

## HUNSBERGER ROAD GRAVEL PIT MEETING MINUTES

Date: November 14<sup>th</sup>, 2007 (6 to 8 pm)

Location: Conestogo Golf and Country Club

Re: Information session regarding a pending application for a Hunsberger Road Gravel Pit

---

### 1. INTRODUCTION

This meeting involved several informal presentations by various representatives to provide information regarding the anticipated application that will be received for a Hunsberger Road Gravel Pit (henceforth referred to as “Gravel Pit”).

The main purpose of this meeting was to provide information on the typical process involved with a gravel pit application. A formal application has not yet been submitted.

The meeting was opened by Keri Martin-Vrbanac. There were several hundred community members present at the meeting.

Presentations were made by the following representatives:

- Mr. Murray Martin (Ward 3 Councilor, Woolwich Township Council);
- Mr. Jeremy Vink (Senior Planner, Township of Woolwich);
- Mr. Mark Dorfman (Independent environmental consultant);
- Mr. Dan Canneli (Director of Engineering and Planning, Township of Woolwich).

These presentations were followed by a question-and-answer session, which included a statement by Mr. Bob Hunsberger (refer to Section 3).

The minutes of this meeting are organized as follows:

- Section 2 – brief summary of presentations made during the meeting;
- Section 3 – Question and answer session; AND
- Section 4 – Moving forward.

### 2. SUMMARY OF PRESENTATIONS

#### *Background on the Gravel Pit Application Process*

The following presents a summary of the process involved with a gravel pit application, as presented by Mr. Vink and Mr. Dorfman.

The company intending to operate the gravel pit submits two applications:

1. An application to the municipality (e.g. Township of Woolwich) for a zoning change that would allow for the operation of the gravel pit as legislated by the Ontario Planning Act; and
2. An application to the Ontario Ministry of Natural Resources (MNR) for a license to operate a gravel pit as legislated by the Ontario Aggregate Resources Act.

The jurisdiction for the Township of Woolwich would be to assess the compatibility of the proposed Gravel Pit with the Official Plan. The jurisdiction of the Township of Woolwich would include a review of how township roads may be affected by traffic, and if needed, how township roads would have to be upgraded.

The Township of Woolwich, in collaboration with other government agencies such as the Regional Municipality of Waterloo and the Grand River Conservation Authority, would be responsible for reviewing the proposed plans submitted with the application in the context of potential impacts and mitigative measures required outside the boundary of the licensed gravel pit facility.

The MNR is responsible for licensing all operations occurring within the boundary of the facility. Although the township does not have jurisdiction over operations that will take place on the licensed facility property, the township can provide MNR with comments or recommendations that can be incorporated into the license by MNR.

Proponents do not have to submit applications to both the municipality and the MNR at the same time, although this is typically done to save time.

Submittal of the zoning and license applications involves the submittal of numerous reports developed by technical consultants related to the planning, engineering, and operation of the gravel pit. Studies typically submitted with each application include:

- Site plan (e.g. where the gravel will be removed, where berms will be constructed, landscaping, fences, etc.);
- Rehabilitation Plan (i.e. how the property will be rehabilitated to an agricultural land use after cessation of the gravel pit operations);
- Environmental Protection Plan (e.g. for protecting natural features such as the Grand River, wildlife, etc.; GRCA would be involved in reviewing this report);
- Traffic studies;
- Noise studies;
- Dust studies;
- Hydrogeology reports (the Township of Woolwich has asked the property owner to start monitoring groundwater wells now to provide a baseline assessment); and
- Archeological studies.

When these reports are submitted as separate applications to the Township of Woolwich (zoning application) and MNR (license application), then two separate public meetings

will be held approximately one month after the submittal date – one meeting to discuss the zoning application, and one meeting to discuss the license application.

These reports will be available for the public to review and to prepare comments prior to these public meetings.

The process of applying for a zoning change is expected to take one to two years. After reviewing the documents and listening to public comments and objections, the Township of Woolwich would make a recommendation to the Township Council, and the council would then make the final application for a zoning change.

The MNR will not formalize a gravel pit license until they receive confirmation that the municipality has accepted the application for a zoning change. Even if the Township of Woolwich were to reject the zoning application, MNR has the authority to refer this and the license application to the Ontario Municipal Board.

### *Government Considerations of Gravel Pit Applications*

Mark Dorfman indicated that the Ontario government has placed a priority on mining aggregate resources because they are believed to play a critical role in sustaining future growth in the province. The aggregate industry has successfully lobbied for legislation that is sometimes perceived as “one-sided” when it comes to gravel pit applications.

The Ontario government has prepared a geologic map to identify primary aggregate resource zones in Ontario. Much of the area around Conestogo has been identified as a primary aggregate resource zone.

