

"THE HIGHLANDS OF HASTINGS"

# LIMERICK WATERWAYS RATEPAYERS ASSOCIATION

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*Cec McBeth, Doris & Norm Poirier, Jim Taylor, Jim Walter*

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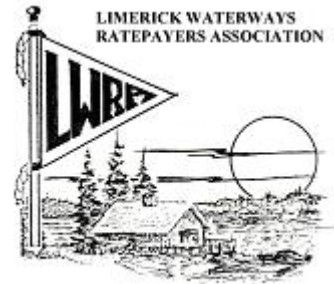
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## JANUARY 2006

### To: Members and Friends of the LWRA

Welcome to the Winter 2005/2006 LWRA Newsletter and cottage country update, bringing you the latest news on all the issues that effect each and every one of us who spends time on Limerick Lake and its connected waterways. Again this issue there are several very important issues that have to be addressed, including back-lot development hearings, MPAC assessments, out new Septic System review committee, and other news items of general interest.



### OMB Hearings – The BIG News

The first round of hearings regarding the scientific issues behind the “Phosphex” system that was the basis of the application for the re-addition of the lots deleted from the Limerick Estates plan have been completed. There’s some good news and there’s some not so good news. The next 4 pages of the newsletter are devoted to a comprehensive update of the hearings and related proceedings, and the decisions that the OMB made regarding the scientific issues. There are additional hearings based on planning issues coming up soon, unfortunately we’ll have to wait until the end of winter to find out those results.

Since changes and additional information may come along at any time, please check back to the LWRA website (<http://lwra.limericklake.com>) often for the latest updates as well as copies of this newsletter.

### Tentative L.W.R.A. 2006 Events Schedule

**Tuesday, January 17, 2006 – OMB Hearings, round 2**

**Sunday, May 21, 2006 - Victoria Day Weekend**  
Directors Meeting, 10:00am, Limerick Lodge

**Saturday, July 1, 2006 – Canada Day Weekend**  
Directors meeting, 9:30am, Limerick Lodge  
**\*\*ANNUAL GENERAL MEETING - 10:30AM - LIMERICK LODGE\*\***

**Sunday, September 3, 2006 - Labour Day Weekend**  
Directors Meeting, 10am, Limerick Lodge

<i>BackLot/OMB Hearings</i>	<i>P2-P5</i>	<i>Limerick Lodge</i>	<i>P9</i>
<i>Septic System Committee</i>	<i>P6</i>	<i>Membership Form</i>	<i>P10</i>
<i>Assessment Updates</i>	<i>P7-P8</i>		
<i>Limerick Lake Latest News</i>	<i>P9</i>		

*This Newsletter is published twice a year by the Limerick Waterways Ratepayers Association. The intent of the Newsletter is to keep cottagers informed of the happenings on and around the lakes. The articles and views expressed here in are those of the authors and not necessarily those of the L.W.R.A. or the editor. Comments, articles and suggestions can be directed to: LWRA Newsletter c/o Chris Offshack, 123 Limerick Lodge Rd. RR#2, Gilmour, ON K0L 1W0, Phone: 613-474-2144, Email: [chris@limericklodge.com](mailto:chris@limericklodge.com) 1/26/2006*

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*Cec McBeth, Doris & Norm Poirier, Jim Taylor, Jim Walter*

December 17, 2005

Dear Cottagers,

As you know, the major focus for LWRA this past year has been the Ontario Municipal Board hearings on the Trident Members Inc. application to reinstate more than 50 lots that they had willingly given up in the 1999 OMB-approved settlement of their proposed subdivision. And as you know, from Oct. 24<sup>th</sup> to Nov. 3<sup>rd</sup>, we went through two very intense weeks of hearings in Belleville on the science and technology issues arising from the proposed septic installations on the lots they want to develop within 300m of Limerick Lake.

And now we have a decision. In essence, the OMB member accepted the argument that, given the untested nature of the proposed septic treatment systems, it was premature to approve 31 lots within 300m of Limerick Lake, some as close as 90m, until more testing data was available. The Board ruled that these lots should definitely not go ahead now, nor should they be included in the planning hearings scheduled for January. But, in the words of the Board member, "The Board does not totally reject the proposed lots." So, Trident definitely did not get what they applied for now, but the Board, unfortunately, didn't close the door forever.

This is how our agent, John Sewell, sees the decision. "The decision by OMB Member David Culham is generally one we should be happy with.

"It confirms the position that both the Township and the Association have taken over the years that Limerick Lake must be protected. The first finding in the decision is that "...Limerick Lake represents a special 'at capacity' cold water Lake Trout habitat that is especially susceptible to low levels of dissolved oxygen." The Third finding is "The cold water Lake Trout type-Lake Limerick is a very high priority, high value lake in Ontario." These statements provide validation to the actions of the Township and the Association in trying to control this development for the last decade.

