

**Hunder Development Ltd.
1677 Hopewell Creek Road, RR 1
Breslau, ON N0B 1M0**

August 9, 2011

Mayor Todd Cowan and Council Members
Township of Woolwich
24 Church Street West,
P.O. Box 158,
Elmira, ON N3B 2Z6

Dear Mayor Cowan and Council Members

**RE: Hunder Gravel Pit Application,
Township File Nos: 8/2009 (Zone Change) and 1/2011 (Official Plan Amendment)**

Township Council will be aware that I am a principal in Hunder Development Limited (Hunder) together with my partners CG Snyder Ltd, represented by George Snyder. Hunder is the applicant for the proposed official plan amendment and zoning amendment to establish an aggregate operation in the Township of Woolwich, which are the subject of tonight's information session.

I am a lifetime resident of the Township, with long historical roots to this community. I have lived and worked in the Township all of my life. The Snyder family has been in the Township for almost 50 years. We have raised our families here. In 2007, we began a partnership to explore the development of an aggregate proposal for our lands within the Township.

Our goal from the beginning was to explore the potential for this project in a careful and methodical way. We retained experts in a variety of disciplines to ensure that the subject lands contained a significant amount of high quality aggregate that could be extracted without adverse impacts on neighbouring residents, the community, and the natural environment. We have sought to work in an open and respectful way with Township staff, other government agencies and the local community to study the proposal and its potential impacts, and respond to all concerns raised.

This letter will set out:

- A summary of the planning process for the applications;
- Our team's efforts and proposals to Township staff to identify and resolve outstanding concerns;
- The work our team is now undertaking to review and respond to the most recent Township staff report; and

- Our request for an opportunity to present this response to Township staff and Council prior to a decision on the recommendation set out in the staff report.

Planning Process to Date

We believe that this project has undergone a rigorous study, peer review and planning process. The process has included:

- Detailed studies to evaluate the proposal and its impacts including studies on: aggregate resource quality and quantity; hydrogeology/potential groundwater impacts; potential dust/noise and traffic impacts; natural heritage resources and ecology; cultural landscape and archeological resources and visual impacts;
- A multidisciplinary Township peer review, funded by Hunder, in the following disciplines specified by Township Staff: hydrogeology, dust, acoustical engineering, traffic and visual impacts;
- A detailed discipline-by-discipline response to comments received from Township peer reviewers by the Hunder project team;
- A complete public and provincial agency circulation and review process which has included response to issues raised agencies and area residents; and
- Three public meetings to receive comments.

It is our project team's advice that the proposal meets all provincial and municipal regulations, policies, standards and guidelines. The studies conducted have demonstrated that the project can be completed without any significant impacts to local residents, and represents a technically and environmentally sound opportunity to obtain a substantial amount of high quality aggregate resources in accordance the provincial policy directions.

In addition, by the fall of 2010, our project team was advising us that there were no outstanding concerns of provincial agencies and that they were aware of no remaining outstanding Township peer review concerns/comments.

Efforts to Identify and Respond to Township Concerns

In March of this year, we asked the planning consultants retained on our team, IBI, to write to the Township. The purpose of the letter was to set out our teams understanding of the status of the Township peer review process and to request that the Township advise us of any outstanding issues. Our hope was that we could work with the Township and Township staff to resolve any remaining issues and gain Council's support for the proposal.

A copy of the March 18th IBI letter is attached for Council's review. Section 2 of the letter summarizes, on a discipline by discipline basis, the project team's understanding of the status

issued identified during the peer review. The letter notes that “there are no known outstanding peer review or staff technical or environmental concerns”.

