



THE TOWNSHIP OF

WOOLWICH

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July 26, 2010

Ron Davidson
Land Use Planning Consultant
265 Beattie Street
Owen Sound, Ontario
N4K 6X2

Dear Mr. Davidson;

RE: Comments to Application – Zone Change 12/2008
Proposed Sandy Hills Drive Pit Expansion

Township staff have reviewed your submission for Zone Change application for the property identified as 777 Sandy Hills Drive, GCT Part Lot 98 for NJ Excavating on behalf of Mr. Martin to change the Agricultural Zoning to Extractive on a portion of the property to allow for the expansion of the gravel pit on the subject property.

Geological Resources

- The reports and test pit information do not provide any details on how the amount of aggregate available to be extracted was determined. Please provide details in this respect.

Transportation

- An email of December 20, 2007 from yourself stated traffic from the site would be 1.9 loads per hour. (75,000 tonnes/22tonnes/180 days/ 10 hour day). However the Planning report (page 6) uses 185 days and a 13 hour day and a 20 tonne truck. Verify the numbers and provide an explanation for the numbers chosen.
- None of the traffic accounts for the proposed concrete recycling. Provide a maximum amount of concrete to be used per year and estimate the number of truck trips to provide a traffic estimate.
- Hours of operation should be based on the Township's Noise By-law. Revise necessary reports and plans accordingly.
- Provide applicable truck turning ahead signage and truck turning signage prior to and at the entrance in both directions. The signage is to be in accordance with the provincial regulations for mandatory uniform traffic control signage (M.U.T.C.).

Environmental

- Tab 2 of the OPA 13 response report, page 2 of the Dance letter, states that Polygon B and C are not Regionally Significant but may be Locally Significant, but not identified as such in the Local Official Plan. In a review of the Official Plan it would show that Polygon B is identified as Locally Significant. Therefore the area must be reviewed and evaluated in that respect. Also it is then incumbent on the applicant that if they think the lands are potentially locally significant to evaluate the lands and determine if they meet the criteria in Section 13 of the Official Plan, and submit the necessary reports as required.

- The plan does not illustrate how existing drainage patterns from lands located to the north and west will be maintained through or around the proposed pit expansion.

Visual

- As per page 7 of your Comments to OPA 13 response document, you rely on a proposed berm, planting of trees, the treed areas and the buildings as screening in addition to the setback. These elements must be shown on the site plans to ensure they are maintained in relation to the operation.

Cultural Heritage

- No comments. Township staff have not required a Cultural Heritage study and acknowledge that the proposed pit is further from the road than the existing operation and is visually screened.

Water Resources

- Section 11.11.9 of the Township Official Plan requires that prior to approval “b) an identification of water resources ... shall determine, based on an appropriate amount and duration of historical data, the appropriate water table and buffer for the purposes of determining the elevation of the pit floor” is required. The Township is not satisfied that the required information (amount of wells sites and duration of monitoring) has been provided, and as such the Township shares the Hydrogeological concerns raised by the Region. The Township will be looking to discuss this issue with the Region and the Region’s consultant to find ways to resolve this lack of data. In this context consider:
 - Monitoring pits are proposed to ensure the excavation remains 1.5 metres above the existing ground water. Details around the use and operation of the monitoring pit are not provided. Should the ground water table fluctuate during the extraction process how will the 1.5 metre coverage be ensured, i.e., how will depth be adjusted, and how often will the pit be monitored? When will the monitoring pit be dug in the process? Operational Plan should include Best Management Practices and procedures for the Monitoring Pits. Logs should be maintained and copies provided to the Township as required. As a minimum the Township will require an annual report on depth of the ground water table as noted from the Monitoring Pits.
 - The report identifies that extraction will not occur below or near the water table. Information provided by ARL Groundwater Resources Ltd. estimates the elevation of the ground water table and refers to test pits dug in 2006. Southern Ontario had experienced drought conditions from 1997 to 2007; with 2007 experiencing the most sever drought conditions. The elevation of the water table within the proposed pit will need to be reconfirmed to ensure that the proposed extraction area does not impact the water table and neighbouring wells.
 - All water table test pits are to be fenced and maintained in a secure manner until the test pit is no longer required at which time the test pit is to be filled in and restored to the finished surface grade for gravel pit. Test pit restoration information needs to be identified on the plan.
- Section 11.11.9 (c) of the Township Official Plan, regarding fuel storage and handling, requires addressing the impacts of fuel storage and potential contamination from the same. Details on where and how fueling will take place are required, as well as how to mitigate potential impacts, along with testing and best management practices must be identified. Similar to the Region’s comments, if refueling is to take place on site, testing is required.

- The test pit data for pits 7, 10, 12, 14 16 and 17 are incomplete as they do not provide the depth the ground water was encountered as noted in the observations.
- Test pit data for pits 10 and 15 do not show the clay depth.
- Test pit data for pit 15 checks that Ground Water was encountered but no details are provided in the observations nor is a depth noted.
- Cross Section Plan - Cross section A – TP7 does not reflect the depth where ground water was encountered (386.5masl),
- The conclusions in Tab 2 of the OPA 13 response report makes no reference to impact to the wells. The report needs to be revised to address the wells and their protection.
- Recyclable materials must be stockpiled at least 2 metres above the ground water table. However the reports all state that the material will be stored as close as possible to the pit face and on the pit floor and the pit floor is likely to be at 1.5 metres above ground water table, address how the 2 metres separation will be maintained and ensured.
- Recycling of materials is not really addressed in any of the reports and operations as the reports only speak to the extraction operation. Greater detail is requested on the amounts to be imported, and details on the potential impacts of this material in terms of the operation.

