zone is 15%, the proposed redevelopment will have a lot coverage of 8.28%.)

Additionally, the Hydrogeological Study maintains the original conclusions that the study supports the proposed redevelopment, provided that the proposed sewage system design considers the MECP and LCA design requirements provided.

*iv. exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;*

No in-water works are proposed. Future docks will require a permit from the Trent Severn Waterway (TSW) and will follow the TSW guidelines.

*v. enhance the ability of native plants and animals to use the shoreline as both wildlife habitat and a movement corridor;*

As noted above, through the Site Plan Approval process, our client will demonstrate appropriate vegetative planting/ buffers to further protect and enhance the shoreline area.



- vi. *use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;*

As discussed in the PJR, the Functional Servicing Review concluded that there are no servicing or grading constraints for the proposed redevelopment. A stormwater quality control in the form of an infiltration trench is proposed for the gravel parking lot.

- vii. *use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;*

As noted above, through the Site Plan Approval process, our client will demonstrate appropriate vegetative planting/ buffers to further protect and enhance the shoreline area.

- x. *demonstrate available capacity in the receiving water body based on inputs from existing and approved development.*

As noted above, the Hydrogeological Study concluded that the proposed redevelopment can be supported by the subject property and the adjacent water body.

***“Section 4.30.3 of the TL ZB (the expansion provision) applies only to dwellings and not to other existing non-compliant buildings located in the water yard.”***

Noted.

#### **Additional Agency Comments**

As directed by the Municipality, both the Archaeological Study and the Environmental Impact Study were provided to Curve Lake First Nation for review. At the date of forwarding this submission, we had not received comments from any agencies circulated on this application.

### Public Comments

Given the number of submissions made by the public, we have grouped them into themes for ease of response:

Area of Concern/ Comment Theme	Response
Minimum Lot Area	<p>In reviewing the existing Tourist Commercial (TC) zoned properties in the Municipality, there are approximately 47 properties that are zoned TC, and of those properties, only 18 meet the required minimum lot area of 4.0 ha (9.9 acres).</p> <p>Additionally, 30 of the 47 existing TC Zoned properties are adjacent to Shoreline Residential – Private Access (SR-PA) zoned properties. The most common form of use being a recreational trailer park, marina and rental cottages.</p> <p>Provided that the topography of the property is limited due to its peninsular shape; it is designated Commercial in the Official Plan; it has a historic tourist commercial use; and that the proposed lot coverage is 8.28% of the permitted 15%, we feel that this form of commercial development is appropriate for the property.</p>
Commercial Use	<p>As noted above, of the existing TC zoned properties, 30 of the 47 existing TC Zoned properties are adjacent to SR-PA Zoned properties. Of these 30, approximately 7 are marinas, 9 are trailer parks, and 13 are resorts/ rental cottage establishments.</p> <p>Additionally, of the 47 existing TC Zoned properties, 22 are located on Pigeon Lake.</p> <p>Provided that the property is designated Commercial, has a historical commercial use, and that other properties of similar size have been able to operate similar operations, we feel that the rezoning to the Special Tourist Commercial zone is appropriate.</p>

Increased Building Footprint	As noted above, the permitted lot coverage of the TC Zone is 15% (20% in the SR-PA Zone). The existing lot coverage is 6.16%, with the proposed lot coverage increasing slightly to 8.28%, well within the permitted amount.
Exemption to Sewage System Setback	<p>The Subject Property has two existing holding tanks located 10.64 m and 15.17 m from the shoreline respectfully.</p> <p>The proposed development includes a new on-site septic system (Waterloo Biofilter) which was approved for the previous level of development (5 cabins and the additional dwelling unit).</p> <p>The proposed septic system was designed by a certified septic designer, reviewed by Peterborough Public Health, and approved by a Professional Geoscientist (as concluded in the Hydrogeological Study submitted to the Municipality). The proposed system was also reviewed as a part of the Functional Servicing Report, also submitted to the Municipality as a part of the application submission.</p> <p>With respect to the 30-metre setback from the high-water mark, the Environmental Impact Study completed as a requirement for the planning application, concluded that no significant impacts are anticipated on the features identified on the Subject Property, as all development is occurring further away from the shoreline (save and except the dryland boathouse) than the existing development. The study also provided mitigation measures to minimize the impacts of development.</p>

