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## THE CORPORATION OF THE TOWNSHIP OF PUSLINCH PUBLIC MEETING MINUTES

**DATE:** Wednesday, October 16, 2013

**TIME:** 6:15 p.m.

**PLACE:** Puslinch Municipal Complex  
7404 Wellington Rd. 34

**FILE NUMBER:** D14-COX

**MEMBERS:** Mayor Dennis Lever – Chair  
Councillor Susan Fielding  
Councillor Ken Roth  
Councillor Jerry Schmidt - absent  
Councillor Wayne Stokley

The Chair reminded attendees to ensure that they have signed in and provided their contact information.

The Chair then asked the members if there were any disclosures of pecuniary interest. There were none disclosed.

The Chair advised attendees that individuals who do not make oral submissions this evening or provide written comments to the Township prior to the decision being made by the Township, is not entitled to appeal the decision to the Ontario Municipal Board or be a party.

The Chair advised the attendees that those who wished to make comments should stand, state their name for the record and address their comments to those in attendance.

### **Presentations**

The Chair introduced Mr. Rob Stovel of Stovel & Associates, Agent for the Applicant, Cox Construction Limited.

Mr. Stovel introduced Mr. Laverne Hartung from Cox Construction who was also in attendance.

Mr. Stovel provided the attendees with a summary of the rezoning application.

Mr. Stovel advised that the subject land is a small part of the larger property owned by Cox Construction Limited that is currently licensed and zoned for aggregate extraction uses. The location of the property is Part of Lot 13, Concession 4 in the Township of Puslinch, and is situated on the south side of Laird Road, west of Wellington Road 35 (Downey Road), east of Pioneer Trail, and west of the City of Guelph.

The rezoning area is a 19.5 ha (48 ac) portion of the Cox property and will permit the expansion of the Puslinch Pit. This area was not included in the licensing for aggregate extraction in the 1980's when the original licence was issued.

The property is currently used for agricultural purposes and is currently zoned Agriculture (A). The surrounding properties are licensed for mineral aggregate extraction. Cox Construction owns and operates aggregate sites west of Side Road 10 and to the east of the subject land there is a licensed pit owned by CBM/St. Mary's Cement (Mast/Snyder Pit).



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The zone change from the current Agricultural (A) Zone to Extractive (EXI) Zone is required in order to permit mineral aggregate uses.

Below water table extraction is permitted on the Puslinch Pit and is proposed for the expansion land.

There will be no new entrances to the proposed pit lands and material is to be shipped out of approved roads.

There is no increase in tonnes extraction. The estimated amount of extracted material is approximately 1 million ton and amounts to 4 to 5 years of extraction.

The hours of operation of the pit will be Monday to Friday from 6 a.m. to 8 p.m. and 7 a.m. to 5 p.m. Saturday. Extraction operations will be from 6 a.m. to 7 p.m. Monday to Friday and 6 a.m. to 12 noon Saturday. There will be no pit operation on Statutory Holidays or Sundays.

The materials to be extracted are 10 feet deep above the water table depth and 20 feet below the water table. The extracted material is to be stock piled in the main pit.

The Applicant has conducted various technical studies in support of the proposed pit expansion. Those reports include: Summary Statement, Archaeological Assessment, Hydrogeological Assessment, and Natural Environment Report.

In response to Grand River Conservation Authority concerns, the applicant has developed a mitigation area to include the creation of a silt barrier wherein silt will be placed into a trench which will separate the CBM property from the Cox property.

Technical studies have indicated that there will be no impact on adjacent wetlands or natural environment.

The applicant will construct perimeter berms no higher than 4 metres with a visual and acoustic barrier for the north and east.

There are no residents to the west or south of the site and the closest residential receptors are 200 metres from the extraction area.

The proposal for rehabilitation of the lands includes the creation of a pond and reforestation with native trees and both the peer review consultants and GRCA are supportive of the site mitigation measures, and the recommended groundwater monitoring program proposed for the site.

The Applicant has received some commenting letters from the public and is willing to work with them to the best of their ability. Mr. Stovel expressed to the attendees that the door is always open and will meet with them regarding any concerns.

Mr. Stovel advised the attendees that if he was unable to answer any questions or concerns expressed in this Public Meeting that he would provide written responses to any unanswered questions at a future date.

### **Questions/Comments**

The Chair asked if there were any members of the public who wished to voice a comment or question.

Ms. Laura Murr indicated that she has concerns regarding the state of existing dust control and future dust control measures. Ms. Murr advised that she has reported dust concerns with respect to the existing Puslinch Pit operation to Mr. James Williams at the



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Ministry of the Environment and believes that the Applicant had been cited for dust concerns in the past.

