



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

**DATE:** Wednesday April 13, 2022

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

**PLACE:** Virtual Meeting held by Zoom Webinar

**FILE:** Zoning By-Law Application D14/SLA – Lisa and Abigail Slater – Rear Part Lots 7 to 9, Concession 10, municipally known as 711 Arkell Road.

Zoning By-Law Amendment D14/ARU – Township of Puslinch Initiated Zoning Amendment Relating to Additional Residential Units

Zoning By-Law Amendment D14/CBM – St. Mary’s Cement – Rear Part Lot 25, Concession 1 and Part 1 on Reference Plan 61R-21652, municipally known as 4222, 4228 and 4248 Sideroad 25 S.

**MEMBERS:** Mayor James Seeley  
Councillor Matthew Bulmer  
Councillor Jessica Goyda  
Councillor John Sepulis  
Councillor Sara Bailey

**TOWNSHIP and COUNTY STAFF:** Municipal Clerk, Courtenay Hoytfox  
Deputy Clerk, Jeff Bunn  
Senior County Planner, Zach Prince  
Manager of Planning and Environment, County of Wellington, Meagan Ferris

The Chair called the meeting to order at 7:01 PM. The purpose of this Public Meeting is to inform and provide the public with the opportunity to ask questions, or to express views with respect to development proposals. The Councillors are here to observe and listen to your comments; however, they will not make any decisions this evening.

**Zoning By-Law Application D14/SLA – Lisa and Abigail Slater – Rear Part Lots 7 to 9, Concession 10, municipally known as 711 Arkell Road.**

### Presentation:

John Cox, JL Cox Planning Consultants Inc., agent for the property owner, provided an overview of the proposed zoning amendment, including:

THE PURPOSE AND EFFECT is to amend the Township of Puslinch Comprehensive Zoning By-Law 23-2018 from Agricultural (A) zone to:

1. Site Specific Agricultural (A- ) to permit three existing residential dwellings.

Mayor Seeley then invited members of the public to provide comments. There were no questions from members of the public.

There were no questions from members of Council.



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## **Zoning By-Law Amendment D14/ARU – Township of Puslinch Initiated Zoning Amendment Relating to Additional Residential Units**

### **Presentation:**

Joanna Salsberg, Planner, County of Wellington, provided an overview of the proposed Township Initiated Zoning By-law Amendment, including:

**THE PURPOSE AND EFFECT** – The Township has undertaken a review of the existing zoning provisions related to Accessory Apartments. The proposed amendment is to update the provisions for Accessory Apartments to bring the Township Zoning By-laws into conformity with the Planning Act, the County of Wellington Official Plan, and best practices for Additional Residential Units [ARUs]. This is a Township initiated amendment that affects all lands in the Township of Puslinch

The Chair requested if there was anyone in attendance that wished to express his or her views on the Township Initiated Zoning By-law Amendment.

Ashleigh Chartrand – 90 Gilmore Road West

Does this mean that the accessory dwelling can only be 40% of the main dwelling that is on the lot? Is that set in stone or could that be made bigger because that's still pretty small unless you have a fairly big house to begin with.

Joanna Salsberg, Planner, County of Wellington

Thanks for your question Ashley. The size restriction is there to ensure that the units are subordinate to the main dwelling, but we do understand there may be circumstances in which a unit may be larger and there are different methods in terms of addressing that in terms of applying for minor variances. But in terms of the size restriction, we're really looking to make sure they are subordinate so it's 40% and then up to a maximum size of 115 square meters is the proposed wording.

Ashleigh Chartrand – 90 Gilmore Road West

We just calculated and it's 1237.85 square feet, is that just for one floor or can you have two floors?

Joanna Salsberg, Planner, County of Wellington

Sorry Ashley, can I just clarify your question? So you mean can the unit be two floors?

Ashleigh Chartrand – 90 Gilmore Road West

Yes.

Joanna Salsberg, Planner, County of Wellington

The policies have provisions for the units being within, as there are requirements for things like height that would limit what the unit would look like. So you'd be looking to meet all those different provisions whether you spread them over two floors and whether they have an aspect related to the main house or occupy the entirety of the building. If you're looking for the unit to occupy the entirety of a building, so not have a garage or something related to the main house, there is a height limit of five meters that we're currently proposing for these units. So you may have some difficulty in terms of having a detached unit being that height if that's what you're thinking. There'd be all these different components that you'd be looking to meet if you were applying for an additional residential unit. So you'd have that size restriction and then also the height and setbacks, and all the other things that go along with preparing one of these units.

