

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH PUBLIC MEETING MINUTES

DATE: **Wednesday, January 15, 2014**

TIME: **7:00 p.m.**

PLACE: **Puslinch Community Centre
23 Brock Road South, Aberfoyle**

FILE NUMBER: **D14-COX**

MEMBERS: **Mayor Dennis Lever – at 7:32 p.m.
Councillor Susan Fielding - Chair
Councillor Ken Roth
Councillor Jerry Schmidt - absent
Councillor Wayne Stokley**

The Chair thanked those for attending this evening and for taking an interest in their community.

The Chair advised that the Public Meeting being held this evening is with respect to a proposed Zoning By-law Amendment made by the applicant Cox Construction with respect to a property located at 6803 Laird Road, Part lot 13, Concession 4.

The Chair reminded those in attendance that if they have not signed in, to please do so with staff so you will be notified of the decision on this matter.

The Chair advised that this evening's meeting will progress as follows.

The applicant/agent will be called forward to make their presentation.

Once the presentations are completed, members of the public will be invited to come forward, state their name and address and ask any questions or state their comments.

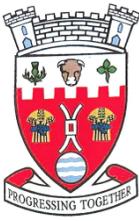
The Chair asked that if anyone brought with them any presentation material, to please provide a copy to staff and reminded those in attendance that any information submitted this evening in your presentation will form part of the Township's record.

Then Members of Council will be invited to ask questions of staff or the applicant/agent regarding the proposal. Council members are here to listen to the concerns and comments being addressed by the residents, and are not here to provide a position on the matter.

Once everyone with comments or questions has had an opportunity to speak, I will then adjourn the meeting. If you have any questions or comments following this evening, please contact staff.

The Chair introduced the consultants for the Township of Puslinch being:

Mr. Stan Denhoed, Harden Environmental
Mr. Greg Scheifele, GWS
Mr. Aldo Salis, County of Wellington, Planning Department; and
Mr. Steve Conway, Gamsby and Mannerow



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Presentations

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

Mr. Stovel introduced the following individuals:

Mr. Andrew Pentney;
Mr. Regan Cox;
Mr. Laverne Hartung; and
Mr. Bill Hartung from Cox Construction who were also in attendance.

Mr. Stovel advised that this is a second public meeting.

Mr. Stovel advised that since the October 15, 2013, public meeting he has addressed the concerns raised in that meeting by providing a written letter to those who raised questions and has provided a copy to the Township.

Mr. Stovel advised that he continues to make himself available to any of those individuals who wish to meet him to address their concerns regarding the proposed Zoning Application.

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

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).

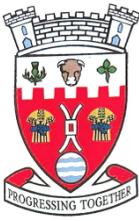
The entrance to the proposed pit lands will be on Laird Road and this will be the main haul route.

This area was not included in the licensing for aggregate extraction in the 1980's when the original licence was issued.

The Applicant has conducted various technical studies in support of the proposed pit expansion. Those studies have undergone a peer review by the Township's consultants GWS, Harden Environmental and Gamsby and Mannerow.

Mr. Stovel advised that there have been no concerns raised by the Township's consultants, Grand River Conservation Authority or the City of Guelph with respect to the proposed zoning application.

Mr. Stovel advised that since the October 15, 2013 Public Meeting, he has met with Dave and Dorothy Short who had just received his comments before this meeting. Mr. Stovel advised that these individuals had raised concerns of the impact on their well and pond. Mr. Stovel advised that the factors will be looked at in greater detail the Spring.



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Mr. Stovel advised that he has addressed the concerns raised at the October 15, 2013 Public Meeting with respect to the proposed haul route, trucking policy, dust and rehabilitation.

Mr. Stovel advised that rehabilitation was completed in July 2013, with the extent of rehabilitation to be approximately 100 acres.

Mr. Stovel advised that best management plans have been developed to limit dust and were put in place in 2012.