The letter’s conclusion, quoted below, highlights our willingness to work with the Township to resolve outstanding issues and bring the matter to Township Council for decision:

Based on this, Hunder is respectfully requesting that the Township establish a clear timeline, and take immediate steps, to bringing the subject applications before Council for decision within the next month to six weeks. We are requesting that the following steps be taken to meet this objective:

- 1. As soon as possible Township staff forward to Hunder/IBI Group all outstanding Township peer review responses, including comments from WESA which we are advised were filed with Township staff several months ago, as well as a letter identifying outstanding staff concerns, if any, with the planning applications;*
- 2. Following discussions between staff, peer reviewers and the Hunder project team to resolve any final issues, preparation of a staff Planning Report and recommendations; and*
- 3. Give the absence of significant environmental, planning or other impacts/concerns following a lengthy and rigorous study and peer/agency review, it is our opinion that the subject applications are ready for Council approval followed by removal of the Township’s ARA objection filed with the Ministry of Natural Resources.*

As noted above, Mr. Hunsberger and Mr. Snyder are both lifetime residents of the Township, long-time landowners, businessmen and taxpayers with a long positive history in Woolwich Township. Both would vastly prefer that the decision on this application be made locally and receive municipal support.

We received no response to the letter or our request from the Township.

One missing piece of information was of particular concern to the Hunder project team. After receiving the initial comments of the Regional hydrogeologist and Township hydrogeology peer reviews consultant, Wind and Earth Sciences Associates (WESA), we commissioned two addendums to the hydrogeology study for the site, which we believed fully addressed outstanding comments received. These were submitted to the Township for review in the fall of 2010.

Last November, our team learned that WESA had completed its review of these documents and submitted written comments to Township staff in late October 2010. Over the past nine months, we have made repeated requests to the Township to obtain a copy of the WESA comments. IBI made several written requests between December and February 2011. In January, I spoke directly to the Township staff and was advised that WESA comments would be made available within a few weeks but nothing was provided. The March 18 letter from our planner included a further request. In June, the law firm representing Hunder on the OMB appeal wrote again

requesting a copy of the WESA comments. Finally, we repeated our request after receiving the staff recommendation report two weeks ago.

The WESA comments were finally released on the Township web site yesterday.

Although, we have now forward the WESA comments (which are dated October 2010) to our hydrogeologist for response, in my lay-reading it appears that WESA is generally satisfied with the addendum. The few remaining issues appear to be resolvable. With respect, this is not the impression conveyed by the staff report.

In May 2011, a decision was made to appeal the zoning and official plan matters to the Ontario Municipal Board for determination. The appeals were intended to advance the decision making process but not to prevent continued efforts to work with the Township to resolve issues if possible. To reinforce this, our lawyer wrote to Township staff, stating as follows:

Although Hunder has appealed the planning applications to the Board in order to advance these matters, its preferred course of action is to resolve outstanding issues through discussion and information sharing with the Township, its staff and advisors. Based on the statement in the Township's Notice of Objector Response to the Ontario Ministry of Natural Resources, dated February 9th, 2011, it would appear that this is also the Township's preferred course of action. In that letter the Township states that it is "working to address a number of outstanding issues with the applicant and the community".

Resolution or narrowing of issues outside the context of a hearing process has no chance of succeeding, however, if the Township is unwilling to: (1) advise us of any outstanding concerns, (2) share the results of Township peer reviews and (3) agree to meet with the applicant and its team to discuss and narrow/resolve issues.

Again, we have received no response to this letter.

Township Staff Report

The staff report recommending refusal of the applications, released two weeks ago, was the first indication to Hunder that Township Staff even had outstanding concerns with respect to the proposal. Although the staff report recommends that the Township oppose the approval of the planning applications, I note that the body of the report does not conclude that there will be unacceptable impacts. Instead the report repeatedly states that staff is "unable to conclude that there will not be unacceptable impacts" and has requested additional information from peer reviewers on responses in a number of disciplines.

The staff report is currently being reviewed by the Hunder Project Team, as are the comments from the Township hydrogeology peer reviewer made available yesterday. We anticipate being in a position to provide a full written response to the staff report and the WESA comments within three weeks.

In summary:

- Our consulting team has advised us that the aggregate extraction proposal now under consideration by Council meets all provincial and municipal regulations, policies, standards and guidelines, and that the project can be completed without any significant impacts to local resident or the environment;
- Neither the government agency review nor the Township peer review process has identified any significant outstanding concerns;
- Over the last eight months, our team has made continuing efforts to work with Township staff to gain an understanding of what Township concerns remain and to seek a process of resolving these issues. Township staff has chosen not to respond.
- Instead Township staff has issued a staff report recommending denial of the applications.
- Our project team is currently reviewing the staff report comments. A response will be available by the end of August.