- "The decision concludes by stating, 'The Board defers consideration of these 31 lots until after the observations and analysis from an additional three years of continuous

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monitoring [of the Phosphex system] as recommended by Dr. Manoharan [the Ministry witness].'

"It is a bit unclear exactly what kind of monitoring will be required, but on page 17 of the decision Member Culham made several statements which give some hints:

'Without the favourable results from at least a six-year monitoring period, as indicated in Dr. Manoharan's testimony, the Phosphex™ remains in its 'experimental period' for lakes of Lake Limerick's sensitivity. He recognized the promising early results and for that reason, sees merit in applications applied to less sensitive lakes such as at Bon Echo. Dr. Robertson [another Ministry witness] also expressed concerns about the research being independent though Mr. Smyth and Mr. Campbell [both Trident witnesses] testified that the City of North Bay did the sampling and testing because the site is immediately adjacent to the water body from which the City draws its municipal water.

Mr. Culham went on to say, 'The Phosphex™ system has at best five years of testing. The longevity of the slag has not been sufficiently tested. The lengthened testing period and the monitoring of the tile bed and the down gradient ground water flows could help with the question of high PH levels of treated effluent into the acidic tile bed. Mr. McGregor [our expert witness], Dr. Paterson, Mr. Putzlocher and Dr. Robertson [Ministry witnesses] testified as to concerns about the length of the testing period. The Province needs the required additional performance in order to justify imposing this high standard.'

John Sewell notes that "These comments lead to the conclusion that it seems reasonable to assume that the monitoring will have to take place in more than one location and that it will have to show that there is a workable system that does not malfunction – the Phosphex™ system has malfunctioned on several occasions. Further, the Phosphex model which Trident wishes to use for the Limerick development has never before been used, so there is a good question whether three years is long enough for the new system, or whether it needs to be tested for longer, maybe six years.

John concludes by saying as above; "This decision means that the planning hearing scheduled for January 17, 2006 will not include the 31 lots within 300 meters of Limerick Lake."

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But, even though the 31 lots are off the table, there are still some other items to be argued in the scheduled January planning hearings. These are

- the status of the 20 or so St. Ola lots and whether reinstating them constitutes “good planning”
- John Sewell’s motion which states that on the basis of recent amendments to the Planning Act, the OMB should not have jurisdiction over the application for the 50 or so lots because County Council has turned down an application to amend its Official Plan to include them
- whether or not a beach is permitted on the shore of the development lands even though it was not mentioned in the 1999 settlement
- an expected proposal by Trident to extend the period to meet the draft conditions of approval for the 88-lot subdivision; this period is now scheduled to end 6 months after the conclusion of the current hearings which would mean July, 2006.

We don’t know as yet what the Ministry plans for these hearings or who their witnesses will be. In the meantime, John S. is looking at our options which could include retaining a planner as an expert witness with the township if necessary.

So, it isn’t over yet but we feel we have made significant progress on our case. Much can happen in three years – and there is no assurance that there will be positive testing data for the new septic systems after that period, nor that they will function well over the long term. As well, we would hope the province, FOCA, and all cottage associations concerned about similar development proposals to ours will actively pursue the questions around proper planning for cottage-area lakes.

We would all probably agree, that to hang approval of development proposals solely on the basis of septic and phosphorus when developments can create multiple stresses on lakes from all kinds of perspectives – more people, more boats, more water use, more cutting down of trees, more disturbance of all natural features, more impact on groundwater sources, etc. etc. – really doesn’t make much sense. We need a much more comprehensive planning regime to create a structure for planning decisions affecting recreational lakes than something as restricted as phosphorus.

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Just to close, we feel very strongly that we made the right decision in standing firm that we would not support any settlement negotiated between the Ministry and Trident. We have no way of knowing, but it is possible that the position we took eventually contributed to the fact that the Ministry did not agree to a negotiated settlement with the developer but instead brought all their expert witnesses and their considerable volume of important evidence forward in a full hearing.

Two other observations: throughout the hearing, with the volume of evidence straight from very technical scientific studies, it was difficult to see how a lay person could really assess the information and its implications. Even the hearing officer himself says in his decision: "The preferred arena to sort out differences of opinion pertaining to the science is within the academic and professional organizations." Still, of course, with no option, he went ahead and made a sort-of decision.