Mr. Stovel advised that with respect to a trucking policy, drivers will be notified of hours of operation, haul routes and entrances. Mr. Stovel advised that entrance signs have been installed.

Mr. Stovel advised that the haul route main entrance will be 25 yards west of the subject property. It will consist of a U-shaped entrance designed to limit traffic in front of 4 residences and will be part of a new application.

Mr. Stovel advised that there are additional entrances in the Township which included: Forestell Road, Sideroad 10 which were further to the west. Mr. Stovel advised that the entrance to the west on Forestell Road is permitted for rehabilitation.

Mr. Stovel advised that there were issues raised at the October 15, 2013 Public Meeting with respect to water and hydrogeology which he was unable to deal with at that time.

Mr. Stovel introduced Mr. Andrew Pentney, Groundwater Science Corp., and advised that he was present this evening to address any questions or concerns with respect to water and hydrogeology.

Mr. Pentney advised that a complete assessment of the proposed lands with respect to this Zoning application was conducted on August 22, 2013.

Mr. Pentney advised that the main issue which was raised dealt with the introduction of mitigation of the wet lands to the east. (Mast/Snyder Pit)

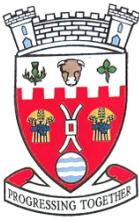
Mr. Pentney advised that in response to those concerns, the applicant has developed a mitigation area to include the creation of a silt barrier wherein silt will be placed into a trench which will separate the CBM property from the Cox property. Mr. Pentney advised that this plan was reviewed and developed with the assistance of the Township's consultant Stan Denhoed and that the Grand River Conservation Authority has conducted a detailed assessment on the cumulative impacts and they have agreed that all of their issues have been addressed.

Mr. Pentney advised that there will be 2 more onsite wells to monitor and collect data. This will lessen the reliance on the data collected from the adjacent wells. Mr. Pentney advised that it is the applicant's intention to use and access some of the data from the adjacent wells but will primarily use the new monitoring sites.

Mr. Pentney advised that concerns regarding water overflow would move west to the main pit area.

Mr. Pentney advised that the Applicant would be working with Mr. Short to address his concerns regarding the levels in his pond and well.

Mr. Pentney advised that with respect to the issues raised at the October 15, 2013 Public meeting regarding the catchment area, adjacent to the Provincially Significant Wetland, that mapping has indicated that there would be very little potential run-off.



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Mr. Pentney commented that the wetlands will be cut-off by a pond and that any water will be confined and that there will be monitoring at the site.

Mr. Pentney stated that the recent Source Protection Studies have not impacted this proposal.

Mr. Pentney explained that the upper sand is extracted, there is a clay poteti bedrock, this isolates the 2 systems with little or no risk to the well head protection area.

Mr. Stovel advised that the technical reports have been prepared and submitted.

Questions/Comments

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

Mr. Short stated that when he moved to the property in 1988 the pit did not exist. A large berm was subsequently built. Since this time, the point on his property has a significant water level reduction. He has a surface water well and is concerned they will run out of water. Mr. Short also expressed concern with traffic in the summer.

Mr. Dave Short questioned as to why is the applicant expanding the pit when over the last 2 years it has not been worthwhile for extraction and also why are they extracting below the water table?

Mr. Short questioned if the plan is approved and a large lake is created, is it necessary to build a berm, when it would be an attractive lake to look at?

Mr. Short also expressed concern with the loss of agricultural lands.

Mr. Stovel advised he would follow up with Mr. and Mrs. Short in the Spring.

Ms. Bev Wozinak questioned as to why the letter in response to the concerns raised at the October 15, 2013 Public Meeting was addressed to the Township and not directly to herself.

Mr. Stovel apologized that if anything the applicant had done has upset her. Mr. Stovel advised that there were issues with addresses for some individuals who attended the meeting and the Township advised that if provided with the information that they would forward on to the applicable individuals.

Ms. Wozinak questioned as to what would happen should the pond overflow?

