

**TOWNSHIP OF WELLINGTON NORTH  
PUBLIC MEETING - MINUTES  
MONDAY, MARCH 23, 2015 at 7:00 P.M.**

The Public Meeting was held at the Kenilworth Public School Gymnasium, Kenilworth to consider a Wellington County Official Plan Amendment application.

**Present:**

**Mayor: Andy Lennox  
Councillors: Sherry Burke  
Mark Goetz  
Steve McCabe  
Dan Yake**

**Also Present:**

**C.A.O./Deputy Clerk: Michael Givens  
Clerk: Karren Wallace  
Executive Assistant: Cathy Conrad  
Senior Planner: Linda Redmond  
Director of Public Works: Matthew Aston  
Economic Development Officer: Dale Small  
Fire Chief: Dave Guilbault**

**Mayor Lennox called the meeting to order.**

**Declaration of Pecuniary Interest:**

None declared.

**OWNER/APPLICANT: Alette Holsteins Ltd. and H. Bye Construction**

**The Purpose and Effect of the Application**

The purpose is to amend Schedule A6 of the County Official Plan by adding a Mineral Aggregate Area overlay to a 24.5 hectare area of the subject lands, within an existing Prime Agricultural designation. The proposed Zoning By-law Amendment will rezone the 24.5 ha area of lands from Agricultural (A) to Extractive Industrial (EI). This will permit development of a gravel pit operation pursuant to the Aggregate Resources Act, on the subject property.

**Location of the Subject Land**

The amendments relate to parts of Lots 5 and 6, Concession 5 in the Township of Wellington North (former Arthur Township). This land is located in the northeast part of the Township and has a municipal address of 7572 Sideroad 3 E and 9458 Concession 4N. These properties are owned by Alette Holsteins Ltd. who has entered into an extraction agreement with H. Bye Construction Ltd.

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**Power of OMB to Dismiss Appeals**

If a person or public body does not make oral submissions at a public meeting or make written submissions to the **County of Wellington** before the proposed **Official Plan amendment** is adopted, or **Township of Wellington North** before the proposed **Zoning By-law amendment** is passed, the person or public body is not entitled to appeal the decision of the County of Wellington or the Council of the Township of Wellington North to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the **County of Wellington** before the proposed **Official Plan amendment** is adopted, or **Township of Wellington North** before the proposed **Zoning By-law amendment** is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Minutes from the June 23, 2014 Public Meeting

Notice for this second public meeting was sent to property owners within 120 m, persons who requested notice in writing and required agencies on March 9, 2015.

**PRESENTATIONS**

Linda Redmond, Senior Planner, reviewed her comments dated March 3, 2015.

The purpose of this report was to provide the Township with an overview of the Official Plan application and provide the comments received to date to facilitate the public meeting. Further, this statutory public meeting provided an opportunity for the community and area residents to ask questions and seek more information from the proponent and their consultants.

The lands subject to the amendment are located at Part Lot 5 & 6, Concession 5 with municipal addresses of 7572 Sideroad 3 and 9458 Concession 4 N. The property is located in the northerly part of the Township approximately 6 km east of Mount Forest. These properties are owned by Alette Holsteins who have entered into an extraction agreement with H. Bye Construction Ltd.

The proposal is for a Category 3 (1.5 metres above the water table), Class "A" gravel pit. The purpose is to amend Schedule A6 of the County Official Plan by adding a Mineral Aggregate Area overlay to a 24.5 hectare area of the subject lands, within an existing Prime Agricultural designation.

The proposed Zoning By-law Amendment will rezone the 24.5 ha area of lands from Agricultural (A) to Extractive Industrial (EI). This will permit development of a gravel pit operation pursuant to the Aggregate Resources Act, on the subject property.

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The site plan indicates that the area to be licensed is approximately 24.5 ha., and the area to be extracted is 21.8 ha. The proposed zoning excludes a redi-mix concrete plant, asphalt plant, aggregate transfer station or a waste recycling depot.