The most common issues associated with gravel pit applications include:

- Noise;
- Dust; and
- Traffic.

It was made clear during the meeting that if objections are going to be raised to a gravel pit application, they need to be based on technical merit. Government agencies will not consider objections based solely on the “not in my backyard”.

Applications for gravel pits tend to be much simpler when the operations are to be restricted to removing stone to a depth of 1.5 metres above the average water table level. At present, the Township of Woolwich has not heard anything which would indicate the Hunsberger Road Gravel Pit will be operated to a depth that extends below the water table. The Regional Municipality of Waterloo currently has an unofficial moratorium on gravel pits that extend into the water table until they have more time to study the impacts of these operations.

The legislation dictates that impacts to potential receptors (e.g. home owners) within 120 metres of a proposed facility must be studied by the company submitting the application for a gravel pit (Proponents). While impacts to residences, schools, etc. outside of this 120 metre boundary are not required to be studied, it does sound like pressure can be brought to the township to consider issues that involve the community as a whole.

The Official Plan for the Township of Woolwich presents two questions which the township engineering and planning staff must consider when reviewing a zoning application for a gravel pit:

1. Should the gravel pit zoning be approved at all?
2. If yes to the first question above, how can impacts from the gravel pit be reduced or eliminated?

The township staff also consider the likelihood of whether the OMB will rule against a gravel pit application when making their recommendations to council. Township staff remain neutral in the evaluation process.

The Township of Woolwich has identified issues such as the Crow's Foot intersection, natural features such as the Grand River, etc. have been identified as issues to the proponent of the potential Gravel Pit as well as collaborating agencies such as the Regional Municipality of Waterloo GRCA.

It is standard practice for situations where improvements to roads are required, for example, that the government agency with jurisdiction (e.g. Township of Woolwich or the Regional Municipality of Waterloo) would enter into an agreement with the proponent to upgrade roads with the entire cost to be borne by the gravel pit applicant.

It appears that only one application for a gravel pit that has been reviewed by the OMB has been declined; this involved a proposed gravel pit in Muskoka. It is more common for the OMB to impose stringent conditions on a license for a gravel pit to ensure that potential impacts are mitigated.

Operation of gravel pits tends to be a self-regulated business. It is common practice for operators of gravel pits to prepare their own annual "report cards" and submit them to government agencies. Recently MNR has conducted audits of some gravel pits to confirm that they are being operated properly. We don't know how many gravel pits are subjected to audits each year.

### **3. QUESTION AND ANSWER SESSION**

After the presentations were made, a series of questions were asked of the presenters by members of the community. A brief summary of questions and responses is presented below.

**Question:** *Will the new transformer station proposed by Waterloo North Hydro be constructed next to the potential site of the gravel pit?*

**Response:** Although an application for a gravel pit has not yet been received by the Township of Woolwich, the transformer station (if approved after an environmental assessment being conducted by the Ministry of the Environment) would be situated next to the potential gravel pit site. If the two sites are located next to each other, they would be operated independently except for possibly sharing an access road to Catherine Street.

**Question:** *Why wasn't there some kind of warning that a gravel pit could be installed in the area so that people who recently moved to Conestogo would be aware of this?*

**Response:** The Official Plan for the Regional Municipality of Waterloo and the Township of Woolwich include a Map 5 which delineates the locations of primary aggregate resource zones, but typically people considering purchasing a property would have to contact the municipal governments to ask questions related to potential future developments. The township representatives encourages members of the community to become involved in the longer-term planning process.

**Question:** *What considerations are made for residents in the general vicinity of the proposed gravel pit site?*

**Response:** Only residences within 120 metres of the facility boundary are considered at a minimum when the proponents conduct impact assessments; residents living farther than 120 metres from the proposed site are not considered during the initial application process. Strong community representation can increase the extent to which general impacts to the community are considered, however.

**Question:** *There are two public schools near the proposed gravel pit which do not have air conditioners so the windows are open during the spring and summer months – what considerations are made for students in these schools?*

**Response:** Only residents living or working within a distance of 120 metres from the proposed gravel pit site will be considered in impact studies as per standards in the Aggregate Resource Act.

**Question:** *Several concerns were raised related to safety and other issues associated with increased traffic on roads.*

**Response:** The responsibility for traffic safety depends on whether a specific road falls under township or regional jurisdiction. Some traffic issues have been identified by township staff, and region staff are aware of some of these issues as they relate to regional roads. Mennonite traffic is not likely to be considered as part of the impact studies to be conducted by proponents.

Standard practice is to have the gravel pit operators pay for the full cost of any road upgrading costs required as a result of their operations. At present, it is believed that the route to be most likely affected by traffic is the road to Breslau, not the road to Conestogo. However, an official application has not yet been submitted so there is uncertainty as to what the proposed hauling routes will be. The township generally has little jurisdiction or control on the actual haul routes to be used during operation of the gravel pit.