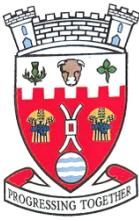
Mr. Pentney explained that should the pond overflow that excess water would go west towards the main pit area.

Ms. Wozinak questioned as to what happens if this is an artesian well?

Mr. Pentney explained that there are no indications that artesian wells are present.

Ms. Wozinak questioned as to whether it was the applicant's intention to put drain water onto Sideroad 10, Laird Road and referred to the issue at **????**

Mr. Stovel explained that yes there were existing drain routes on Sideroad 10, but that the concern of drainage in this location is a remote possibility and he did not believe it is an immediate concern.



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Ms. Helen Purdy, Mill Creek Subwatershed Community Liaison Team, thanked the Township and the Applicant for holding a second public meeting to address issues of water and hydrogeology.

Ms. Purdy questioned as to what extent and for what period of time has Groundwater Science Corp. conducted hydrogeological studies at the Puslinch Pit, the Beatson, Love and Snyder Pit and the proposed pit on North Lot 13, Concession 4?

Mr. Pentney advised that he has only been involved in the Puslinch Pit location and that this was conducted in 2008-2009.

Ms. Purdy questioned as to what extent and for what period of time has Groundwater Science Corp. been responsible for the ongoing water monitoring program at the Puslinch Pit, the Beatson, Love and Snyder Pit and the proposed pit on North Lot 13, Concession 4?

Mr. Pentney advised that they Groundwater Science Corp. is not responsible for the monitoring programs for other pits.

Mr. Pentney has been involved with data regarding below the water table.

Ms. Purdy questioned as to whether Groundwater Science Corp was conducting any monitoring?

Mr. Pentney advised that they were not collecting other data.

Ms. Purdy questioned as to whether they were responsible for reporting to the Ministry of the Environment.

Mr. Pentney advised that they were not.

Ms. Purdy questioned as to whether the ground water monitoring data collected and reported over time by Groundwater Science Corp was reviewed by a hydrogeological consulting firm on behalf of Cox Construction?

Mr. Pentney advised that some data was from Morrison Beatty Limited at the time and was updated in 1996-1998.

Ms. Purdy questioned as to who has been conducting the monitoring since 2002.

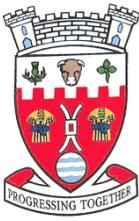
Mr. Stovel advised that these pits are licensed for above water table extraction and as a result report is not required.

Ms. Purdy commented that there may be a lack of good historical monitoring data.

Mr. Pentney advised that there is long term data from 1979 to 1990 and 1995, 1998 as well as 1998 to present and believed there is an extensive monitoring record.

Ms. Purdy commented that a ground water divide has been identified in close proximity to the subject lands with ground water and surface water either flowing southeast to the Speed River/Irish Creek/Puslinch Lake Subwatershed or to the north and west to the Speed River.

Ms. Purdy questioned as to whether it can be explained as to the significance of this ground water divide and if below water table extraction on the subject lands shall interfere with the historical flow systems or result in changes to the flow systems as extraction continues below the water table and after the proposed site has been rehabilitated?



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Mr. Pentney advised that this pit is a far enough distance from the divide which is south of Forestell Road.

Ms. Purdy questioned as to whether he reviewed Mr. Denhoed's Mast Synder Report?

Mr. Pentney replied that it had been reviewed and was referenced and excerpted in his report.

Ms. Purdy questioned as to whether an explanation could be provided with respect to the information on the contour elevation chart shown on pages 2 and 3 of the site plan as there seemed to be conflicting information as to the information on the site plan and information in reports, ranging from 6 metres to 10 metres?

Mr. Pentney advised that the existing elevation was 6 meters.

Ms. Purdy questioned as to what is the proposed depth of extraction in metres and what is the proposed depth of the pit lake when extraction is completed?

Ms. Pentney advised that the depth was shown on the site plan.