Ms. Murr indicated concerns about gravel trucks using the Forestell Road –Sideroad 10 entrance and did not believe that this was an approved entrance location.

Ms. Murr expressed concerns regarding the height of the 4 metre berm and dust blowing off of stock piles at the site. She believed that this dust contained silica an known carcinogen and had concerns for public safety.

Ms. Murr indicated concerns regarding pink dust blowing off the asphalt plant and believes that the Applicant was cited and closed for this issue at some point in its operation.

Ms. Murr stated this pit will have an impact on the water table and indicated that the Applicant and City of Guelph Business Park should be co-ordinating their water monitoring efforts.

Ms. Murr advised that she would like to see a truck ban with the only haul route to be along Laird Road.

Ms. Murr indicated that the proposed location of the pit expansion was adjacent to a woodland area and would like to see that area preserved.

Ms. Murr inquired why the proposed lands were not part of the original OMB decision.

Mr. Stovel responded to Ms. Murr's concerns regarding dust and silica dust stating he does not believe it will be a high source of dust and he will confirm the quantities.

Mr. Stovel responded that the Forestell Road entrance was for farm equipment only and was not to be used for gravel trucks or haulage purposes.

Ms. Murr stated that she has definitely seen gravel trucks using that entrance.

Mr. Stovel responded that this entrance was not intended for shipping of gravel.

Mr. Stovel responded to Ms. Murr's concerns regarding the 4 metre berm and dust blowing into the adjacent neighborhood from the stock piles by explaining that the material will come out to be stock piled wet and does not believe that this form of extraction will be an issue for dust.

Mr. Stovel indicated that currently 100 acres have been rehabilitated to farm land at the existing pit and the intent of the proposed location is to plant trees which will assist in mitigation of dust.

Mr. Stovel indicated that the asphalt plant is no longer in existence and had no knowledge of any prior closures for dust issues.

Mr. Stovel indicated that the hydrogeological report prepared by the Applicant included a section on the impact on the City of Guelph wells. This report was reviewed by the GRCA and the GRCA has no concerns with respect to the proposal. Mr. Stovel indicated that the well is bedrock and located quite a distance from the proposed site.

Mr. Stovel indicated that the Applicant has coordinated its water monitoring efforts with CBM. There are 2 wells on the CBM site where data is being shared in order to coordinate monitoring efforts. The Applicant intends to install additional wells and all information collected is presented to the Township and County for their consultants review.



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Mr. Stovel indicated that there is no Speed River study on water levels, nor has the GRCA conducted a study. Mr. Stovel indicated he believes the Township had completed a watershed study with respect to CBM Mast/Snyder pit. The hydrogeological study prepared by the Applicant had access to this study and the Township's hydrogeologist has reviewed the Applicant's report.

Mr. Stovel advised he agrees with a truck ban along Kortright Hills if the City of Guelph does not approve this as an acceptable haul route and would use Laird Road to County Road. Mr. Stovel indicated that access to markets to the north are through established routes and the only circumstances that would allow deviation from this route would be to new residential areas which required gravel where no alternatives were available.

Mr. Stovel indicated that the adjacent woodlands were 120 metres from the property and the wetlands were 70 metres from the Mast/Snyder pit.

Mr. Stovel indicated that the area from Laird Road to Forestell Road was not licensed in the 1980's in order to keep the operation away from the Mast Farm. Since this time, licenses for CBM and St. Mary's have been issued. It has always been the Applicant's intent to licence this area for extraction.

Ms. Murr indicated that she has concerns regarding the lack of monitoring wells along the barrier and inquired as to whether the Applicant intends to install monitoring wells.

Mr. Stovel advised that there are monitoring wells along the CBM property and the Applicant will be required to install additional wells along the property.

Ms. Murr inquired as to whether the wells actually work and whether any information with respect to the operation of these wells could be sent to her.

Mr. Stovel indicated that he could send Ms. Murr information regarding these wells.

Ms. Kathy White indicated that she has witnessed trucks hauling top soil from the entrance on Forestell Road to another pit and inquired whether the approved site plan permits this.

Mr. Stovel indicated that he would look into Ms. White's concerns and respond in writing with any information he is able to obtain.

Ms. Bev Wozniak questioned as to what a bentonite wall is?

Mr. Stovel indicated that benite is a rigid wall. The proposed location will be installing a silt wall.

Ms. Wozniak indicated she has concerns regarding the construction of the silt wall.

Mr. Stovel indicated that a silt wall is a semi-permeable barrier which allows the water to flow through, just much slower.

Ms. Wozniak questioned as to the depth of the pit.

Mr. Stovel indicated that it is designated depth of 20 feet but will vary.