Denise Knapp – 7738 Maple Road East



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I'm really excited about this plan and this amendment. I think it would be really helpful for some residents in caring for elderly families and extended families. I just want to make sure I'm clear on what's being proposed. So what I'm hearing and what I'm understanding is that you can have your principle residence where you're living and then another detached dwelling on the property that is 40% of the principal, no more than that. Then are you also saying that you can have an accessory apartment, or ancillary apartment, which would be like something like in your basement. Or would that also qualify for another building on the property? Like you know how some people are doing barndominiums or things like that are those things that qualify? I just want to make sure I'm clear on what's being outlined here.

Joanna Salsberg, Planner, County of Wellington

What's being proposed is having one unit within a detached building that unit can either occupy a part of the building or the entirety of the building. You could also have a unit within the principal dwelling as long as it's one of those three dwelling types; either single detached dwelling, a townhouse dwelling, or within a semi-detached dwelling. So you have those three so long as it's within that the principal dwelling. You could have a basement apartment a part of that principal dwelling as well. So there's two within the principal dwelling and then one within an ancillary building and then the size restriction would apply to each of those units as well. The definition for net floor area is what we're using in terms of the percentage and then it's also up to a certain cap in size as well.

Denise Knapp – 7738 Maple Road East

Just to further get some clarification on what would that require? Would that require any sort of other zoning amendments or variances for people that were interested in doing something like that?

Joanna Salsberg, Planner, County of Wellington

It's a good question. What we're proposing in the bylaws to have these provisions where the units are permitted, you could come in for a building permit for them, so they wouldn't require additional planning approvals, unless you are going beyond what the provisions provide for. As long as you're meeting the zoning by-law requirements, you'd be looking to submit a building permit to construct one of these additional residential units.

Mayor Seeley

I have a question for staff and it relates to Ms. Shartran's question about square footage. In determining square footage, if we take the height maximum out of it, it's 1400 square feet per floor. So if you have a primary residence that has two stories and you can actually do two stories. It's 1400 square feet combined, or if you have a large single bungalow that you're not allowed to do a second story, it's the main floor, it could be 1400 square feet. Is that the intention?

Joanna Salsberg, Planner, County of Wellington

Just so I can clarify your question, depending on the size of the main dwelling what the size of the unit would be?

Mayor Seeley

Basically what I'm asking is are you including the basement in the square footage?

Joanna Salsberg, Planner, County of Wellington

Yes. So we're using net floor area and net floor area does exclude some items from it. So things like stairwells or elevators or those kinds of spaces. We are looking to include the stories in terms of the calculation of what the floor area would be for the principal dwelling. So it'd be looking at any of the stories in between, removing those on essentially non-habitable spaces. Within the definition of net floor area it explains which would be excluded.



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Mayor James Seeley

So if I were to list my house for sale they would not include the basement in the square footage. So would that be what we would be mirroring with these ARUs?

Joanna Salsberg, Planner, County of Wellington

My understanding is we would include the basement but maybe Meagan can jump in here.

Meagan Farris, Manager of Planning and Environment, County of Wellington

To answer your question, we're using net floor area and net floor area uses all stories. As Joanna's mentioned, it excludes non-habitable spaces, but it doesn't exclude a basement, so it would technically include a basement provided that a definition of a habitable room. So I would say generally yes you're going to be including the basement.

Mayor James Seeley

Okay I would like more clarification at a later point on the habitable room and what meets that definition please. Thank you.

Ashleigh Chartrand – 90 Gilmore Road West

Is it possible for the new unit to become the primary residence?

Joanna Salsberg, Planner, County of Wellington

In terms of the zoning bylaw we are not limiting that as a possibility as long as the unit would meet the requirements of the bylaw. But it would ultimately be implemented through a staff approach of whether the conversion of the main dwelling could become an additional residential unit.

Ashleigh Chartrand – 90 Gilmore Road West

So could the new dwelling become the primary is what I'm asking, and then the main, the original main, be 40 of that?

Joanna Salsberg, Planner, County of Wellington

You're asking that the existing dwelling would become the unit and then you'd build a new dwelling?

Ashleigh Chartrand – 90 Gilmore Road West

Yes. We're trying to build a bigger building than what is proposed right now because it's a bit small. So is it possible to have the main house right now be the accessory and then it become 40% of the new one? So the new one could be bigger and then the main or the accessory building is 40% of that one.