Ms. Purdy questioned what is the predicted volume of water that shall be contained in the pit lake when and after final rehabilitation occurs?

Ms. Purdy quoted from a letter dated January 5, 2005 for the adjacent Mast-Synder Pit in which David Webster, Regional Hydrogeologist for the Ministry of Natural Resources, expressed concern that "the proponent did not quantify the predicted volume of equivalent groundwater extracted at the site during the proposed operations".

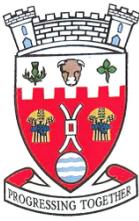
Ms. Purdy further questioned is it not important to predict and quantify the volume of water that shall be contained in the pit lake after final rehabilitation to ensure that the pit lake can contain water inflows and outflows and that significant weather events shall not cause overflow conditions and flooding of Laird Road, adjacent lands and the Provincially Significant Speed River complex and its tributaries?

Mr. Pentney advised that he had spoken earlier with respect to flooding and that a draw down assessment had been conducted.

Ms. Purdy questioned is the establishment and operation of the proposed Cox Construction Pit dependent on the on-going operations and monitoring programs for the adjacent Cox Pit CBM Mast/Snyder Pit and the construction and the long-term use and maintenance of a silt barrier wall to control the movement of water that may or may not prove to be an adequate structure or deteriorates over time and requires reconstruction?

Ms. Purdy questioned why hasn't a structural engineering report/plan, including a risk analysis assessment and a recommended long-term monitoring and maintenance program, been prepared and submitted by the applicant for the proposed construction, maintenance and reconstruction of the silt barrier and step pools in order to contain the predicted volume of water, determine groundwater draw downs, establish the leveling effects on the CBM and Cox pit lakes, suggest the required elevation of shorelines and slopes and to ensure the protection of the natural heritage features on the subject lands and on adjacent lands?

Mr. Pentney advised that a structural engineer is not required to do the work and therefore this is the reason why a structural engineering report or plan has not been submitted.



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Ms. Purdy further questioned is Mr. Denhoed going to oversee and assume responsibility for the construction, long-term monitoring, maintenance and any future reconstruction of the silt barrier on behalf of Cox Construction Limited or the Township of Puslinch?

Mr. Pentney advised that monitoring is now to be on site instead of off-site. This will provide the necessary data for monitoring.

Mr. Denhoed advised that a structural engineer is not required as there is no structure being built on top. Mr. Denhoed advised that the process involves digging a trench and preventing the flow from going onto the surrounding lands. There is not an issue with respect to structural integrity as in this case there is nothing to fall over. Mr. Denhoed stated that in his opinion the wall will be structurally sound.

Mr. Denhoed stated that in 2006 when the site was proposed he reviewed a number of the ponds in the area part of the study and suggested that there should be a barrier wall to prevent added water into Puslinch pit. Mr. Denhoed indicated that this process will achieve this.

Mr. Pentney indicated that there were no issues with the 2 original operations.

Ms. Purdy questioned as to whether there is a silt barrier wall at the Mast-Snyder Pit?

Mr. Denhoed advised that there was not.

Ms. Purdy questioned as to what legal responsibility and liability arrangements have been made including costs for the parties involved such as Cox Construction Limited, CBM, the MNR, the County of Wellington and the Township of Puslinch if the barrier wall cannot control the movement of water and flooding and other problems occurring?

Mr. Pentney advised that he was unable to comment on the question of legal liability.

Ms. Purdy questioned as to whether Mr. Pentney conducted a field study to map the catchment area for the Provincially Significant Wetland located on the Mast-Snyder Pit in close proximity to the boundary on the North Part of Lot 13, Concession 4?

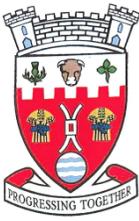
Mr. Pentney advised that he did not conduct a field study.

Ms. Purdy questioned does the catchment area of the Provincially Significant Wetland located on the Mast-Snyder Pit in close proximity to the boundary of the subject lands extend onto the North Part of Lot 13, Concession 4?