It is estimated that approximately 2.5 million tonnes of aggregate is present. The total annual volume being applied for in the license application to the Ministry of Natural Resources is 75,000 tonnes per year. Extraction is to stay at least 1.5 metres above the water table.

The proposed main haul route will be north on Concession 4 N to Highway 89 and west to Mount Forest. The hours of operation are proposed to be from 7am to 6pm, Monday to Friday and exclude holidays.

As part of the application, H. Bye Construction Ltd. has provided the following documents:

- Summary Statement for license application (January 2013)
- Fisheries Report (AET Consultants – December 2013)
- Hydrogeologist Study – Level 1 (Gamsby and Mannerow Engineers – November 2012)
- Natural Environment Level 1 and 2 Reports for Class A Pit License (AET Consultants – Dec. 2013)
- Stage 1-2 Archeological Assessment (William R. Fitzgerald, Ph.D. - July 2013)
- Site Plans for Class A Pit License (W.L. Bradshaw P.ENG – January 2014)

The neighbouring lands consist of primarily agricultural fields/farms. There is a wetland area running through the property. There is a parochial school to the south of the property.

The area of the proposed pit is designated a mixture of Primary Agricultural and Core Greenlands in the Official Plan. The area is currently zoned Agricultural (A) and Natural Environment (NE).

### **Planning Considerations Include**

#### **Aggregate Resource Area Overlay Designation**

In the Official Plan, the Aggregate Resource Area designation overlays other designations such as Primary Agricultural and Core Greenlands. It delineates an area of gravel resource of primary significance as well as existing gravel pit licenses. Section 2.5 of the Provincial Planning Statement as well as Section 6.6 of the County Plan protects such areas for extraction, provided that social and environmental impacts can be mitigated to acceptable levels.

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The proposed site plan as submitted identifies the license boundary area as approximately 24.5 ha., and the area to be extracted is 21.8 ha. This is the document that would be approved by the Ministry of Natural Resources (MNR) along with the license.

**Core Greenlands**

The areas designated Core Greenlands in the Official Plan are, for the most part, to the west and south of the proposed new Aggregates Resource Area overlay.

Saugeen Valley Conservation Authority (SVCA, April 2014) has raised environmental concerns which may require some modifications to the extraction area and requires additional information.

**Neighbourhood Compatibility**

The closest sensitive receptor is to the north (Ferguson farm), which is approximately 85 metres from the proposed area of extraction. Section 2.2.6 of the Aggregate Resources of Ontario: Provincial Standards states that "if extraction and / or processing facilities are within 150 metres of a sensitive receptor, a noise assessment is required to determine whether Provincial Guidelines can be satisfied."

A parochial school is located within close proximity to the proposed pit. Further analysis regarding the haul route hours and road conditions should be reviewed to ensure pedestrian safety given the foot and horse/buggy traffic to and from this use.

A number of letters have been received from surrounding land owners. The list of concerns is provided below under the public comments.

**Traffic Impacts**

Further information is required to determine the adequacy of the proposed haul route (Concession 4 N). A traffic impact assessment may be necessary to determine any road upgrades that may be required.

**Zoning By-law Amendment**

In addition to the County of Wellington Official Plan Amendment, the applicant has applied to the Township of Wellington North for a zone amendment to consider rezoning the same area from Agricultural (A) to Extractive Industrial (EI). The Extractive Industrial zoning would limit extraction to 1.5 metres above the water table.

A separate draft zoning amendment will be presented in the near future. As per the Planning Act, the Township cannot approve the associated zoning until adoption of the Official Plan Amendment by the County occurs.

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**Public and Agency Comments**

We have received a number of letters and a petition from the surrounding neighbours. Some concerns and comments received include:

- Destruction of Agricultural land
- Site not suitable
- Truck traffic will damage roads
- Safety of Mennonite community travelling in area particularly to the parochial school in the immediate area of the pit
- Decrease in property values
- Dust and noise pollution
- Impact to the natural environment and wildlife
- Effects on wells and ground water
- No benefits to neighbors
- Notification of application was inadequate

Comments were received from Saugeen Valley Conservation Authority (SVCA) requesting deferral of the Official Plan Amendment and Zoning Amendment pending further information from the applicant as outlined in correspondence dated April 18, 2014.