Meagan Farris, Manager of Planning and Environment, County of Wellington

As Joanne has mentioned, we're not going to limit what we would refer to as a conversion. There would need to be an internal process that's established because you ultimately can't technically have two dwellings on one property. So there'd need to be a process to establish some sort of agreement or sort of permitting process to say that this is going to become your ARU and then your new dwelling is going to become your primary dwelling. But whatever dwelling is going to be the ARU, it needs to meet all the zone provisions. So your current house is like 45% and it's over the 130 square meters, your current house which would then be converted to the ARU wouldn't meet the ARU provision. So you'd be looking for relief from the by-law. So you'd have to have to be cognizant of that. I would just add for everyone that's listening we've done a research of a variety of communities within Ontario, not everyone obviously, but a healthy review of the size cap. The size cap that the Township has is something that exists already, but 130 square meters is larger than what we've seen in most communities to be honest. The average is about 100 square meters so it's quite large already, just to add that context.



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Denise Knapp – 7738 Maple Road East

Are there any regulations that you're thinking of where the buildings would need to have a certain measure of meters or whatever spaced apart? How far and how close would these buildings need to be?

Joanna Salsberg, Planner, County of Wellington

It's a good question. So what we're proposing is the additional residential unit shall be within the existing building cluster and located within 40 meters of the principal dwelling on the lot. So you'd be looking for the unit to be within 40 meters and remaining within the cluster of where all the buildings are located on the property.

Denise Knapp – 7738 Maple Road East

I know this is a process and it takes time, what are you thinking that the timeline might be for this to potentially be approved?

Joanna Salsberg, Planner, County of Wellington

Where we are right now is in collecting feedback from the public and then also from council. Then we also have that survey that's been posted which will be up until the end of the month. So what we are waiting to see is what kind of feedback we get from those different groups and then we'll be reviewing all that information and then coming back to council with a final recommendation report and bylaw for consideration. In terms of timeline, I'm not sure if we have a concrete date yet in terms of looking at all that feedback and then preparing a response but we're all looking to come back in a timely manner.

Mayor James Seeley

Further to the cluster comment, is it corner to corner like nearest corner to corner? Is it center to center? Or, is it furthest point the furthest point? Have you hashed that out yet?

Meagan Farris, Manager of Planning and Environment, County of Wellington

At this point in time like we didn't get into an idea of like how exactly it would be measured. That could be something that maybe we spell it out. We haven't seen a lot of communities do that, but at the same time it could be something kind of reviewed internally by Township staff. I think at the end of the day we're not intending to nickel and dime with distances. They're trying to be reasonable with it as well.

There were no further questions from members of the public in attendance. Members of Council were asked if they had any additional questions.

Councillor Mathew Bulmer

The one question that I wanted to ask about was related to the accessory residential units that would be put on as an addition. I heard you state that they had to be on the side or the rear of the existing house, and I would understand that on a house on a one acre lot which is at the minimum set back from the road perhaps. But there's a lot of properties where the houses are 100 meters 200 meters 300 or 400 meters from the road, and determining which is the front is maybe difficult. I mean my front door is facing away from the road, some farmhouses have the front door facing parallel to the road. What is the purpose of this? Could it be adjusted for houses that are further back, and does it really matter if the house is further back? I'm trying to get a sense of why it can't be the front of the house.

Joanna Salsberg, Planner, County of Wellington

In terms of the intent of that provision, it's to ensure that when there is an addition for these units, it's visually appealing so it doesn't disrupt the way that the building currently looks and it



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looks the same from the street in terms of it being the same unit of whether it's one of those three housing types. So it's meant to put the use to the side or to the back so not disrupting the way the unit interacts with the street. I take your point on larger agricultural lots you wouldn't be able to necessarily see the building from the road. But the intent is in situations where it interacts with the street, to keep the unit back and to keep it visually appealing and matching what's currently located on the street. It is something that we can take a look at in terms of other requirements. I know when we did our research into how other municipalities were looking at these units that was a consistent approach, having the units either to the side or back to maintain the same interaction from the street.

Councillor Mathew Bulmer

Thank you and I completely understand that in the house that is visible from the road or close to the road. I just think in my own situation, it's the old log portion that's on the road end of the house and if I was going to put an addition on I'd love to put it on that portion to block it from the wind. You can't see it from the road, my neighbor's place is half a kilometer from the road. So if we could consider that as a sort of a variation and make it based on setbacks and visibility from the road, perhaps that would be a way to address that concern. I'd love to see something about that, thank you.