Traffic / Road Capacity	<p>A Traffic Impact Brief was completed by a traffic engineer which determined that the proposed development (for 5 rental cabins, and an accessory dwelling) was not anticipated to have any significant impact on the normal traffic operations of the road network at present nor in the future. This Traffic Impact Brief was submitted to the Municipality as a part of the application.</p> <p>Since the completion of this study, the proposed development has been amended to include only 3 rental cabins.</p>
Parking	<p>The zoning by-law requires one (1) parking space for each guest room. Therefore, for the 3 rental cabins, 6 parking spaces have been provided, with an additional two spaces for the accessory dwelling unit, therefore complying with the zoning by-law provisions.</p>
Nuisance (garbage, noise, etc.)	<p>Should the Zoning By-law Amendment be granted, our Client will have to undergo Site Plan Approval, which requires a detailed plan of the Subject Property which includes such information as the location of garbage receptacles; vegetation/ landscape buffering and parking.</p> <p>Please note that the proposed accessory residential dwelling on the property is where our Client will reside and will be used for check-in services.</p> <p>Such potential nuisance issues will be addressed in the rental agreement and will be monitored onsite by our Client or his staff.</p>

### **Amended Draft Zoning By-law**

Special Tourist Commercial (TC-X) Zone – Part Lot 16, Concession, 13,  
Harvey Ward, Parts 10 to 12 of Plan 45R12279

Notwithstanding the provisions of Section 14.1 and 14.2 and the General Provisions of Section 4, on lands zoned 'Special Tourist Commercial (TC-X) Zone', the following provisions shall apply:

- Minimum Lot Area 1.6 acres
- Minimum Front and Water Yard for Septic System 20 metres
- Three tourist cabins may be established on the property, subject to the following:
  - Minimum Front and Water Yard 10 metres
  - Maximum Height 11 metres
  - Maximum Ground Floor Area per Cabin 93 m<sup>2</sup>
- An accessory seasonal dwelling may be established on the property, subject to the following:
  - Minimum Front and Water Yard 8.2 metres
  - Maximum Height 11 metres
  - Maximum Ground Floor Area 186 m<sup>2</sup>
- Section 4.12.1 as it pertains to the requirement for frontage on a public street shall not apply.

All other provisions of Section 14.1, 14.2 and Section 4 of this By-law shall apply.

### **Conclusions**

This comment response letter has been prepared in support of a zoning by-law amendment application to rezone the Subject Property from the Shoreline Residential – Private Access (SR-PA) Zone to the Special Tourist Commercial (TC-X) to permit the redevelopment of the property in the form of a tourist cabin rental establishment, together with an accessory dwelling and dryland boathouse.

The proposed development will contribute to the local economy in a way that leverages and promotes the resource of the area, being Pigeon Lake; while ensuring no impacts to the lake or natural features of the area. The proposed development is of a scale that is appropriate for the servicing of and access to the property and local landscape, and will serve to strike a balance between fostering economic development and maintaining rural character and resources.

Based on the updated information, we maintain that the proposed Zoning By-law Amendment application is consistent with and conforms to provincial and municipal policies and constitutes as good planning.

We request that this submission be accepted as an amendment to the original application.

We trust the above is satisfactory for your purposes. Please feel free to contact our office if you have any questions.


Respectfully Submitted,

Written By:



Katherine van Beek, MSc. RPP  
Land Use Planner

Reviewed By:



Darryl Tighe, RPP  
Senior Land Use Planner



KvB/DT/hd