Requested Next Steps

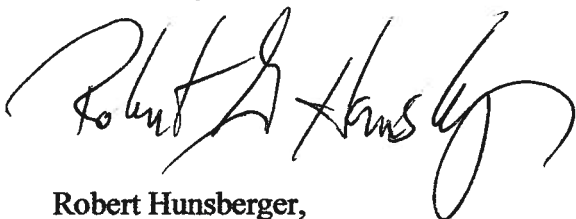
A fully contested hearing with the Township is an expensive (for both Hunder and the Township) and in my opinion, unnecessary proposition. Based on the peer review process to date, there appears to be a real opportunity to resolve or at least narrow outstanding concerns. This opportunity should not be ignored.

At minimum we would request that the Township not adopt the staff report until our team has been given an opportunity provide responding comments to the staff report, including a response to the comments from the Township Hydrogeologist received yesterday.

As noted, our team's response will be available by the end of August. We are respectfully requesting that the Township receive and review these comments and recommendations before taking any position the applications.

Thank you for your time, and careful consideration of this matter.

Yours Truly,

A handwritten signature in black ink, appearing to read "Robert Hunsberger". The signature is fluid and cursive, with a large loop at the end.

Robert Hunsberger,
Hunder Development Ltd.



IBI Group
379 Queen Street South
Kitchener ON N2G 1W6 Canada
tel 519 745 9455
fax 519 745 7647

March 25, 2011

Mr. Dan Kennaley, Director of Engineering and Planning Services and
Mr. Jeremy Vink, Planner
Township of Woolwich
24 Church Street West
P.O. Box 158
Elmira, Ontario
N3B 2Z6

Dear Mr. Vink and Mr. Kennaley:

**HUNDER DEVELOPMENT LTD. - PROPOSED HUNSBERGER PIT
PART OF LOT 5 & 6, EAST OF GRAND RIVER, BROKEN FRONT CONCESSION
CROOK'S TRACT, WOOLWICH TOWNSHIP**

The purpose of this letter is to request confirmation of the planning opinion of the Township Woolwich with respect to the Hunder Development Ltd. (Hunder) planning applications related to the proposed Hunsberger Pit awaiting approval. We are also respectfully requesting that the Township set a firm timeframe to bring these applications forward to Township Council for a decision on approval.

To assist the Township in moving this matter forward to a decision, we are providing in this letter (1) a summary of the background to the applications, (2) our understanding of the status of outstanding issues and our specific proposal to have the issue brought forward to Township Council for a decision within the next month to six weeks.

1. BACKGROUND

In 2007, the principals of Hunder, local land owners and farmers with long historical family roots in this community, began to explore the development of an aggregate proposal for their lands in the Township. Since that time, Hunder has sought to work co-operatively with the Township, other government agencies, and the local community to study and refine the proposal. This has included multidisciplinary studies on the proposal and its potential impact, efforts to address identified issues, and funding Township peer reviewers to review and provide recommendations on the proposal. A summary chronology of the key events is set out below.

October, 2007: Prior to the development of the required applications for the proposed pit, a pre-submission consultation meeting is convened with Township staff and other review agencies to discuss the proposal to identify areas of potential concern regarding the proposal and provide focus for the preparation of studies and supporting material for the planning and ARA applications.

October, 2007 – April, 2009: The applicable background investigations and studies are carried out and completed.

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April 3, 2009: Hunder Development Ltd. (Hunder) submits the Zone Change Application (8/2009) to the Township of Woolwich together with a set of supporting studies and proposed Site Plan drawings.

April 29, 2009: The Township advises that the application is deemed to be complete, and a peer review process can be commenced.

June 17, 2009: Mr. Vink advises that Township staff would be moving ahead with the peer review in seven disciplines (geology, hydrogeology, dust, acoustical engineering, traffic, visual impact and cultural heritage).

August 19, 2009: Township staff advises that it had determined that two of these peer reviews were no longer necessary: geology and cultural heritage. The other peer reviews are ongoing.

November 9, 2009: The Township issues a "Public Notice of Zone Change Application", advising the public that the application and supporting documents are available for inspection at the Township office and requesting public comments be submitted to the Township.