**Draft Official Plan Amendment**

The draft Official Plan amendment was attached for Council's review.

**Summary**

This report is for information purposes only at this point. It is not a complete list of issues and has been prepared to provide Council and the public some cursory information in order to facilitate the public meeting discussion. There are some technical matters that the applicant is required to resolve. This statutory public meeting provided an opportunity for the community and area residents to ask questions and seek more information from the proponent and their consultants.

**REVIEW OF CORRESPONDENCE RECEIVED BY THE TOWNSHIP FOR THE  
JUNE 23, 2014 PUBLIC MEETING**

Candace Hamm, Environmental Planning Coordinator, SVCA

- Further clarification is required.

Erik Downing, Environmental Planning & Regulations, SVCA

- Recommends deferral.

Brenda Sztuczka, 7649 Sideroad 3 East

- Gravel pit is not a good idea.

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Gerald Booi, 9592 Concession 4 North

- Objection.

Brett McHugh, 9391 Concession 4 North

- Objection.

Victoria McHugh, 9391 Concession 4 North

- Concerned.

Bonnie Littley, 9567 Concession 4 North

- Requesting notification.

Wendy Schill, 7819 4<sup>th</sup> Line, RR 2, Wallenstein, ON

- Concerned.

Arlene Muckart, 7302 Sideroad 3 East

- Concerned.

Louise Hopkins, 9471 Concession 4 North

- Concerned.

**REVIEW OF CORRESPONDENCE RECEIVED BY THE TOWNSHIP FOR THE  
JUNE 23, 2014 PUBLIC MEETING**

Greg and Carla Smith, 7698 Sideroad 2 East

- Objection

Cynthia Baltoumas, 7760 Sideroad 2 East

- Concerned.

Gordon Flewwelling, Wellington Federation of Agriculture

- Does not support.

**REVIEW OF CORRESPONDENCE RECEIVED BY THE TOWNSHIP FOR THE  
SECOND PUBLIC MEETING**

Erik Downing, Environmental Planning & Regulations, SVCA

- Requires further information.

L. L. Sober, Senior Ecologist, SPL Consultants Ltd.

- Natural Heritage Response

Dave Marriott, District Planner, Ministry of Forestry and Natural Resources

- No further concerns.

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Erik Downing, Environmental Planning & Regulations, SVCA  
- No objection.

Brian Milne, H. Bye Construction Ltd.  
- Response to concerns raised at June 23, 2014 Public Meeting.

Gerald and Joanne Booi, 9592 Concession 4 North  
- Objections

Michael Givens, CAO, Township of Wellington North  
- Options for Councils consideration.

Erik Downing, Environmental Planning & Regulations, SVCA  
- No objection.

Ervine Bauman and family  
Tony Piller and family  
- Concerns

Cliff Booi, 9592 Concession 4 North  
- Concerns

**BY-LAW**

The by-law will be considered at a future regular council meeting. Persons wishing notice of the passing of the By-law must submit a written request.

**MAYOR OPENS FLOOR FOR ANY QUESTIONS/COMMENTS**

Brian Milne, Bill Bradshaw and Peter Fallis, representatives for H. Bye Construction Limited, were present to answer questions regarding the application. This company has been in the community for years – generations. They are sensitive to the concerns and feel they have addressed the issues raised.

Cliff Booi questioned the average of 12 to 15 trucks per day and the 75,000 tonnes per year. Bill Bradshaw explained that those numbers are based on the busy season and they may never reach the full tonnage. Mr. Booi questioned why they are asking for approval of 75,000 if they will only use 32,000. Mr. Bradshaw explained that dump trucks haul 22 tonnes and trailers haul 34. There may be days when there are 20 trucks and days when there are none. It is dependent on the contracts that H. Bye Construction as it is market driven. Most of the year it won't be excessive.

Wendy Schill asked how deep the pit will be, not how far above the water table it will be, and how many acres per year. She questioned if fill be brought in for rehabilitation. Mr.