Mayor James Seeley

If somebody were to apply for it at the front of their home with less setback, I'd like to hear from the planners to know if they would feel that that's a minor variance type approach. Maybe we could deal with that per application because I get the impact on the neighbors if it's in behind and it doesn't change the aesthetics of the home. There's going to be less concern and complaints, but ultimately we have a housing crisis that everybody's talking about and if the room that you have is at the front of your property, and let's face it probably most of these are going to be quite aesthetically pleasing. If it's just a minor variance process that's great, but if it's something else then that can be problematic. I'd like to see what your thoughts are on that.

Joanna Salsberg, Planner, County of Wellington

If it is going through the variance process then we would just be looking at whether it meets those four tests of minor variances. Depending on what it would look like on the front in terms of how close it would be to the street, how it would interact with the street, and the surrounding neighborhood. Those would be the kind of things we'd be looking into in terms of whether it's minor or not in those situations. If it's not to the back or to the side of the building, the official plan talks about having the units also be subordinate too, so I would just add that's also what we're trying to accomplish in terms of making these units look subordinate to the main dwelling as well. I think we'd be weighing all those different parts of it in terms of the variance if someone was to proceed with that.

Councillor Sara Bailey

One thing I haven't heard anything about, and maybe this is getting detailed, but are there any parameters as to the type of building that the ancillary building can be? Can it be a modular home, does it have to be solid foundation, are there guidelines around that?

Joanna Salsberg, Planner, County of Wellington

We have included a clarification within the definition of the units that for the purpose of those detached units, the ancillary portion of it means a shed, private garage, carriage house or barn. So it's relating those detached units to those particular types of buildings. I appreciate what you're saying in terms of what the actual type of building is in terms of foundation and those detailed components of it. We are with that definition trying to show what kind of buildings would be considered essentially for these units

Mayor James Seeley



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Councillor Bailey, are you talking about tiny homes and some of the other things that are floating around out there. Is that what you were referencing?

Councillor Sara Bailey

I'm just picturing the ease of bringing in modular and plunking a modular thing down, and then we've got a whole Township full of modular homes. I didn't know if there was any sort of regulation around what we would consider it to be, but it sounds like it's going to be within a building that's currently existing.

Meagan Farris, Manager of Planning and Environment, County of Wellington

I'll just add on to what Joanna said. Councillor Bailey has raised a good question and it's also a part of the comments that we've heard from PDAC as well. I think the reality is we don't explicitly say the type of building under the Building Code per se, we're talking about definitions under a by-law, but it needs to be permanent. We use the term tiny home pretty interchangeably with something on wheels and it has like a compostable toilet. We're not talking about. We're talking about something permanent year-round, and ultimately we have to assure that there's like a distinction between like a permanent dwelling type versus a garden suite. We're essentially saying there's a distinction between the two. I hope that provides some clarity. It won't be RV trailers parked in the backyard hooked up to something. It's going to be more permanent structures.

There were no further questions from members of Council.

### **Zoning By-Law Amendment D14/CBM – St. Mary's Cement – Rear Part Lot 25, Concession 1 and Part 1 on Reference Plan 61R-21652, municipally known as 4222, 4228 and 4248 Sideroad 25 S.**

Neil DeRuyter, MHBC, agent for the property owner, provided an overview of the proposed zoning amendment, including:

THE PURPOSE AND EFFECT of the proposed Official Plan Amendment is to amend the County of Wellington Official Plan to add the subject property to the Mineral Aggregate Resources Overlay to facilitate the expansion of an existing gravel pit (CMB Lanci Pit). A portion of the lands is proposed to be redesignated from Greenlands to Secondary Agricultural and from Secondary Agricultural to Greenlands on Schedule A of the County of Wellington Official Plan. The Zoning By-law Amendment proposes to:

1. Amend the Township of Puslinch New Comprehensive Zoning By-law 23-2018 to rezone a portion of the lands from the Agricultural (A) (sp1) Zone to Extractive (EXI) Zone to facilitate the expansion of an existing pit (CBM Lanci Pit).