Mr. Stovel advised that he took pictures of the area and there were no wetlands. Mr. Stovel also advised that the Grand River Conservation Authority reviewed the report and advised that it had no concerns.

Ms. Purdy questioned as to whether Mr. Pentney could provide any scientific based evidence to support his assumption about ground water discharge conditions in respect to the Provincially Significant Speed River tributaries and ponds and the potential for adverse effects on fish habitat and other natural heritage features and functions?

Mr. Pentney advised that he had no concerns based on the Mast-Snyder Pit assessment.



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Ms. Purdy questions 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?

Mr. Denhoed advised that with respect to the culvert, when water is isolated, if it ever overflows it will go across the property line and recharge in the sandy sediment on the Cox property, the water will not flow the other way, it will not flow back from the culvert and the water would go into the lake.

Ms. Purdy questioned as to why the applicant has not addressed the water policies in Section 2.2.1 of the Provincial Policy Statement that require the watershed to be used as the ecologically meaningful scale for planning?

Mr. Pentney advised that he was unable to provide an answer at this time.

Mr. Stovel advised he would follow up with a response to her and Council.

Ms. Purdy questioned as to why Cox Construction has not conducted a water quality monitoring and reporting program for its licensed pits, particularly as extraction below water has occurred on the adjacent Cox Construction Puslinch Pit and possibly the Synder, Love and Beatson Pit and the unregulated/non-legislated importation, storage and processing of asphalt and concrete waste has taken place in both pits and there has been a well-documented history of the dumping of contaminated snow within the Puslinch Pit over the years?

Mr. Pentney advised that the applicant does have a monitoring program for the site and it is not expecting any water quality impacts.

Mr. Stovel advised that the assessment did not include water quality standards. Mr. Stovel advised that Cox does input material into existing pit, this will not happen in this pit. Mr. Stovel advised MNR and MOE programs encourage material being reprocessed and sold.

Ms. Purdy question as to what are the implications and consequences in respect to the mistake made by Groundwater Science Corp. in incorrectly identifying Wellhead Protection Area B (WHPA-B) and stating that the travel times for contaminates was 10-25 years instead of less than two years?

Mr. Pentney advised that there is no mistake and was using reference to materials available at the time. Since then, revision have been made to the mapping.

Ms. Purdy questioned as to what are the potential risks caused by below water extraction and the construction and future maintenance of a deep pit lake of approximately 14.5 hectares in size to the City of Guelph's Downey road well and the City's Drinking water supply?

Mr. Pentney advised that he previously responded to the inquiry.

Ms. Purdy questioned as to whether Cox Construction Limited would be agreeable to circulating the Annual ARA Water Monitoring Reports to the City of Guelph for information purposes and adding this stipulation to Note 5 of the Hydrogeological recommendations on Page 2 of the Site Plan?

Mr. Pentney advised that he would need to consult with the applicant and would likely be agreeable if the City of Guelph would require this.

Ms. Purdy inquired as to whether Groundwater Science Corp is currently conducting the Water Monitoring Program required under Section 4 of the Permit to Take Water 4125-



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8W6QZs issued on August 8, 2012 on behalf of Cox Construction Ltd.?

Mr. Pentney stated yes.

Ms. Purdy questioned as to whether the Permit To Take water was a level 3 application, as a level 3 application is required when there is “a greater potential risk to existing water users or to the natural function of the ecosystem”.

Mr. Pentney advised that a level 3 permit requires a scientific study.

Ms. Purdy questioned as to what the reasoning for Cox Construction requesting a substantial increase in water-taking when it applied for a new Permit To Take Water in 2012?

Mr. Pentney advised that it had to do with upgrades to their well.

Ms. Purdy questioned why did the MOE only issue a Permit to Take Water for a three year period rather than the requested 10 year period?

Mr. Pentney advised that the MOE did not provide a reason for the 3 year permit.