Ms. Wozniak indicated concerns regarding an outlet from the Reid Heritage area into Mill Creek and questioned whether at this location should an overflow of water occur where will it go?



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Mr. Stovel indicated that the Reid Heritage location is not similar to this location because the water cannot move through the wall and resulted in an outlet. A silt wall at the proposed location will allow the water to go through, just at a slower pace.

Ms. Wozniak questioned if an outlet was to be installed, where would it go and where would excess water from the pit drain to?

The Chair requested that Mr. Stovel provide a response to Ms. Wozniak's question in writing.

Mr. Stovel indicated that he would provide a written response to this question.

Mr. David Short indicated that he has lived on Laird Road for the past 25 years and he has had issues with the Applicant in the past but was impressed by the amount of land which the Applicant had reclaimed along Sideroad 10.

Mr. Short indicated he has concerns that the proposed site which is presently zoned as agriculture land and has been used for this purpose, for the last 25 years will be lost.

Mr. Short inquired as to whether the proposed application for pit licence was an existing licence or a new licence, does the expansion allow the existing licence expansion or is there a requirement to obtain a new licence.

The Chair reminded the attendees that this Public Meeting was with respect to the rezoning of the property and not the proposed aggregate pit licence.

Mr. Short indicated that he has concerns with respect to a dramatic drop in the depth of his pond. Mr. Short indicated that his neighbours who use to swim in their pond have had to fill it in as they have experienced water level decreases. His neighbours pond was actually filled in by Cox.

Mr. Short indicated that he has concerns regarding water quality and required a commitment from the Applicant to do something about the decreasing water level and effect the existing pit is having on the water table.

Mr. Short estimated that the water level in his pond has decreased approximately 5 feet in the last 30 years.

Mr. Short indicated that he has concerns regarding traffic levels and expressed concerns regarding Laird Road as the trucking route.

Mr. Short indicated that the Applicant was using the entrance and exit gates as expected, but that contractors do not comply with the east and west gate entrances and exits.

Mr. Short stated he requires a commitment from the Applicant to use the east and west gate entrances and exits as agreed to and to have the contractors comply as well.

Mr. Short noted that the West gate had been closed and requested that the gate be opened and used as agreed to.

Mr. Stovel indicated that he would like to attend at Mr. Short's residence to deal with his issues and will provide written comments to the Township.

Mr. Short indicated that he has continued concerns that his pond level has dropped considerably and the potential impacts on his well.



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Mr. Stovel indicated that last year was a bad year and that he would require the Applicant's hydrogeologist to inspect the well and provide a report.

Mr. Stovel indicated that there is a Ministry of Natural Resources and Ministry of the Environment Agreement that deals with well interference and if there is evidence of well interference than it is the Applicant's responsibility to replace the well.

Mr. Stovel indicated that he could speak to the Applicant to determine if a truck operating agreement could be put in place in order to deal with the traffic issues.

Mr. Short questioned as to whether it was the Applicant's intention to begin extraction operations once the rezoning was granted and licence issued?

Mr. Stovel indicated that once zoning was approved and a licence issued that the Applicant would be ready to begin extraction operations.

Ms. Helen Purdy stated that The Mill Creek Subwatershed Community Liaison Team provided written comments on several occasions with respect to the zoning and licensing of Cox Construction lands at Lots 8, 9, 10 in 1997-1998. The group has also submitted written comments to the Ministry of the Environment for two Permit to Take Water applications in 2002 and 2012.

Ms. Purdy indicated that she was hoping to ask questions of Andrew Pentney, the Applicant's Hydrogeological, and indicated that she was disappointed that he was not in attendance.

Ms. Purdy indicated that she intends to provide the questions that she would be asking this evening, including those she would be asking Mr. Pentney in writing to the Township.

Ms. Purdy questioned as to when the Notice for the proposed licence application was to be posted on the ERB Registry for public comment purposes.

Mr. Stovel indicated that it was the Ministry of Natural Resource's responsibility to post the licence application on the ERB Registry, that the Applicant had made requests to the Ministry to have the licence application posted and would be making inquiries again of the Ministry to have the licence application posted.

Ms. Purdy inquired as to why the Applicant applied for a zoning by-law amendment in 2002 to establish an above-water table pit on both the north and south part of Lot 13, Concession 4, but the former Township of Puslinch would not approve a change in land use for the north part of Lot 13, when the change in land use was approved on April 18, 2007.

Ms. Purdy referred to the County Official Plan Section 6.6 and questioned the quality and quantity of the aggregate resource on the north part of Lot 13 and why the Applicant had not had a geological technical report prepared to determine the actual quality and quantity of aggregate on the site.

Ms. Purdy inquired as to what the proposed depth of the extraction in metre is and what the proposed depth of the pit lake is when extraction is completed.