Noise

- The hours of operation must be revised to reflect the hours permitted in the Township's noise by-law. This is an issue we are continuing to review where we may consider more limited hours of operation.
- Provide a note on the plan to reflect how noise is proposed to be addressed as per Page 15 of the Planning Report.
- In the event that a complaint regarding noise is received to the MNR and/or the Township, we require that the operator complete monitoring/testing and report back to both the MNR and Township with the results along with any required mitigation measures in a timely fashion.

Dust/ Air Quality

- For control of Dust and Air Quality provide a Best Management Plan to identify sources and controls for dust and air quality concerns and make reference to the Best Management Plan in the ARA site plans.
- Confirm if a Certificate of Approval is required for any operations on site (i.e., crushing etc). If one is required the applicant is required to apply and receive the necessary certificates prior to operation. Copies of the same should be provided to the Township. Provide a reference on the ARA plans to this effect as necessary.
- The Operational plan must be amended to include any recommendations in respect to Dust and Air Quality. To ensure the regulations are complied with a daily log should be maintained.
- The recommendations in the report do not reflect that the processing equipment must be equipped with dust suppressing or collection devices. This should be noted.
- The report identifies dust suppression techniques as noted in a letter from RWDI dated April 20, 2009 and the recommendations are satisfactory. The area to be surfaced needs to be identified on the plan including the length and width of the existing asphalt entrance.
- Though the MOE is not directly involved in land use planning, MOE has realised that many environmental issues can result due to incompatible land uses. The MOE has developed a series of guidelines to be used when a change in land use is proposed.

Specifically, the MOE has developed guidelines to minimize or prevent adverse effects through the use of buffer zones. The guidelines and procedures focus on the use of separation distances from the proposed facility to the sensitive land uses. It is the proponent's responsibility to determine the zone of influence for the facility. Specifically, Procedure D-1-1 requires the proponent to evaluate the severity of the impacts both before and after mitigation. In the absence of site-specific studies (D-6), the MOE recommends that pits and quarries be treated as a Class III industrial facility and that the potential influence area and minimum separation distances for such a facility be used in land use planning. Class III facilities are defined as facilities having a high probability of fugitive emissions. For Class III facilities, the MOE has identified the potential influence area, wherein adverse effects may occur, to be 1000 m. Even with mitigation, the MOE suggests a minimum separation distance of 300 m. It is important to note, that in this guideline, the MOE recommends that these distances be measured from property line to property line, not from specific source to residential building. This is not specifically and directly addressed in the report the recommendations do address the compatibility concerns. Indirectly the reports to address these concerns and no issues are anticipated.

- Copies of all logs should be made available if required by the Township, and a summary report provided to the Township once a year noting any complaints, etc. A note in the site plans must be provided to this effect.

Land Use and Rehabilitation

- The existing operation to the south has operated for more than 30 years. Is the life span of this application intended to be shorter so the site is rehabilitated back to agriculture in the shorter term?
- Provide existing grade elevations along all property lines and indentify 3:1 slopes or greater.
- Rehabilitation plan uses a 3:1 slope along the edges of the property. The ability to farm this slope with farm equipment is questionable and must be demonstrated that the slopes can accommodate farm equipment movements (i.e., turns) etc.
- Rehabilitation plan and reference to it in the reports, state that no internal haul routes will be maintained and the site rehabilitated back to agricultural productions. It is noted that currently a "farm lane/buggy lane" runs through the proposed extraction area for access to the fields, forest and connects to the abutting farm to the north. As a cultural feature, and part of the operations of a farm, is a lane of this nature going to be maintained?
- Note 12 on the Operational Plan should be revised to reflect that topsoil must be the same depth or greater than it was prior to excavation, sufficient for farming operations and not just to support a grass legume mixture.

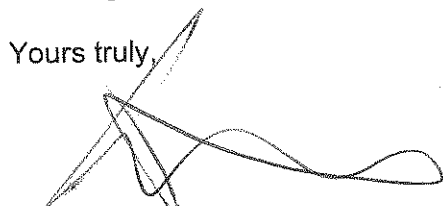
General Comments

- Detailed yearly reports should be provided to the Township on all functions of the pit and its operations.
- Address how and when the Extractive zoning will be removed from the existing pit and the proposed pit.
- Provide an erosion control plan and identify that all topsoil piles are to be vegetated. Temporary topsoil piles are to have silt fencing around the base.

It is also noted that although technical issues may be addressed to the extent possible that the Township staff will need to determine, whether and under what conditions (including cumulative impacts), we can recommend the application to Council.

If you have any questions or comments please feel free to send those in writing to the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jeremy Vink', with a long, sweeping horizontal stroke extending to the right.

Jeremy Vink MCIP RPP
Senior Planner

CC Gibson Consulting, Attn: Robert J. Gibson, 15 Idlewood Drive, Kitchener, Ontario N2A 1H9
Diane Schwier, MNR