January 19, 2010: Township staff advises that the peer reviews have been completed in draft form, and under review by Township staff.

February 18, February 22 and March 9, 2010: The Township releases peer reviews in the following areas: hydrogeology, visual impact, dust/air quality, noise, and traffic.

March, 2010 to September, 2010: Hunder project team exchanges information and responses with Township staff and peer reviewer to address issues identified by Township peer reviewers (see issue by issue discussion below).

May 4, 2010: The Public Meeting, pursuant to the requirements of the *Planning Act*, is held with regard to the Hunder ZBA application.

June 17, 2010: IBI Group files with the Township a Response document which responds to the issues/comments received by the Township arising out of the Public meeting, in oral and written submissions by members of the public.

September 12, 2010: Township requests that Hunder submit an Official Plan Amendment (OPA) to designate the entire subject lands as Mineral Aggregate Resource Area as identified by the Regional Official Plan.

October 18, 2010: Hunder submits Official Plan Amendment (OPA) application requested by the Township.

January 11, 2011: The Public Meeting, pursuant to the requirements of the *Planning Act*, is held with regard to the Hunder OPA application.

2. STATUS OF ISSUES IDENTIFIED BY THE TOWNSHIP

The following is our understanding of the current status of issues since the commencement of the planning process in April, 2009. By way of general summary, to our knowledge, there are no outstanding information requests related to any of the issues so far identified and all technical and environmental issues identified by staff and Township peer reviewers have been addressed. An

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issue by issue summary is set out below. Bracketed references are to the applicable Township Official Plan Policy.

1. Official Plan Amendment (O.P. Policy 11.3.1)

At the time Hunder was advised by the Township that an Official Plan Amendment would be required, the Township (Mr. Kennaley) also advised that that this step was essentially a procedural requirement as Staff recognized the presence of the underlying aggregate deposit based on the extensive documentation provided as part of the Zone Change/Licence Application.

Status: It is our understanding that Township staff and peer reviewers have no outstanding informational requirements or issues/concerns related to this application. Township confirmation is requested.

2. Geotechnical Resource Study (Aggregate Inventory Report) (O.P. Policy 11.11.3)

Although Township initially (June 17, 2009) recommended the Geotechnical Resource Study be peer reviewed, at a meeting on July 21, 2009 with Township Staff, Hunder was informed that no peer review would be undertaken and Staff would complete the review in-house. Staff has not provided any written comments but verbally noted that it "recognizes the presence of the underlying aggregate deposit".

Status: It is our understanding that Township staff and peer reviewers have no outstanding informational requirements or issues/concerns related to the Geological Resource Study or the quantity/quality of the aggregate Resource. Township confirmation is requested.

3. Transportation Impact Study (O.P. Policy 11.11.4)

The distributed Minutes from the September 1, 2010 meeting with Township staff note that Township Staff acknowledges "*the traffic information provided to date is sufficient and that no further peer review will be undertaken*". This appears to be inconsistent with the Township's February 9, 2011 ARA final objection letter which listed *traffic* and *intersection improvements* as outstanding issues.

In addition, Township staff has made one specific proposal with respect to the proposed truck crossing signs for Phases 2 and 3 of the proposed pit operation. On September 23, 2010 Township Staff requested "*flashing lights be installed with those signs to warn the traffic*", however, the request was not accompanied by justification or any rationale. On October 1, 2010, IBI Group responded that this approach would not conform to MTO requirements: the crossing does not meet any MTO criteria for installing traffic beacons and that the arbitrary installation of traffic beacons in unwarranted locations are strongly discouraged. We have received no follow-up response from the Township on that issue.

The Region has confirmed that, with the exception of a road-widening dedication along the Katherine Street frontage prior to rezoning, they have no concerns.

Status: Subject to confirmation that flashing lights on the proposed truck crossing are unwarranted, it is our understanding that Township staff and peer reviewers have no outstanding informational requirements or issues/concerns related to the traffic study or traffic impacts. Township confirmation is requested.

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4. Environmental Impact Study (O.P. Policy 11.11.5)

As a result of a meeting on July 21 2009, Staff informed Hunder that a peer review of the Natural Environment Report would not be required as staff would be relying solely on the GRCA review. On April 22, 2010 the GRCA confirmed that it was satisfied with the Natural Environment Report. In addition, MNR confirmed on November 16, 2010 that its natural environment concerns have been addressed.