Ms. Purdy questioned as to whether the lake on lot 13 is to be increased in size with the addition of the pit ponds on Lots 11 and 12.

Ms. Purdy questioned as to what the volume of water the pit lake will contain when final rehabilitation occurs.



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Ms. Purdy questioned as to whether the terrestrial buffer and wildlife corridor approved for the provincially significant wetland in the northwest area of the Mast Snyder site at the boundary of the Cox Pit is going to be adversely affected.

Mr. Stovel advised that there will be no effect on the terrestrial buffer or wetlands.

Ms. Purdy questioned as to why Stan Denhoed recommended that a culvert be installed under the berm that is to be constructed along the boundary of the Mast Snyder Pit and north part of part lot 13, Concession 4.

Ms. Purdy inquired why an engineering plan, risk analysis and long term monitoring and maintenance program had not been prepared or submitted by the Applicant for the proposed silt barrier and step pools to control groundwater draw downs, the leveling effects on the two lakes and the protection of the natural heritage features.

Mr. Stovel indicated that the GRCA has reviewed and signed off on any of the technical reports regarding the application.

The Chair stated that since Mr. Pentney was not in attendance at the meeting this evening, that Ms. Purdy put in writing any further hydrogeological questions and that written responses be provided to these questions.

Ms. Purdy questioned as to why there is a note on the site plans stating that topsoil and overburden shall be removed from the site.

Mr. Stovel stated material will stay in Cox pit and will be add it to the Site Plan.

Ms. Purdy questioned as to what the history of the progressive and final rehabilitation on the other Cox Construction sites in the Township are.

Ms. Purdy questioned as to why there was no air quality technical report, no noise emissions report or transportation technical reports submitted.

Ms. Purdy inquired if the requested annual tonnage of 341,000 tonnes for the proposed site is in addition to the tonnage permitted for the other three Cox Construction licensed areas.

Ms. Purdy questioned as to why there were no planning impact assessment, cumulative effects assessment or agricultural assessment reports prepared and submitted by the Applicant.

Ms. Purdy indicated that there were a number of additional questions she would have liked to address to Mr. Pentney had he attended the meeting including concerns regarding municipal wells, monitoring of the site and whether there are any hydro carbons or heavy metals from the storage area.

The Chair requested that Ms. Purdy address her questions to Mr. Pentney in writing.

Mr. Stovel indicated that he would have Mr. Pentney review and provide answers to Ms. Purdy's questions in writing and post any questions and answers on their website.

The Chair inquired if there were any further questions.

Councillor Stokley advised the Applicant that the Township had a Well Protection Committee and advised the Applicant that should they require any materials that they could assist.

The Chair inquired if the original license had a commitment for extraction completion.



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Mr. Stovel indicated that the original commitment was 20-25 years and that at this point they are close to that estimate; however this varies depending upon the market.

The Chair requested Mr. Aldo Salis, Manager of Development Planning for the County of Wellington whether he wishes to provide any additional information on the Application before the public this evening.

An inquiry regarding whether the City of Guelph had made any comments was made.

Karen Landry, CAO/Clerk advised that staff members from the City of Guelph contacted the Township office on October 15, 2013 indicating the City of Guelph will be submitting comments.

Mr. Salis, advised the attendees that the 45 days for public comments relating to the Aggregate License expired on October 15, 2013.

The Chair requested of Mr. Stovel as to whether he would attend a further public meeting with the Applicant's experts in attendance.

Mr. Stovel indicated that he would attend with the Applicant's technical experts at a further public meeting and that he was available in person in the interim to address any further question from the public.

The Chair requested of the attendees as to whether there were any additional questions.

Ms. Kathy White indicated that she would rather address any of her concerns at a further public meeting.

Mr. Stovel indicated that he would attend a further public meeting with the Applicant's experts.

Ms. White indicated that the site plan which the Applicant had provided for viewing did not correctly reflect the Mast/Snyder Pit Lands.

Mr. Stovel indicated that he would look into this issue.

Ms. White questioned as to whether an archaeology study was performed on the lands.

Ms. Stovel indicated that there was an old farm on the property, that an archaeology study was conducted and that the Ministry provided a clearance of the property.

Ms. White requested clarification on the 2002 rezoning and why the property was split.

Mr. Stovel advised that he would seek clarification regarding the 2002 rezoning and provide a written response.

The Chair inquired if Mr. Salis had any additional comments.

Mr. Salis advised the attendees that he had no further comments.

The Chair reminded attendees to ensure that they had signed in and that they must make a written request to the Township if they wished to be advised of the decision.

### **ADJOURNMENT:**

The meeting adjourned at 7:45 p.m.