Ms. Purdy questioned why did Groundwater Science Corp. advise the Grand River Conservation Authority that the implementation of impact monitoring and mitigation plans “cannot be enforced by Cox Construction or other operators” and that the coordination of mitigation plans “cannot be enforced by Cox Construction on adjacent operators as part of this application?”

Mr. Pentney advised that the GRCA best practices provide no mechanism for Cox to require or implement plans with others. Mr. Pentney advised that the applicant has offered to co-ordinate to share data.

Mr. Stovel advised that two new monitoring wells will be installed on the site with the intention that Cox Construction will be performing their own monitoring.

Ms. Purdy questioned is Cox Construction Ltd. planning to coordinate the water monitoring and reporting program for both the Permit to Take water issued by the MOE and any water monitoring and report required for the licensed areas and the proposed new pit lands under the Planning Act and the ARA.

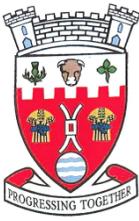
Mr. Pentney advised that this is beyond the contract. Mandated reports are by the MNR and MOE and they applicant is required to do this.

Ms. Purdy questioned why hasn't a cumulative effects assessment report been submitted by Cox Construction to address comments in the Grand River Conservation Authority letter dated January 9, 2013 that relate to the GRCA's Hydrogeological review and as outlined in the GRCA's “Cumulative Effects Assessment for Below Water Aggregate Operations Within Priority Watersheds in the Grand River Watershed Best Practices Paper?”

Mr. Pentney advised that he believed he had already dealt with the technical process.

Ms. Purdy inquired as to why there was no air quality report required and submitted. Ms. Purdy indicated that a written answer submitted by the Applicant dealt with dust?

Ms. Purdy commented that if there was an asphalt plant on site that it released contaminants and would require air quality reports.



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Ms. Purdy also inquired as to whether the applicant was operating with temporary permits.

Mr. Stovel advised that there is no proposal for asphalt or ready mix plants on this site. West of Sideroad 10 there is an approved asphalt plant. A report has been submitted and approved by air quality specialists. Best practice plans are in place.

Ms. Purdy inquired as to whether environmental approvals are in place and approved by the Ministry.

Mr. Stovel advised that yes, but now this is a site wide approval process, this is what the applicant applies to all surrounding properties and they are operating the plan according to requirements.

Ms. Kathy White inquired as to whether the applicant looked at alternatives as the application related to prime agricultural lands and as to whether the lands to the South would be reforested. Ms. White also referred to the below water table Provincial Policy Statement requirements.

Mr. Stovel replied other alternatives were considered and part of the lands are to be reforested.

The Chair inquired if there were any questions of others in attendance this evening.

Councillor Stokley advised that he hoped the applicant would work with Mr. and Mrs. Short to ensure that their well will not be compromised.

Mr. Stovel advised that he will work with Mr. and Mrs. Short. Mr. Stovel indicated The Hydrogeologist is prepared to look at the document that the Township prepared with Nestle Waters.

Councillor Roth stated the wellhead protection area is a concern and the potential in risk management inspector costs for the Township.

Mayor Lever inquired if there was current approval for the asphalt plant operating on Sideroad 10?

Mr. Stovel advised that the Ministry requires overall site approval and does not approve the individual plant.

Mayor Lever inquired as to when the application was made.

Mr. Stovel replied either 2010 or 2011.

Mayor Lever further inquired as to whether this plant was operating without approval.

Mr. Stovel replied that the asphalt plant has a Certificate of Approval. Mr. Stovel clarified that the approval process is received on the entire site not just the asphalt plant.

The Chair inquired as to whether there were any further questions.

There were none.

Ms. Purdy advised that she would be compiling a further letter with her concerns and submitting it to the Township.

The Chair reminded attendees to ensure that they had signed in and that they must



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make a written request to the Township if they wished to be advised of the decision.

ADJOURNMENT:

The meeting adjourned at 8:45 p.m.