Mayor Seeley then invited members of the public to provide comments

John Whitney – 6927 Concession 2

Thank you for the opportunity to add to my comments. My letter was written in the belief that planning, whether land use or fiscal, county wide or Township specific, relies on the good faith of all the community partners. Without that trust, the planning, no matter how well it's done isn't worth the paper or the digital data it's written on. If you type CBM into the ERO, that's the Environmental Registration of Ontario office search engine tonight, you'll find that in just the last month four applications for site plan changes were received from CBM in the municipality of Thames Center for changes to extract below the water table. In the Municipality of Kawartha Lakes to more than triple extracted tonnage. In the Municipality of Whitby to change the air and noise thresholds for a concrete plant, and the same in Burlington. I would ask Council to



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consider that along with the specific issues raised in our letter when making their decision on this rezoning application.

Kathy White – 4540 Wellington Road 35

During the time of the license Public Meeting, we were pretty busy with COVID, trying to get our shots, look after our families. I know I did take it out of the paper, I actually tore the date out of the paper and it passed by. I think during these times we can't assume that the public is not interested, but we are interested in many other things that are consuming our families right now, and they continue to do so. This pit has not been top and center, although I will say that as background, and I did attend the public meetings for the existing landscape back in 2008 or 2009. Before I begin I'd like to make a statement about the use of the term expansion under the Aggregate Resources Act Section 13 (21), the boundaries of the area subject to a license as specified in a site plan for the license may not be expanded unless an application for a new license is made. This is a new license under the aggregate resources act not an expansion although an expansion may be permitted under Section 13 (2.2) of the Act it does not apply here. The same is true for the applications to amend the Official Plans and for the Zoning. These are new planning applications.

The County of Wellington Planning Report advises that for the municipal planning application the applicant has submitted the site plans which were prepared for the MND MNFR. In preparation for tonight's meeting, I first reviewed the site plans and site plan notes for the license application, and I say they're the license application. Of course, when making any planning decision based on site plans prepared for an aggregate license, we must always be cognizant of Section 13 (1) of the Aggregate Sources Act that the Minister may at any time add a condition to a license rescind or vary a condition of a license or amend a license in any other way. We are all familiar with Section 66 of the Aggregate Resources Act. There's no requirement for a development permit under the Planning Act and the additional restrictions that were placed on municipalities respecting any aspect of the operation of a pit the licensed site plans can be amended. We only have to look next door at the University of Guelph Pit to see numerous examples. The recent zone change to extract adjacent to Creve Hills Center is justification for strongly recommending that the significant woodland on the south side of the pit be excluded from both the extractive zone and the overlay not be within the license boundary. I'm not sure if that was what was said earlier except there was some comment about having it within the overlay.

I think if that that woodland is going to be left out, it needs to be left out of everything because we've seen this happen before. There are two variations from the operation standards on the site plans which I was concerned about: OS 510 one setbacks of zero and 15 meters from the vacant lot per agreement with the private property owner. Has there been sufficient study to determine adverse impacts from the industrial operation of the pit and to protect future residents because that lot is zoned and it could be a residence. OS 19 below water table slopes of two to one this will increase extraction tonnage, but result in a very steep drop off into the lake.

The majority or about half of the subject lands at least the lands proposed for the OP and Zoning Amendment are not identified in the county's mineral aggregate resource area schedule. That's about half now if that bottom section (southern section) is eliminated then it would be the majority would be within the mineral aggregate schedule. I just wanted to make that clear or to clarify that I need clarification for that. I reviewed the Planning Report prepared by the proponent by MHBC Planning. I've also read the County of Wellington Planning Report. I have some concerns. One of them is the five meters from the drip line of the trees. I've seen this in an application that I dealt with here. There's a statement on the site plan which acknowledges that compaction of soil in the setback area can negatively impact tree roots, so increasing the setbacks from the wooded area would be prudent.





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There is, I don't believe I've seen it to this extent before, habitat of endangered species on the site. The proponent justifies the removal of dangerous species habitat by referring to what is currently available in the local landscape. So that means they can go somewhere else. This is an unacceptable approach lacks accountability and proposes that endangered species find another location is this the intent of the growth plan and is this consistent with PPS. Another point is the endangered species breeding on the site, the eastern ground-footed myocast bats. They're actually, I believe, breeding nesting, there's habitat of the threatened species, there are no limits on the days of operation, there may be limits on the times, but the way that this proposal is written that they could go seven days a week and that needs to be fixed. This may not be a prime agricultural area but it is prime class to farmland and we don't ever want to downplay that because we've lost so much of it forever. The subject lines are also partially within the wellhead protection Area Q, but the proponent's response is that the tier three study has not been incorporated into the GRCA Source Protection Plan and therefore is not yet legally in effect.