As well, we should take note that there were significant mentions in the hearing about the fact that there was no evidence that the cottagers were doing much to deal with the impact they were having on water quality. It was suggested that the current amount of phosphorus in the lake was contributing to the low levels of dissolved oxygen and putting our lake trout fishery at risk. In fact, Mr. Culham said, "Much of the shoreline in question is already occupied by existing cottages with little improved sewage treatment or other applied conservation. It does not appear to the Board from testimony that the Ministries measured quantitatively or by anecdotal observation existing impact from these existing cottages on the shoreline."

Maybe a message that we should take seriously before we find ourselves in a new round of hearings, three years from now.

To close, of course, our association could not have taken our case to the OMB without the generous support of all our members. Your contributions made it possible for us to join with the township as active participants in the hearing. My personal observation from sitting through the whole two weeks was that our presence was critically important to the outcome of the hearings. By having our own agent and our own expert witness, we made it clear to the OMB that those who would be most directly affected by the development application were willing to put dollars and energy into the strongest opposition they could mount to this proposal.

Note: You can read the full decision on the website of the Ontario Municipal Board.

The date is Nov. 30, 2005, Decision/Order No. 3126.

Linda Sheppard, Pres.

Toronto – 416-691-8894; cottage – 613-474-2116 or [lwshep@sympatico.ca](mailto:lwshep@sympatico.ca)

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### LWRA SEPTIC COMMITTEE:

#### By: Vic Smith

Some of the following information has been passed on to me by Mr. Eric Sheppey who is the township building official. There may be some errors in transmission and his word would be final.

As you know we are in the throws of an OMB hearing and central to our arguments for no further development is the fact our lake is at capacity. This simply means that no greater levels of pollutants can be added to the lake without serious damage to water quality. This applies not only to new development but to those presently located within the Limerick Lake watershed. The chief pollutants are phosphates and nitrates which are introduced through household and human wastes. The most dire approach would be to eliminate all human activity within the watershed, however this is neither practical nor desirable. We can as cottagers make sure we follow some simple rules such as using phosphate free detergents, avoid using soaps and shampoos while in the lake and most importantly insure that our septic systems are working properly. The following is some information on the types of septic systems that can be used on our lake.

The type of septic system permissible on a given site is determined in part by the water supply and by the soil and terrain conditions as well as proximity to the lake and to the ground water table.

There are a number of ways of disposing of human waste such as chemical, incinerating and composting toilets that have no site restrictions, while the pit privy must be set back 15 m from the lake shore, be at least 600 mm (36") from the bottom of the pit to the ground water table, and have 200 mm (24") of soil on all sides and bottom around the pit. While a building permit is not required to build a pit privy certain standards do apply. The sides of the pit should be reinforced to prevent collapse, the pit should be vented from within the pit area itself to the roof top, windows should be screened and it should be fitted with a spring loaded or self-closing door.

If you draw water from the lake, well or other body of water by hand or by some non-pressurized system, you may dispose of greywater using a greywater pit or "dry well". The pit should have open jointed, non-collapsible walls, surrounded on all sides and the bottom by 200mm (24") of permeable soil,

surface graded so drainage is away from the pit, the surface around the pit should be raised 12cm (6") raised above the surrounding area, and with a tight, strong cover that can be removed only for emptying sanitary sewage or for maintenance. The pit must be located at least 15m away from the lakeshore.

If your cottage has a pressurized water system, i.e. electric or gasoline powered water pump or gravity feed, a class 4 septic system is required. This system includes both a septic tank and a field bed that will handle both human waste and greywater. Building permits are required for such systems and their design depends upon such factors as soil permeability, depth to bedrock and water table, as well as the number of bedrooms and other features in the cottage.

The cottage must be accessible by road for a contractor to bring in supplies and earth moving equipment so that the class 4 system is not an option for everyone. On the other hand our local contractor (Don Tripp) seems prepared to use even the shakiest of old logging roads and has managed to service some pretty remote places. A group of us were able to get together a few years ago shortly after Domtar had been logging in our area and had our systems installed. Costs were quite reasonable and were determined by the amount of suitable sand that has to be trucked in as well as whether a holding tank and pump were needed or not.

If access for the septic – field bed option is not possible then the class 5 option which is an on-site holding tank for emptying by a haulage service provider would not be practical either.

To conclude, If you have any questions, Mr Eric Sheppey, the Township Building Official is the man to consult. He is there to help and provide information on any building or construction matter including septic systems.

In subsequent issues of this newsletter we will be providing information on other septic matters such as how to carry out your own inspection.

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## THINGS YOU NEED TO KNOW ABOUT MPAC ASSESSMENTS

**By: Dave Golem, Steenburg Lake Ratepayers Assoc.**

As I write this, it is a week before Christmas, and I feel like the Grinch. It is my hope that by the time you read this, you will have awakened Christmas morning to discover that I did not steal Christmas, and those who love you actually left something for you under the tree.

