

**Township of Woolwich
Special Committee of the Whole Minutes**

Tuesday, July 13, 2021

5:00 PM

Video Conference

**Hosted in Council Chambers, 2nd Floor
24 Church Street West, Elmira**

Present from Council: Mayor Shantz
Councillor Martin (Chairperson)
Councillor McMillan*
Councillor Merlihan*
Councillor Redekop*
Councillor Shantz*

Present from Staff: David Brenneman, Chief Administrative Officer*
Val Hummel, Director of Corporate Services/Clerk
Richard Petherick, Director of Finance/Treasurer*
Jared Puppe, Director of Infrastructure Services*
Jeff Smith, Deputy Clerk
Jeremy Vink, Manager of Planning*

**indicates remote participation*

Welcome and Roll Call (5:00 pm)

Councillor Martin welcomed everyone to the meeting and asked for a roll call of Council.

Disclosures of Pecuniary Interest

None.

Report DS25-2021: Official Plan Amendment (OPA) 3/2019 and Zoning By-law Amendment (ZBA) 9/2019 – 1226 Maryhill Road, 1175 Foerster Road, 1195 Foerster Road and 1472 Village View Road, for Capital Paving

Manager of Planning Jeremy Vink provided an overview of his report and highlighted:

- Provincial aggregate mapping
- Official plan amendment
- Water table monitoring
- Transportation and the proposed haul route
- Noise and noise mitigation
- Prime agricultural area and rehabilitation requirement
- Archaeological review and holding provision
- Noise study

- Hours of operation
- Dust and air quality study
- Other nearby pits
- Recent changes in provincial planning legislation
- The rationale for the report recommendation

Council discussed their authority to make a decision in the context of planning applications. Mr. Brenneman advised that Council needs to consider technical merits of the case and if Council does not support an application, that there are technical grounds for doing so.

Council discussed the applicant continuing to monitor ground water and possible revenue sources if there are issues. Council discussed how technical studies are peer reviewed, the impact of community input, the possibility of negotiating an agreement with the applicant not to extract below water, the Official Plan amendment process, mitigating noise, and balancing the environment and aggregate extraction.

Applicants

Council received a presentation from both applicants Neal DeRuyter of MHBC Planning and George Lourenco of Capital Paving. Their presentation detailed:

- An overview of the proposal;
- Applications thoroughly studied;
- Applications thoroughly reviewed;
- Community consultation;
- Consultation with Hopewell Creek Ratepayers Association;
- Appropriateness of use;
- Cumulative impacts;
- Revisions to the application;
- Planning position on applications;
- Recommendation report;
- Addressing concerns and misinformation from the public;
- Comparisons to other Capital Sites;
- Truck traffic concerns;
- Rehabilitation record and successes;
- Mitigating noise and dust; and
- Community engagement initiatives.

Council questioned the applicants about any analysis Capital Paving have done on rehabilitated farmland, any studies that show gravel pits have been returned to prime agricultural land, the Township's authority to enforce rehabilitation, how water is provided to the site, frequency of water monitoring, the intent of comments in the Capital Paving newsletter and if the Ontario Federation of Agricultural should be involved in this application,

Hopewell Creek Ratepayers Association (HCRA)

Delegate Susan Campbell, representing the HCRA, noted her experience on the Ontario Municipal Board, that the proposed pit is outside the Aggregate Resources Inventory for the Region of Waterloo, the need for balance and questions to ask before deciding on the application.

Delegate Brandon Peister, representing Merry-Hill Golf Club and the HCRA, spoke in opposition to the recommendation and highlighted concerns that have not been adequately addressed, the need for improved berms, concerns about the golf course being excluded from studies, that the proposal is incompatible with the values of the Township's Official Plan and the chance of below water extraction.

Delegate Cheryl Boughton, representing St. John's Kilmarnock School and the HCRA, spoke on behalf of the school community and expressed concerns with the application including the adverse affect of air quality since prevailing winds blow towards the school and standards do not account for students, noise concerns with outdoor sports and classes as well as safety concerns related to increased truck traffic. Ms. Boughton noted that St. John's Kilmarnock School does have concerns but didn't have time to continue meeting with the applicant given the impact of COVID-19.

Delegate Rebecca Grootendorst, representing the HCRA, spoke in opposition to the application as a youth in the community, safety concerns with increased traffic, impact to surrounding ecosystems, possibility of contaminated water, impact on biodiversity, concerns about gravel pits in neighbouring newspapers, impacts on Grootendorst farms and their livestock and the importance of prime farmland.

Delegate Dr. Dean Fitzgerald, representing the HCRA, spoke in opposition to the recommendation and noted his professional experience doing peer reviews for similar proposals, locations of water and woodlands, presence of shallow water wells, issues with evaluations and risk assessments, environmental concerns that were not addressed, technical deficiencies with unqualified peer reviewers and incomplete studies, and potential impacts to well water.

Delegate Bonnie Bryant, representing the HCRA, spoke in opposition to the recommendation and advised that she believes concerns of residents have not been address that the proposal is an incompatible land use. Ms. Bryant highlighted nearby sensitive land uses, the potential for loss of enjoyment of individual property and interference with normal conduct of business, concerns that traffic could be rerouted through Maryhill during construction of the new Highway 7 and noted comments from Premier Ford regarding community input on decisions. The Chair advised the HRCA joint delegation that their time was up after 60 minutes.

Council discussed comments by Premier Ford, letters from residents written to MPP Mike Harris and Premier Ford's offices and the lack of response to date. Council requested Delegate Ian Watt summarize what his presentation would have been if time allowed.

Delegate Ian Watt, representing the HCRA, advised that his comments would have been a thought experiment regarding what would happen if the application was approved. Mr. Watt recommended further mitigation measures including placing a holding symbol on the land to guarantee below water table extraction, that there be no processing or loading before 7:00 am and after 6:00 pm, that there be no pit activity on Saturdays and Sundays and that a contingency fund be established for potential costs in the future. Mr. Watt noted the difficulty of the decision and the position of staff.

Council discussed how to evaluate the qualifications of consultants and peer reviewers, requested Dr. Fitzgerald clarify his comments regarding unqualified persons conducting studies, if anyone from the HRCA went on a tour of the site or were offered a tour of the site and noted concerns if extraction were to be approved below the water table.

Registered Delegations

Delegate Silvana Gobbi spoke in opposition to the recommendation and highlighted the distance from her property, the impact to her property, the increase in noise and traffic, impacts on property values and impact on her family.

Delegate Meghan Lamers, representing the Schaman Clinic, provided an overview of the clinic and the benefits of the setting to their patients. Ms. Lamers spoke in opposition to the application due to the negative impact on stress management and options to exercise on site at the clinic.

Delegate Dr. John Schaman, representing the Schaman Clinic, noted his support for previous speakers and spoke in opposition to the recommendation due to social impacts, particularly health and safety; justice; and fairness. Dr. Schaman highlighted the health impacts of increased traffic.

Delegate Dr. Robert Liptrap provided a detailed overview of the impact of stress on animals and expressed concerns about chronic stress on animals and livestock with the application.

Delegate Brian Skerrett spoke in opposition to the recommendation due to the increase in stress and health impacts with the loss of the healing environment around the Schaman Clinic.

Delegates Erin Finlay and Bob McCorkindale spoke in opposition to the recommendation due to the lost in property value, how impact to property values could be measured and the benefits of the peaceful surrounding at the Schaman Clinic.

Delegate Brian Hawker spoke in opposition to the application due to the environmental impacts, treaties with indigenous people, and expressed his desire to stop the gravel trucks.

Delegate Jimmy Prevost spoke in opposition to the application, noting he is a patient at the Schaman clinic and advised of the benefits of the clinic and the surrounding environment.

Delegate Lisa Hodgkinson provided an overview of her family's history in the area and spoke in opposition to the application due to concerns about water quality of shallow dug wells left out of hydrogeology studies, concerns with septic systems and impact to her family farm.

Delegates Tichaona Magama spoke in opposition to the recommendation, highlighting that he has been given access to land on the Hodgkinson farm for growing, the impacts to the farm and asked Council to consider the human factor with this application.

Delegates Stephanie Goertz, representing the Food System Roundtable of Waterloo Region, and Anne Ehrlich, representing the National Farmers Union, noted local sustainability goals, the impact on food sustainability and prime agricultural land, the land in Woolwich currently used as gravel pits, advocated for more sustainable aggregate management, added risks to health, local sustainability and the food future in Waterloo Region.

Delegates Barbara Schumacher and Stephanie Goertz, representing 50by30WR, spoke in opposition to the recommendation and highlighted the impact of land use decisions on meeting climate mitigation goals, the impact on carbon emissions, urged Council to make their decision in the context of climate justice and recommended Council consider the large impacts many small challenges can have when considered together.

Delegate Michael Grace expressed his concerns with the recycling proposal on site particularly with the potential for toxic materials and the frequency with which waste materials will be removed.

Delegate Andy Heuton spoke in opposition to the recommendation, noted that his family were patients by the Schaman clinic, highlighted other pits in the area, concerns with recycling contaminated material and if contaminated material may remain on site.

Delegate Tyler Griffin spoke in opposition to the recommendation and noted he lives less than 500 metres from the proposed site, he is concerned that impacts may be more than predicted, his experience living next to a gravel pit in the past, concerns on impacts to water, highlighted other gravel pits within 10 km radius, concerns about decrease in property values and impact on his maple syrup business.

Delegate Connie Cross spoke in opposition to the recommendation, highlighted her condition and treatment at the Schaman Clinic and the importance of treatment in nature.

Delegate Mike Drexler was not present.

Delegate Carey Gallagher, representing the Hopewell Creek Ratepayers Association, spoke in opposition to the recommendation and highlighted her concern with the process, efforts residents engaged in to comment in opposition to the application and recommended that Council consider putting more restrictions in the site plan.

Council discussed the research and consultations they were involved in, the efforts Capital Paving takes to control noise and dust, concerns with proposed operating times, traffic concerns, comments they have heard from the public, noted Council's role and reasons to defer the decision.

Moved by Councillor Shantz

Seconded by Councillor Merlihan

That the Council of the Township of Woolwich defer a decision on Report DS25-2021 regarding Official Plan Amendment (OPA) 3/2019 and Zoning By-law Amendment (ZBA) 9/2019 for Capital Paving until the Council meeting on August 10th, 2021, and that the Mayor, on behalf of Council contact, Premier Ford and the Minister of Natural Resources and Forestry to let them know of the concerns Council heard at the public meeting on July 13, 2021 and previously from constituents.

Council discussed exceeding minimum standards, concerns with the chance of future extraction below the water table, more information on the level of groundwater.

Councillor Martin left the meeting at this time and Mayor Shantz assumed the role of chair.

Council discussed requested staff provide more information on the effect of extraction, shallow spring fed wells, and what happens with recycled and contaminated recycled materials on site. Council discussed concerns with the planning process regarding residential feedback on gravel pits and the local planning appeal tribunal. Council questioned how residents were consulted, how the application fits into the Township's long-term land use plans, concerns about the potential for below water table extraction, other pits in the Township that have extracted below the water table, the need for additional sensitivity on the Schaman Clinic and St. John's-Kilmarnock School, and the need for input from the Federation of Agricultural.

Prior to voting on the motion on the floor, a procedural motion was tabled.

Moved by Councillor McMillan

Seconded by Councillor Shantz

That Council approves an extension of the meeting to 11:45 pm in accordance with section 31 of the Procedural By-law.

...Carried.

Council requested further information regarding high and low water level readings, impact on the wells not included in the study and impact on wetlands and habitat.

Jeremy Vink noted that staff will work with the applicant to provide additional information by August 10. Mr. Vink reiterated that Council cannot impose vertical zoning on the site and confirmed that the hydrological study has already been peer reviewed.

Council discussed how the staff recommendation would change if the application was for below water table extraction. Mayor Shantz clarified that she would contact Premier Ford by phone and follow-up with a letter.

Council voted on the original motion:

That the Council of the Township of Woolwich defer a decision on Report DS25-2021 regarding Official Plan Amendment (OPA) 3/2019 and Zoning By-law Amendment (ZBA) 9/2019 for Capital Paving until the Council meeting on August 10th, 2021, and that the Mayor, on behalf of Council contact, Premier Ford and the Minister of Natural Resources and Forestry to let them know of the concerns Council heard at the public meeting on July 13, 2021 and previously from constituents.

...Carried.

Clerk Hummel requested direction from Council regarding the August 10, 2021 meeting.

Moved by McMillan

Seconded by Councillor Merlihan

Council directed the Clerk to limit new delegations' speaking time to 5 minutes, that the HRCA receive 20 minutes speaking time for a coordinated delegation and that the meeting on August 10, 2021 start at 5:30 pm.

...Carried

Adjournment

Moved by McMillan

Seconded by Merlihan

That the meeting adjourns.

...Carried

Sandy Shantz, Mayor

Val Hummel, Clerk