Status: It is our understanding that Township staff and peer reviewers have no outstanding informational requirements or issues/concerns related to the Natural Environment Report for the Hunder pit or potential impact on natural heritage features. Township confirmation is requested.

5. Visual Impact Study (O.P Policy 11.11.6)

Township staff recommended a peer review of the Visual Impact Assessment and contracted Walker, Nott, Dragicevic to undertake same. On February 18 2010, staff forwarded to us the peer review comments. Subsequently, IBI Group provided correspondence to Mr. Vink (May 26, 2010) which addressed the issues raised. Hunder has not received any follow up indication of outstanding concerns.

Status: It is our understanding that Township staff and peer reviewers have no outstanding informational requirements or issues/concerns related to the visual impact study or potential visual impacts. Township confirmation is requested.

6. Cultural Heritage Impact Study (O.P. Policy 11.11.7)

a. Archaeological Assessment – Stage 1 and 2

On March 3, 2011, the Ministry of Tourism and Culture provided a clearance letter for the archaeological assessment completed in support of the application. Hunder has not received any written confirmation from staff to confirm that they have completed their review of same.

b. Cultural Heritage Assessment

Although Township initially (June 17, 2009) recommended the Cultural Heritage Assessment be peer reviewed, on July 21 2009, Staff informed Hunder that no peer review would be undertaken and Staff would complete an in-house review. Hunder has not received any comments from Township staff on the Cultural Heritage Assessment or any indication of Township concerns on this issue to date.

Status: It is our understanding that Township staff/peer reviewers have no outstanding informational requirements or issues/concerns related to the Cultural Heritage Assessment study or potential cultural/archaeological issues. Township confirmation is requested.

7. Water Resources Impact Study (Hydrogeological Assessment Report) (O.P. Policy 11.11.9)

Township staff recommended a peer review of the AMEC Hydrogeology Assessment for the proposed pit and contracted Water and Earth Sciences Associates (WESA) to undertake this peer review. On February 5, 2010, the Region forwarded its comments on the AMEC study to Hunder. On February 18 2010, Township staff forwarded to Hunder peer review comments

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prepared by WESA. A meeting with Regional staff and WESA was convened on March 25, 2010 to discuss outstanding issues. To address comments received, AMEC amended both the modeling component and overall report. Two addendum documents were prepared by AMEC and provided to the Region and WESA on September 20, 2010 and October 21, 2010.

Hunder has received additional comments from the Region (November 19, 2010) and has had further meetings with the Region to clarify issues. Currently AMEC is finalizing their comments to address those outstanding Regional comments.

We understand that WESA provided a second set of peer review comments to the Township in mid-November, 2010. In order to confirm that all outstanding issues have been addressed, a series of requests have been made to the Township to obtain a copy of the second set of WESA peer review comments. Specifically, IBI Group made written requests via email on December 7, 2010, December 20, 2010, January 4, 2011, and February 1, 2011. In a meeting with Mr. David Brenneman, CAO, Township of Woolwich on January 21, 2011, Hunder also made a verbal request and was advised that the comments would be forwarded within two weeks. The WESA comments have yet been provided.

Status: Hunder has forwarded what it believes to be a complete response to all outstanding water resource issues to the Township and its peer reviewer (WESA) and is awaiting a response. A copy of the second set of WESA peer review, which we understand has been completed for some months, is requested.

8. Noise Impact Study (O.P. Policy 11.11.10)

Township staff recommended a peer review of the Noise Impact Study and contracted Valcoustics to undertake this peer review. On February 22 2010, staff forwarded the peer review comments of Valcoustics to Hunder/IBI Group. On May 26, 2010, IBI Group provided a written response addressing the peer review issues raised. Valcoustics provided a second set of comments (October 14, 2010) which IBI Group responded to on January 7, 2011. No further comments have been received by the Township, although the Township ARA final objection letter dated February 9, 2011, listed noise as an outstanding issue.

Status: Hunder has responded to all known Township outstanding issues/information needs raised during the peer review of the Noise Impact Study and is unaware of any outstanding peer review concerns. Confirmation is requested.