Most people have now received their notice of property reassessment from the Municipal Property Assessment Corporation (MPAC). When the first notices were being received, it was obvious that the new figures represent a shift in taxation from the rural residents onto the waterfront residents. It was also obvious that MPAC's disclaimer on the notices ("An assessment increase does not necessarily mean your taxes will increase.") was misleading for some, and completely false for others. The magnitude of the change in assessment, for some property owners, made it certain they would experience a tax increase.

This subject is a fairly complex one. Each property owner will see a different impact because his assessment change may be different than anyone else's. The result of the change is also a moving target as municipalities create budgets for a new year, and go about the process of actually billing property tax. Another complication is the fact that the tax bill you pay is made up of three components, one local, one county, and one school tax. Those components of your tax are established independently by the three entities. So understanding what will happen to any one individual's tax bill in the coming year is not easy.

So, to cut to the chase, I have now done the math. I could bore you with details. Instead, let me simply say that anyone in Limerick Township whose assessment has increased more than 36 percent will almost certainly face an increase in taxes in the coming year. The second thing you should know is that the township can't do anything about it. If you are among the many residents whose assessment has increased 50 percent, or more, you will face a real tax increase which, on your last two installments in 2006, will look at least equal to 20%. Even if the township were to gut its budget, you would face a tax increase.

The primary reason for all of this is the MPAC assessment change. The second, but related, reason is that the county will calculate its portion of your tax bill on a set of numbers that differs

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dramatically from those used in Limerick Township. The reason is that the assessment changes in Limerick are the largest for any township in the county. The average increase for all properties in Limerick is about 36 percent. The average increase for the county as a whole is about 18 percent. In effect, we in Limerick will be taxed on the difference between these two averages, for the non-municipal portion of our tax bill. Even if both the township and the county spend zero additional dollars, 2006 compared to 2005, those tax increases will happen.

Some assessment increases are as high as 95 percent. For those individuals, a minimum tax increase of 41 percent will result, and on your last two installments in 2006, it will look like 82 percent.

If you are fortunate enough to be among those who have an assessment increase of less than 36 percent you may see either a small increase, or perhaps even a decrease in your taxes, depending on the changes in spending at the municipal and county levels.

So what can you do if you are facing a big tax increase? There are only two options: 1) appeal your tax assessment to MPAC, and 2) get in contact with your MPP and complain forcefully about the wild fluctuations that are resulting from the MPAC procedures. It is clear that a mistake has been made: either the current assessments are wrong, or the previous assessments were wrong, especially for many properties on Limerick Lake.

There is already a large lobby against MPAC that is being spearheaded by Waterfront Ratepayers After Fair Taxation (WRAFT), which is an offshoot from FOCA. WRAFT is working toward convincing the province that the present changes are unfair, and at the very least, should be staged over several years. They are also trying to get the government to reform MPAC so that this kind of problem doesn't arise again. You can reach WRAFT at [wraft@sympatico.ca](mailto:wraft@sympatico.ca) or by telephone at 416-929-9885, or you can look at their website at <http://www.wraft.com/>



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Dear Cottager,

Are you a member of Limerick Waterways Ratepayers Association? If so have you let your membership dues lapse? If you haven't paid your dues for 2006 they are due now.

L.W.R.A. needs your support NOW more than ever. The Backlot Development, High Tax Assessments, New Zoning By-Laws, and Environmental Issues are but a few of the issues that will impact cottage life as you know it. The L.W.R.A. executive is working hard on your behalf and needs the support of EVERY cottage on our lake system, including St. Ola and Mephisto lakes. The stronger the cottage association, the greater the voice we will have in fighting these issues.

Please take a few minutes to complete the attached registration form and submit it either via mail or to the Limerick Lake Lodge & Marina store. Please be sure to make all cheques payable to "Limerick Waterways Ratepayers Association" **NOT** "LWRA". If you drop your form off at Limerick Lake Lodge & Marina you can pay via Visa, MasterCard, Interac, cash, or cheque.

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## LIMERICK WATERWAYS RATEPAYERS ASSOCIATION

C/o Mary Argue, Treasurer

71 Victoria Park Ave.

Toronto, Ontario M4E 3S2

Enclosed are my Annual Dues in the amount of \$25 for the year 2006

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ CIVIL ADDRESS: \_\_\_\_\_

Enclosed is an additional contribution to the LWRA heritage fund in the amount of: \$ \_\_\_\_\_

Volunteers are always welcome so if you would like to help out with any events such as the Picnic, LWRA Childrens Fair, Sailing and Canoe races, Rockbass Derby, or in any other way, please indicate by checking off this box and indicating your interest below: