



CAPITAL PAVING INC.

Quality Construction by Quality People

P.O. Box 815 Guelph, Ontario N1H 6L8

Mr. Jeremy Vink
Manager of Planning
Township of Woolwich
24 Church Street West
P.O. Box 158, Elmira, ON
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April 21, 2020

Sent via email to jvink@woolwich.ca

Dear Jeremy,

As per your email request of April 13, 2020, I am responding to the issues raised in the April 9, 2020 letter to you and David Welwood by the Hopewell Creek Ratepayers' Association, copying David - as well as association representatives Don Schwartztruber and Bonnie Bryant, as a courtesy – and the other individuals cc'ed on the ratepayers' letter.

Below are the issues outlined in the letter and our responses:

General Commentary	Capital's Response
This proposed site does not fall within the Region's Aggregate Extraction Area or is in compliance with the Region's Official Plan.	The Region's Official Plan explicitly states that extraction may be permitted outside of Mineral Aggregate Resource Areas.
1. Air Quality	
The Best Management Practices Plan for dust has not been developed.	The Best Management Practices Plan for dust has been developed, posted on the Proposed Shantz Station Pit website, and announced in Capital's March newsletter, the newsletter was also posted on the website and widely circulated to the Maryhill community.
The assumption of a 95% control efficiency for fugitive dust emissions from onsite unpaved roads is not achievable.	Published studies have demonstrated this is achievable, and the 95% level of control prescribed by Capitals' air quality consultant is attainable through sufficient watering of road surfaces. The Region of Waterloo's air quality peer reviewer is satisfied that this control efficiency is attainable.



The report does not assess the potential impact of off-site vehicle traffic.	The assessment of air quality impacts along regional roads and provincial highways is not required, since it is already considered in the designation of approved truck routes.
Guideline D-6 requires assessment of all industrial uses in proximity to sensitive receptors.	Guideline D-6 does not apply to pits and quarries.
2. Visual Impact	
Views from the Merry Hill Golf Course will be negatively impacted.	Capital is proposing additional/enhanced recommendations to ensure there are no significant view impacts to neighbouring residential properties, or to views that hold recreational or scenic value. These enhanced measures will be incorporated into the site plans and discussed with the owners of the golf course.
Views from Foerster Road will be impacted.	Regarding Foerster Road, the Township's peer reviewers state that "...mitigation measures are appropriate... [and] potential visual impacts are adequately mitigated." Along with the proposed mitigation measures, the extraction area is set back from Foerster Road by 150 metres.
An 11-metre berm is a negative visual impact.	The 11-meter barrier around the processing plant would be on the pit floor, some 5 to 10 metres below the grade level of the surrounding land. The Township's peer reviewer does not identify this barrier as a negative visual impact.
Capital has demonstrated it doesn't care about impacts to the golf course by ignoring it in the original application and response to the Township.	Capital has held discussions/meetings with representatives of the golf course on 4 separate occasions - including in person in November 2017, at the public open house in June 2019, and during two subsequent meetings. Capital will continue to meet with the golf course representatives in an effort to address their concerns.
Views from 1224 Maryhill Road and Village View Road will be impacted.	See above re. the additional/enhanced recommendations being proposed on neighbouring residential properties, etc. Also, the Township's visual impact peer reviewers indicate "the berm heights, setbacks and planting are appropriate to adequately address the potential for visual impacts from Village View Road and Maryhill Road."
3. Noise	
There are no noise receptors at Grootendorst Farms.	Receptors located much closer to the proposed pit area than Grootendorst farms demonstrate that noise levels are expected to meet provincial guidelines, therefore Capital would be under the limits for receptors located farther away.
Noise will affect milk production of the farm.	Capital is not aware of any evidence that this would be the case, especially since the dairy cattle at the farm are permanently inside the barn structures. An active dairy

	farm – with cows grazing outside – is located within the licenced area of Capital’s Whistle Bare Pit, with no reported decrease in milk production.
There are no noise receptors at the neighbouring horse farms or Merry Hill Golf Course.	Aggregate provincial standards state that sensitive receptors “Includes residences and facilities where people sleep (nursing homes, trailer parks, camp grounds, etc.); schools; day-care centres.” However, Capital will update the site plans to incorporate visual and noise enhancements to address the concerns of the golf course. Capital has met with representatives of the nearby Hopewell Creek Stables, who have not expressed concerns over Capital’s application, apart from some existing drainage issues.
No baseline studies have been completed to document existing noise levels at surrounding properties that will be impacted by the proposed pit.	This is not required. The noise peer reviewer retained by the Region notes that the choice of the applicable sound level criteria is acceptable, as are the sample ambient sound level measurements.
Stockpiles do not make adequate noise buffers since they can be depleted or not exist.	Stockpiles used for noise buffers would be maintained at a minimum height of 11 metres. The Region’s noise peer reviewer states that “respective barrier and berm heights recommended by [Capital’s noise consultant] were reasonable with regards to the respective predicted sound levels at the receptor points.” These barriers would be supplemented by perimeter berms surrounding the site.
Will the 6 am versus 7 am start times mean the Township by-laws will be superseded by the ARA?	Extraction activities - including processing and loading - are subject to provincial noise guidelines, not Township by-laws. Capital is discussing this matter with Township officials.
4. Cultural Heritage	
No conservation plan or vibration study has been done.	A conservation plan will be completed for the house on the site at the start of operations, as noted in section 8.2 of the Cultural Heritage Report. A vibration study is not needed since there would be no blasting at the pit.
The old house will have a stone foundation susceptible to damage from processing aggregate.	It’s unclear to which old house this refers. If it is the home owned by the landowner of the proposed pit property, there’s no reason to assume that its foundation might be damaged. Since there is no blasting at a pit and aggregate processing would be occurring more than 400 metres away, Capital does not anticipate any issues regarding the integrity of the foundation. This has been acknowledged by the homeowner.
The boundaries of the CHL have not been determined.	No CHL for Maryhill has been established, however Capital responded to a request from the Township to assess the

	Maryhill Candidate Cultural Heritage Landscape (CHL).
The University of Waterloo states the geographic areas identified are not intended as definitive boundaries and further analysis should be undertaken to determine the extent of the CHL if they are designated.	No further analysis has been initiated by the Township. Overall, it is the opinion of the Township's cultural heritage peer review consultant that the proposed development does not have significant negative impact on on-site or adjacent cultural heritage resources.
Maryhill is of Regional significance and no consultation has taken place with the Region.	Meetings have been held with Regional planning staff dating back to the fall of 2017.
5. Transportation	
How can Capital say that future contracts north of this pit are not anticipated (e.g. its rebuild project of Sawmill Road between Conestogo and St. Jacobs)?	Capital may be awarded contracts north of the site on rare occasions. The majority of aggregate produced at The Shantz Station Pit would travel south to Capital's asphalt plant location in Puslinch. If Capital Paving does not perform work north of the site, it would be another company using the same network of roads to get to job locations such as Sawmill Rd.
A southbound acceleration lane needs to be considered... to prevent hold up traffic coming from St. Charles Street southbound along Shantz Station Road.	This is not required or warranted based on projected traffic numbers, and the Region's Transportation Department did not request this.
The calculation of trucks/hour has been averaged out over too long a period to achieve a real-life experience.	The Region's review of Capital's Traffic Study does not dispute the traffic volumes estimated by the company to result from the operations of the proposed pit.
Recycling will add significant truck traffic not considered in traffic numbers.	Trucks that would otherwise be travelling to the pit empty would – on occasion – bring in recycled concrete or asphalt for processing.
6. Hydrogeology	
Wells are only considered 500 metres from the proposed site, while Regional guidelines specify a 1 km distance.	Since the application is for an above-water pit, there is no potential to generate a zone of influence that may cause interference to nearby domestic wells. As such, Capital's hydrogeologists believe 500 metres from the extraction area is an adequate distance for the study area. The Region's peer reviewer agrees with Capital's position.
There has been no study of wells on adjacent properties.	Capital's hydrogeology consultants reviewed all wells on record within 500 metres of the proposed licence boundary.
With the removal of the overburden, the springs will be disrupted and wells will potentially go dry.	There is no basis to these allegations, and they have not been raised in the Region's hydrogeology peer review. Capital would be required to continuously monitor on-site wells to review and assess any changes in water levels. Adjacent wells - whether drilled or spring-fed - are protected under the Ontario Water Resources Act.

<p>A one-year study of water table levels was done and not the requisite two-year study.</p>	<p>The Region’s hydrogeology peer reviewer notes that Capital’s hydrogeology consultant “has verbally communicated that the monitoring conducted in 2018...continued in 2019 and therefore this frequency requirement appears to have been met.”</p> <p>Monitoring water table levels would continue throughout the life of the operation. Capital also proposes an annual groundwater monitoring program, with reports submitted to the Region and Township every year during the life of the operation.</p>
<p>The addendum has not been completed.</p>	<p>An addendum to the Hydrogeology Study will be done in future, in accordance with Region of Waterloo hydrogeology guidelines.</p>
<p>It is widely known in the industry that below water table applications are usually applied for after the original approval has been granted.</p>	<p>Capital is aware of only a few instances when this has occurred, and has repeatedly stated its proposal is for an above-water pit only.</p>
<p>If the application is approved, what guarantees or legal agreements will Capital provide that it will never apply to go below the water table?</p>	<p>Capital has publicly and repeatedly provided assurances that it would not apply to go below the water table in future.</p>
<p>7. Environmental</p>	
<p>Groundwater runoff will raise the temperature in Hopewell Creek, resulting in impacts to ecosystems.</p>	<p>There is no evidence of anticipated negative impacts to ecosystems. This is an above-water pit so temperature impacts are not expected. Neither the Ministry of Natural Resource and Forestry nor the Grand River Conservation Authority (GRCA) have raised concerns that temperatures in Hopewell Creek would be increased as a result of this proposed pit.</p>
<p>The haul road will impact the significant wetlands and woodlots.</p>	<p>Capital, along with the GRCA, has staked the boundaries of the wetland edges, and has developed a management plan to ensure the protection of the wetland and woodlands. The haul road through the wetland was previously used for a gravel operation as recently as the early 2000s. Capital wants to use this already-established existing road for the proposed Shantz Station Pit.</p>
<p>Road construction within the pit development area will destroy protected and provincially-significant woodlots and wetlands.</p>	<p>The management plan deals with the upgrade of the existing road and proposed road through the woodlot.</p>
<p>Why allow recycling at this proposed site?</p>	<p>Aggregate recycling is encouraged by provincial policy and is specifically permitted by the Township and Region as an accessory use to a gravel pit.</p>