The acknowledgement or the statement by the proponents planner that A Place to Grow 2019 will make it faster and easier to build housing that's the from the growth plan. The license, if approved, would demolish at least two homes in Puslinch Township and their properties. How does this conform with the Growth Plan? The proud neighbors who once lived along the 25th Side Road in Concession 2 are gone as are their homes and their properties. So why are we here? Is this good planning? Do these applications meet the test? I'm going to quote the comments from On Nature regarding the proposed changes to the Growth Plan for the Greater Golden Horseshoe are as follows: "it seems inconceivable that aggregate extraction would be permitted within the habitat of endangered species and threatened species in the regional natural heritage system" and that's what makes this proposal so different for me. I would also like clarification from the County Planner on Section 4.2.8 of the Growth Plan Mineral Aggregate Resources 2 C. I want to know if the related decision is consistent with the PPS and what is meant by the related decision.

There were no further questions from members of the public in attendance. Members of Council were asked if they had any additional questions.

Councillor Mathew Bulmer

I'd like to thank the public for their well-informed and insightful comments. It really helps us with our decision. Just for some clarity for myself, I need to get my head around a few details here. I just want to make sure I understand we're talk the tree plantation and the three properties that you're proposing to for housing afterwards. Are they all outside the proposed area to be zoned extractive or are they within the area to be zoned extractive? The three housing lots and the tree planting area.

Neil DeRuyter, MHBC

If I understand your question correctly, and if I can maybe touch on one of the comments that was received, the area of the significant woodland is not proposed to be rezoned or added to the aggregate overlay it would remain outside of those areas. The houses that we've shown on that after use plan that would be located within sort of the setback area along the road. In terms of the proposed what we call the proposed reforestation or the proposed tree planting that would occur within the extraction area. I'm not sure if that helps answer your question but I hope that distinction helps clarify things a little bit.

Councillor Mathew Bulmer

I'm speaking from a planning perspective and I'm not looking for site plan terms right now. I'm looking for when you say the setback area are you still proposing that the area is zoned extractive then you'll use it as part of your setback on the site plans? Are you proposing that it'll be outside of the extractive area, and on the site plans the same thing for the tree planting



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area? The tree planting area it will be zoned extractive will it and those lots will be zoned extractive. Is that what you're proposing?

Neil DeRuyter, MHBC

That's correct. So those areas what I call the setback area along Side Road 25 that's proposed to be rezoned extractive. Part of the reason that's being proposed is they're berms that are required there and so typically we would want that included as part of the extraction zoning. The area the reforestation would also be essentially be zoned extracted right that's an area that will be extracted and then the tree planting will occur there typically afterwards. I think the idea of accommodating those, what we call the three new houses, at a certain point once the extraction is completed the rehabilitation is undertaken and the license is surrendered those lands would have to be rezoned to something more appropriate right. Currently the extractive zone wouldn't just let you build new houses in an extraction zone, so there are options of having it go back to the agricultural zone that's currently in place.

Councillor Mathew Bulmer

Just to clarify it isn't that I would want it zoned extract it's if you would want it zoned extractive. In previous applications we have on some sites not zone the areas extractive where it's supposed to be setbacks and berms, we have left those outside of the area that's zoned extractive. But if you're proposing that area be zoned extractive and the tree planting area be zoned extractive then I have to look at that as being governed entirely by the site plan. I can't take that into consideration as part of my planning decision unless you can demonstrate to me what the connection is between the plans that you show us as part of the planning process and the Resources Act. Is there something in the Aggregate Resources Act that says the site plans you show us as part of the planning process will remain like that and they can't be amended without our approval.

Neil DeRuyter, MHBC

There is a Site Plan Amendment a process under the Aggregate Resource Act, Councillor Bulmer. What I would say is no site plan is ever fixed. When the Minister makes a decision to issue a license the site plan is not necessarily set in stone, things do change, and amendments do occur. There's a process in which certain amendments then require the Township's consultation. I just want to make sure I'm perfectly clear here on the reforestation area. That's an area that the materials will be extracted and then it's the side slope that gets planted. So if that wasn't placed in an extractive zone there would be no way of otherwise creating that slope to create the reforested areas. Certainly with the significant woodland, that's going to be left alone, that's not going to be added to the aggregate overlay. That's not going to be zoned extractive. With respect I guess to the Site Plan too, I would note that in working with the Township's peer reviewers and the review agencies, we have shared the Site Plans with both the Township and County to show what changes have been made. I can appreciate the fact there may be a concern that's viewed as a provincial document and we can't touch it, but I do want township council, and I hope you see this in good faith that CBM does want to work with the Township on this and the County. They have made changes to the plan to address it that have been incorporated on the plan that would be submitted to the Minister. I know maybe at this point there's not a provision or a document that says this Site Plan shall remain for the lifetime of the Pit, I don't think we could ever commit to that. But I hope that you can see that we've been trying to work collaboratively with the Township, and try to maybe look at things a bit differently specifically with rehabilitation than maybe in previous years.