9. Dust and Air Quality Impact Study (O.P. Policy 11.11.11)

Township staff recommended a peer review of the SENES Dust and Air Quality (Dust Study) completed for the proposed pit and contracted with AMEC to undertake this peer review. On February 22, 2010, Township staff forwarded the AMEC peer review comments. SENES provided a response document on May 26, 2010 addressing the issues identified. AMEC provided a second set of comments (August 13, 2010) for which SENES provided a further response dated September 3, 2010 including a proposed Dust Management Plan.

By e-mail dated October 7, 2010, Mr. Vink advised that "*no further review of dust issues was anticipated by the Township's peer review consultant*". Despite this confirmation, Mr. Vink's February 9, 2011 ARA final objection letter on behalf of the Township listed *dust /air quality* as an outstanding issue.

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Status: It is our understanding that Township staff/peer reviewers have no outstanding informational requirements or issues/concerns related to Dust and Air Quality Impact Study or potential dust impacts. Confirmation is requested.

10. Land Use Study (O.P. Policy 11.11.12)

The Planning Summary Report submitted April 3, 2009 provided confirmation of the policy framework and surrounding land use characteristics. The supporting documentation attached to that Report along with subsequent addendums to specific reports and modifications to the Site Plans over the past two years have combined to provide additional confirmation that the proposed pit can operate with no unacceptable social or land use impacts. No comments have been received to date on this study and no land use planning opinion on the application has yet been provided by the Township.

Status: We are unaware of any specific Township land use planning issues with regard to the planning applications currently before the Township. Confirmation is requested.

Other Potential Township Issues

The February 9, 2011 ARA final objection letter also raised issues of *recycling, monitoring information*. To date, Hunder has not received any written correspondence from the Township that identifies these issues or sets out the nature of the Township's concerns and/or how the issues might be resolved.

In addition to this, the Township ARA objection letter indicates that other, as yet unidentified issues, may be brought forward at a later date through the use of the phrase "*issues included not limited to*".

We request that Township staff advise as to the specifics of any other issues that the Township may have, beyond the issues which have been identified by the Township to date in the planning and peer review process for the planning applications.

3. CONCLUSION AND REQUEST TO THE TOWNSHIP

The Planning Applications currently before the Township awaiting an approval decision have been subject to a two year planning process which has included:

- Full agency circulation;
- Two public meetings with opportunity for both written and oral submissions; and
- A multidisciplinary peer review process which has included extensive interaction between Township staff/ applicant-funded peer reviewers and the Hunder project team to resolve outstanding concerns.

As outlined in the status report in Section 2 above, there are no known outstanding peer review or staff technical or environmental concerns.

Based on this, Hunder is respectfully requesting that the Township establish a clear timeline, and take immediate steps, to bringing the subject applications before Council for decision within the next month to six weeks. We are requesting that the following steps be taken to meet this objective:

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1. As soon as possible Township staff forward to Hunder/IBI Group all outstanding Township peer review responses, including comments from WESA which we are advised were filed with Township staff several months ago, as well as a letter identifying outstanding staff concerns, if any, with the planning applications;
2. Following discussions between staff, peer reviewers and the Hunder project team to resolve any final issues, preparation of a staff Planning Report and recommendations; and
3. Placement of the applications on the agenda at the earliest available Committee of the Whole agenda leading to a final Council decision on the applications.

Give the absence of significant environmental, planning or other impacts/concerns following a lengthy and rigorous study and peer/agency review, it is our opinion that the subject applications are ready for Council approval followed by removal of the Township's ARA objection filed with the Ministry of Natural Resources.

As noted above, Mr. Hunsberger and Mr. Snyder are both lifetime residents of the Township, long time landowners, businessmen and taxpayers with a long positive history in Woolwich Township. Both would vastly prefer that the decision on this application be made locally and receive municipal support.

Please advise at your earliest convenience on when this matter can be scheduled to move forward to Council for a decision.

Yours truly

IBI GROUP



David R. Sisco, BA, MCIP, RPP
Associate, Principal – Planning

DRS/baw

cc: Bob Hunsberger, Hunder Development Ltd.