No consideration was given to the increased traffic recycling would add to projected traffic numbers.	Recycling would not add to truck numbers. Instead of empty trucks returning to the pit, occasionally broken concrete or asphalt would be brought to the pit for processing.
Why haul and process broken asphalt waste into this site?	Reclaimed asphalt is generally diverted to Capital's asphalt plant location in Puslinch for reprocessing. Occasionally, some reclaimed asphalt would be brought to Shantz Station Pit for recycling. Only clean, reclaimed asphalt or concrete would be brought in.
Traffic and processing of broken asphalt will add to the environmental concerns.	Recycled aggregate is environmentally beneficial; using recycled concrete and asphalt can conserve natural resources. Processing is the same as processing virgin aggregate.
Recycling will add years to the operational life of the proposed pit.	Capital has committed that once the pit is depleted of virgin aggregate, then recycling would end as well.
8. Agricultural	
There was no consultation with any landowner other than the proposed pit site landowner.	Capital representatives met with immediate neighbours of the proposed pit at the beginning of the application process in the fall of 2017. We have responded in writing to each objector with an invitation to further meetings to discuss the application and any concerns he/she may have.
Grootendorst Farms was not considered in this study.	A representative of Capital - along with the landowner of the proposed pit site - met with the owners of Grootendorst Farms in the fall of 2017. The owners expressed no objections to the proposed pit at that time, nor did they submit an objection letter to the licence application.
No consideration was given for the surrounding horse farms or any other agricultural property.	A Capital representative met with the owners of the nearest horse farm – Hopewell Creek Stables – in the fall of 2017, held a discussion with them during the public open house and during a follow-up, on-site meeting in July, 2019. The owners did not express any concerns to Capital, apart from some existing drainage issues. They also did not register an objection to the proposed pit. Considerations for nearby agricultural operations are detailed in the Agricultural Impact Study.
Class 1 and 2 soils will be destroyed.	The Provincial Policy Statement, Region of Waterloo Official Plan and Township of Woolwich Official Plan all allow for mineral resource extraction in prime agricultural lands. A Soil Survey confirms the land within the proposed licence area has a Class 2 average soil capability. If the proposed pit is approved, 96% of the land area would be rehabilitated back to an average Class 2 capability.

	Annual rehabilitation monitoring is proposed to occur during the life of the operation.
This land will not be returned to prime agricultural farm land.	See above. Capital has committed to returning the land to prime agricultural quality, as it has with several other of its pit operations.
Capital has not demonstrated that the quality and quantity of gravel located above the water justifies destroying prime agricultural farm land.	Through test pit and borehole investigations, Capital has determined that there is sufficient, high-quality aggregate resources. Prime agricultural farm land would not be destroyed. Instead, mined out areas would be progressively rehabilitated back to prime agricultural farm land.
9. Social Impacts	
Two schools are in very close proximity to the proposed pit, resulting in a health and safety issue for children due to dust, noise and traffic.	Several schools in southern Ontario are located within 1 kilometre of aggregate operations, with no demonstrated health and safety effects. The processing area is approximately 1.3 kilometres from the closest school, St. Boniface School. Truck traffic would be on a Regional road, which already accommodates heavy truck traffic.
Traffic studies of similarly-sized pit operations show daily truck traffic will be entire orders of magnitude higher than the number in the applicant's transportation report – especially considering aggregate repurposing and recycling being requested concurrently.	Capital is unaware of such traffic studies.
Businesses will be impacted by noise, dust and traffic.	Noise, dust and traffic levels are projected to fall below allowable provincial limits.
Property values will decrease.	There is no reliable evidence to support this claim. A study was undertaken for a thesis project at the University of Guelph (June 2017) - involving 9,000 arms-length sales of rural residential properties in Wellington County in Ontario. "The empirical evidence found in this study does not support the public claims that aggregate sites are negatively affecting neighbouring property values."
Township policy states there should be no negative visual impact from the pit.	Capital's Visual Impact Study includes recommendations to mitigate any impacts to meet the Township's policy tests. The Township's peer reviewer agrees with Capital's consultant that there would be no negative visual impacts.

I trust the above table accurately details the concerns of the Hopewell Creek Ratepayers' Association, and provides adequate responses to these concerns.

As always, I am prepared to meet with any members of the community – via telephone or electronic means for time being – to discuss and respond to any questions about or issues with our proposed Shantz Station Pit.

Yours truly,

A handwritten signature in black ink, appearing to read 'George Lourenco', with a long, sweeping horizontal line extending to the right.

George Lourenco, P. Eng
Project Manager
Capital Paving Inc.

cc. Mayor Sandy Shantz and Township Council, Township of Woolwich
David Welwood, Region of Waterloo
Bonnie Bryant, Hopewell Creek Ratepayers Association
Don Schwarzentruher, Hopewell Creek Ratepayers Association
David Brenneman, Township of Woolwich
Mike Harris, MPP Kitchener-Conestoga
Mike Schreiner, MPP Guelph
Steve Kannon, Woolwich Observer
Brent Davis, Waterloo Record