**Question:** *What methods are commonly used to mitigate noise issues ?*

**Response:** Noise includes the crusher which is used on occasion at the gravel pit, other equipment used at the gravel pit, and trucks on the roads. There will not be significant vibrations caused by gravel pit operations – this is typically a problem with quarries where blasting is done, but this blasting is not conducted at typical gravel pits.

Methods for mitigating noise can include one or more of:

- Placing crushers at the bottom of the gravel pit so the walls of the pit help to mitigate noise;
- Use of equipment which causes reduced noise; and
- Use of berms around the site to reduce the noise levels outside of the site.

There are rules in place regarding maximum noise levels (which are based on the number of decibels equivalent to having a conversation with someone at a distance of 1 metre away). However, there are no rules that limit the amount of noise made during construction activities at the start of gravel pit operations. It was acknowledged that the noise level is higher as a result of gravel pit operations. Truck noise is not considered during the impact studies conducted by proponents.

**Comment:** *Will proponent provide the community group with a complete electronic copy of all reports submitted as part of the gravel pit applications when they are made?*

**Response:** It was recommended that the community group organize itself well, and possibly incorporate to present a stronger position and so that representatives have clear responsibilities and mandate.

**Question:** *Have the First Nations been consulted on the pending application for a gravel pit?*

**Response:** Not yet because this is not a requirement, but municipalities are encouraged to consult with the First Nations community on issues such as this.

**Question:** *Has the Township hired experts?*

**Response:** Not yet because a formal application has not yet been filed. When it is filed, the township will review the application and hire experts as needed (e.g. it will need noise experts).

**Question:** *Have any gravel pit applicants been faced with conditions that were so onerous that they decided it was not worth the effort?*

**Response:** This hasn't likely happened yet; it depends on the value of the aggregate to be removed from the ground.

**Question:** *Have impacts to wildlife in the area been considered with respect to the pending application for the gravel pit?*

**Response:** Some natural features have been identified, including potential impacts to the Grand River and to the natural feature behind River Run Place. GRCA the Regional Municipality of Waterloo will assist with the review of potential impacts to the environment when the application is filed. If the zoning application is accepted by the township, it may include conditions that involve some improvements that enhance or mitigate impacts to the environment.

Other possible issues to be considered may include:

- Provincially-significant wetlands along Grand River;
- Endangered species in the area;
- The valley runs through the property, which could be a natural heritage issue.

GRCA promulgated new regulations last year for environmental protection that will be considered as part of the review process.

**Question:** *Will a gravel pit influence property values ?*

**Response:** Yes, in the longer term.

**Question:** *How long will the gravel extraction process occur?*

**Response:** Preliminary estimates indicate that it could be ongoing for 10 to 15 years if one also considers extraction from the adjoining Schneider property.

**Question:** *How will the township benefit from operation of a gravel pit?*

**Response:** It is believed that they will receive royalties based on the mass of gravel extracted from the pit and that the zoning change will result in a tax benefit to the township.

**Question:** *What caused the one case to be overturned by OMB?*

**Response:** The strong organization of the community group was a significant benefit. It was recommended that this case study be evaluated further.

**Question:** *Can the land be used for residential development instead of a gravel pit?*

**Response:** It's not part of the Official Plan, but it was suggested by a member of the audience that this might be something the township would be willing to discuss; the Official Plan is coming up for review around 2016.

Bob Hunsberger made a brief statement at the end of the question-and-answer session. A summary of his statement includes:

- Bob is currently paying for the preliminary impact studies. He has not decided which company will be operating at the facility – he is in discussions with approximately six companies now.
- Bob does not have a signed agreement with any company now – he prefers to have control over the assessment process.
- Bob is hoping to be able to work with the community to minimize the influence on lifestyle and other community issues and to keep the situation amicable.
- They are prepared to listen to concerns that the community may have.

#### **4. MOVING FORWARD**

It was made clear during these presentations that opposing a gravel pit application requires a well-organized community group, a detailed review of technical documents, financial and other resources, and a clear presentation of technical objections to the application.

It was recommended that if we wanted to provide a strong opposition to the gravel pit application, then we should hire technical experts to provide opinions on noise, dust, and traffic issues which are typically the concerns that government agencies are most concerned with. It was also recommended that the community group hire an attorney if the case goes before the OMB.

Keri Martin-Vrbanac recommended that a working group or committee be formed to help organize the community response. Anyone interested in participating on this committee should submit their name to Keri ([jvrbanac@rogers.com](mailto:jvrbanac@rogers.com)).

Also, anyone who is not currently on the email contact list and would like to have their name added to this list for future updates or announcements, please send your name and email address to Keri ([jvrbanac@rogers.com](mailto:jvrbanac@rogers.com)).