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Bradshaw stated the excavation will have a depth of 4 to 6 metres, which will be 1.5 meters above the water table. Rehabilitation will be progressive. The initial stripping will be used to construct a berm on the east side to keep dust to a minimum. They will fill with material on site.

Brett McHugh stated that there are 12 gravel pits in Wellington North approved for 845,000 tonnes. He is concerned about safety, signage and how the pit will operate in the summer with load limits and feels there are environmental considerations. The Provincial Policy Statement says that other sources have to be expended first. He feels properties will be devalued and residents will look for reduced tax rates. Mr. McHugh questioned the economical viability of this pit.

Cliff Booi questioned the amount of gravel that will be extracted from 20 hectares with a depth of 13 to 30 feet and asked if the pit will still close at the end of 20 years if they don't quarry the approved amount of gravel. He expressed concern that the pit area to the south has not been rehabilitated, citing Google Maps as his source. Mr. Bradshaw explained that they will be stopping at 20 feet. The life of a pit isn't limited and pits usually stay open until they are exhausted. He also stated that Google maps is out of date and the pit in questions has been rehabilitated.

Victoria McHugh asked how this pit will benefit the residents. Mr. Milne stated that Mr. Bye will pay taxes to the municipality and asked how any business benefits anyone else other than the owners. Mr. Bye has been a proud supporter of this community through donations.

Joanne Booi commented on the maps available on the Wellington County Website that outline gravel deposits. Wellington North has a minor narrow vein of gravel at this extraction site. Mr. Bye has previously stated that if his company didn't extract from this site someone else would. Mrs. Booi provided that this is not his only option and others would not want this pit as there larger sources of gravel available elsewhere.

**COMMENTS/QUESTIONS FROM COUNCIL**

Councillor McCabe asked about the provision of dust suppression and road maintenance and expressed concern regarding the effect on the bridges. Brian Milne responded that 2.5 cents for every tonne goes for dust suppression. H. Bye Construction is amenable to conditions such as speed reduction. Reduced speed would reduce dust and flying stones and recognize safety issues. Matthew Aston, Director of Public Works, stated that the two bridges were included in a 2013 report and there were no concerns at that time.

Councillor Burke commented that through letters and conversations she is aware of many concerns. Councillor Burke questioned why there seems to be a sense of urgency to have this project approved and noted that after reading the report she is not convinced that concerns have been addressed. Bill Bradshaw advised that the application falls under the

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Aggregate Resources Act. There are studies that have to be completed. The agencies have signed off on the application. H. Bye Construction has done all they need to do under the Act. They are ready to move forward.

Mayor Lennox questioned if thought had been given to planting trees to shield for dust. There are concerns regarding dust, gravel flying, safety of horse and buggy and bicycles. Mayor Lennox asked about dust control along the entrance to the road. Mr. Bradshaw explained that the pit is 400 metres from the road allowance. There will be dust control on the road. A water truck will be available when needed to help keep dust down. They are reluctant to plant trees that will have to be removed as part of the rehabilitation back to agricultural lands. Drivers will be instructed about concerns; they are employees, not contract drivers paid by the load. H. Bye Construction is in support of a reduced speed limit and will be paying towards maintenance and dust suppression.

Mayor Lennox referred to correspondence regarding the safety of horse and buggy and would like to see a strategy. Mr. Milne stated that Mr. Bye is aware of the sensitivities and that many members of the horse and buggy community are some of his best customers. He works well with them and will work with them regarding speed on the road.

**RESOLUTION 3**

Moved by: McCabe

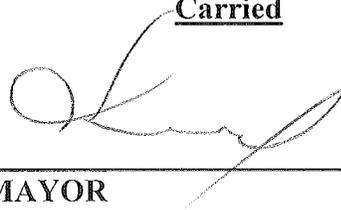
Seconded by: Yake

*THAT the Public Meeting of March 23, 2015 be adjourned at 7:08 p.m.*

**CARRIED**

  
\_\_\_\_\_  
CLERK

Carried

  
\_\_\_\_\_  
MAYOR