Councillor Mathew Bulmer

Absolutely, thank you. I recognize that and I've worked with CBM for years and my challenges that the reality of the legislation is that these Site Plans are licensed documents, they're not planning documents. There is no type of Site Plan Amendment that requires municipal sign-off.



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There's nothing that prevents any applicant from submitting a wholly different set of Site Plans for the license than they show us during the planning process. That's not your fault, that's not our fault, that's the process we're left with. I try to make decisions based on that reality to help build trust back into the system and that's why I always look at it as there is more than one way to achieve what both of us are trying to achieve and sometimes it's not the Aggregate Resources Act. That's the kind of open dialogue that we need to maintain through this because I recognize that our consultants have commented on the Site Plans as they exist today for the license. But that's only one of an infinite variation of situations that could occur here and my goal is to try and ensure that our consultants are commenting on what we're actually approving not what is one of many possibilities. I'm trying to avoid asking my consultants to forget the Site Plans because we can't control depth. Have we considered the how the maximum depth that's physically possible to dig in this? I'd be looking at alternate ways to achieve that. If you want to do a tree planting, there are other ways to achieve that other than having that zoned extractive. If we want to have housing lots left, there are other ways of achieving that than zoning extractive. They can still be within the licensed areas, but to put any value in those so-called benefits, we have to recognize that those need to be achieved outside the area zoned extractive. Once it's zoned extractive, I can't put any weight in it because it's wholly governing by the MNR, and you know as you heard from the residents, our faith is significantly shaken with regard to the MNR and their ability to enforce or listen to the comments we make. So that's where I'm coming from. I hope that makes sense.

Neil DeRuyter, MHBC

I would say CBM's more than willing to work with the Township on the By-Law. I know in the County Planning Report there is a discussion about considering some of those items. Certainly more than happy to figure out what that would look like to give the Township a level of comfort as to what's currently on the table and finding a way to make it work for all parties.

Mayor James Seeley

I wrote down here trust, and I think that's the basis of Councillor Bulmer's concerns. We've encountered where we've had tree plantings on an adjacent operator and then they filed a minor amendment to their either Site Plan and then they cut all the trees down. That paved the way to now getting rid of the trees and extracting that gravel. So I echo the comments that Councillor Bulmer mentioned. I think it's actually fantastic that you have that slide deck and I would love to have a poster child that I could work with, and promote across other municipalities, that here is the end use of aggregate. But the reality is, you can have that slide in front of us and as Councillor Bulmer pointed out, it's all zone extractive. As soon as the value of the aggregate becomes worth more than the land, or you moving your plant, then there's nothing binding you to those slide decks. So to me they don't carry any value other than it would be wonderful for us to be reassured that that's the end use. One of the largest concerns with the Council here is that you know aggregate is supposed to be an interim use. But we have pits that are that have been dormant for getting close to 20 years, they never surrender their license. We've experienced every workaround. We're playing in the same ballgame and the rules are the problem. I'm not super upset that you're taking advantage of the rules, but definitely if there's an opportunity for CBM to work with us and maybe exclude those components of the homes from the extractive zone. I looked at those three houses and I thought is there an opportunity for the Township or CBM to provide access for the public, post-extractive, post rehabilitation? Instead of having three homes, have two. Then all of us can go around and say look at what we got from aggregate extraction in your community, you got access to a lake that you can swim and do other things. These are important things when there's impacts that as I spoke before go decades. That's the biggest thing I think for this Council. We have concerns with our ability to influence any of it that are not these planning components. Really it's a licensing component. Once the license is in place then it's a free-for-all. We've brought up concerns with the crossing at Concession 2, I believe it's one of your Pits, the rock trucks drive over it. Is there any willingness in CBM to make sure that where you're crossing Concession 2, to take responsibility? I understand that you pay a levy but the levy is on



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the truck that leaves the processing plant. The aggregate can be in two or three trucks before it gets to the road that we collect the levy on. It's unfortunate that it's a mud bath most of time. My Director of Public Works is constantly trying to fix the road from the rock trucks because they're so heavy. I'd like some communication from CBM on their commitment if this pit's going to be another five-ten years in operation. Whether they pave a portion of it to try to get the mud to stay in the pit and also the upgrade of the road. What's the significance of adding the proposed lands to the mineral overlay? Why is that important?

Neil DeRuyter, MHBC

I'll start with the road crossing just because I am aware that CBM has had recent discussions with Township Staff regarding what we call the PQA/Neubauer Crossing which is probably 500 meters to the east of this crossing. CBM is part of the meeting here and without speaking for them, I know there's a willingness to figure that out and find a solution that works. The structure of the road, the mud track out, all of those are being addressed. I know that there has been a recent meeting with Township Staff on that. The second thing about the significance of the adding the overlay, there's two hectares of the site of what I call the "proposed extraction area" that's not within the overlay. In order to line it up with the Amendment of adding this site to what we call the "mineral aggregate area" the overlay should be extended to follow that line. So that's sort of why we've added this idea of extending the overlay to the southern limit of the extraction area. That mapping has been based on sort of provincial mapping to identify what we call "primary" and "secondary aggregate deposits". So the deposit in this area extends further south. We know there is the material to the west into the east that go that far south. The idea is to make it line up with what we're proposing for the mineral aggregate area designation. There's one fixed line not two lines on this site. It's a bit of a technical one.

Mayor James Seeley

Is there any mineral area resources where the three homes will be?

Neil DeRuyter, MHBC

There would be aggregate underneath those but those lands wouldn't be able to be extracted because of the 30 meter required setback from the road. To be open and up front on this, the aggregate extends further south right below the significant woodland and in that case there's not an intent here to include that in the aggregate overlay or to rezone it to extractive. That area is going to be left zoned agriculture and left outside of the aggregate overlay. So yes, the aggregate continues where those homes are located. They couldn't be extracted because of the requirement to remain at least 30 meters from the road.

Mayor James Seeley

But through your application they will be included in the extractive zone?

Neil DeRuyter, MHBC

Correct they will be. We're willing and hoping to have the discussion on what that pilot looks like. My experience is typically we include that because there's going to be berms that are going to be needed to be placed there, so we try to line everything up so that any sort of what I call aggregate or extraction related activities are occurring within that extraction zone. Certainly I don't think CBM would want to run into an issue where if that lands left in a separate zone and they put material there to build the berms that there's a question whether they're allowed to do that under the zoning. I think with respect to mitigating noise and ensuring that there's no visual impacts, it's generally understood that berms are an effective way of dealing with that. So I think we would just want to make sure it's not a situation where that type of activity cannot occur. I just want to quickly touch a bit on the whole trust thing and I think you know I can fully admit here sitting in front of you today that a plan that we've shown in a presentation by no means is a legal document right. But what I hope it conveys is that there's a willingness on the part of CBM to work with the Township on the concerns that have been heard with respect to sites that are left as water are very apparent to CBM. CBM having licensed sites and



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having a processing plant that's supplying high quality materials in the Township want to find a way to do their part to help with this and that's sort of where that that idea came up with. You know tonight certainly won't be where the discussion ends on this site or other sites. I think there's a willingness to figure out how to come to a compromise. I can appreciate the fact in the Township's perspective that there's an area of the Township that contains a lot of aggregate and it's been subject to aggregate extraction for several decades. I think recognizing the value of the resource, the importance to the economy, and finding a way though to give something for the Township in its future and its current and future residence that makes sense is in everybody's best interest. I hope that that helps with the overall framework in the in the discussion we've had tonight. I think certainly CBM wants to continue to have those discussions so as a closing note thank you for the opportunity to present in front of you and I appreciate the opportunity to answer the questions.

Mayor James Seeley

Well thank you Neil. It's refreshing to see a proposal that you know whether it's binding or not. I honestly think both the municipality and the industry need a rehabilitation program like this, so that we can promote it to the community and the residents that host these sites. It's my hope that this comes to fruition as you've presented it mostly today. I understand that there could be variations slightly but I'll be an optimist on this and honestly if it is as presented, the end use, I think you know that's something that the community could get behind. Hopefully that's where we end up.

There were no further questions from members of Council.

### **Adjournment:**

The meeting adjourned at 8:46 PM.