

MINUTES – PUBLIC MEETING
July 27, 2016

PRESENT: Mayor Kevin Holland
Councillor Grant Arnold
Councillor Robert MacMaster
Councillor Sheila Maxwell
Councillor Cathy Woodbeck

ALSO PRESENT: Barbie Salo, Amy Adams, Paul Rothenberg, Marg Rothenberg, Margie Bettiol, Brian Lehto, Mike Lehto, Martin Erdman, Janis Erdman, Doug Flegel, Margie Bettiol, Lisa Croft, Greg Croft, Ratepayers, Michael Barten, Terry Honsberger, KBM

ABSENT:

1. **CALL TO ORDER**

Mayor Holland called the meeting to order at 6:00 pm.

2. **ADOPTION OF THE AGENDA**

Resolution No. 2016- 153

Moved by Councillor MacMaster
Seconded by Councillor Arnold

THAT the Meeting Agenda be adopted as prepared.
CARRIED.

3. **DECLARATION OF PECUNIARY INTEREST**

There were no declarations of pecuniary interest on the part of any member present.

4. **DEPUTATIONS AND PETITIONS**

4.1 Erdman Zoning Amendment

The Clerk read the Notice of Public Meeting, including describing who is entitled to make an appeal of Council's decision on this matter.

Mr. Martin Erdman was invited to present information on his application for a zoning amendment. Mr. Erdman advised that he felt the application was just to confirm the extent of the extractive zoning on the property and to identify the property remaining in the rural zone and to provide a paper trail. Mr. Erdman showed the boundaries of the zones on the map on the Smartboard.

4.2 Public Input

Mayor Holland invited those who wished to speak on the application to come forward and state their names.

Doug Flegel/Margie Bettiol

Mr. Flegel noted that the premise of this application as providing a paper trail was thrown out by the Chair of the OMB. Mayor Holland noted that

those were Mr. Erdman's words and that this Council was treating the application as a brand new application.

Mr. Flegel stated that they were objecting to this as a brand new large scale industrial use that would significantly impact the way they live their lives. He noted that the small scale operation of the pit previously did not bother them but the new proposal would change that as it proposed operating 24/7 with crushing operations allowed.

Ms. Bettiol stated that the legal advice they had received stated that there would have to be a continuous use of the property or the zoning would lapse. The Clerk advised that zoning does not lapse on a property simply because there is no use of the property. Ms. Bettiol stated that they live a peaceful lifestyle and there should be no machinery operating 24/7. Ms. Bettiol did not feel that a gravel pit would fit into the Township's vision of "Healthy Living Naturally". Ms. Bettiol noted that people don't understand the noise that a crusher makes and the value of their home would go down substantially. Ms. Bettiol also noted that there was a prior application for this same pit and that the Council of that time was concerned about resident's complaints. The Clerk advised that an application for a zoning amendment had been submitted by Mr. Erdman in 2005 but that Council did not move forward with it at that time as they wished to have further information. Mr. Erdman had not responded to Council's request for information at that time.

Ms. Bettiol stated that she felt Council should, at a minimum, refuse the use of a crusher on the site. Secondly they should restrict all operations on the site to 8am to 7pm Monday through Friday, Saturday 9am to 4pm and no operations on Sunday but with a preference for no operations on the weekends at all. Ms. Bettiol noted that there are neighbours with young children and a neighbor with health problems. Ms. Bettiol also noted that they had opposed the new four-lane divided highway from being developed, not only because of the number of houses that could be lost but because they have artesian water on their property. Ms. Bettiol did provide a written copy of a letter addressed to Council with a copy of their lawyer's legal opinion obtained for the Aggregate Licence OMB hearing attached.

Ms. Barbie Salo then addressed Council and noted that she lives with Dan Strachen and that he was unable to attend the meeting but wanted to submit a letter on his behalf. Ms. Salo noted that there are already 5 gravel pits in the Township and another one was not needed. Ms. Salo stated that a gravel pit did not meet the model of Healthy Living Naturally. Ms. Salo also noted that she would like to live in Conmee Township but that she had already moved from one location on Hunt Road that had a pit with a crusher that caused her to have migraines. Ms. Salo stated that nothing would satisfy her at this point especially because of what they just went through and how they were treated.

Mr. Erdman then asked to speak to Council and noted that the crusher will be a minimum of 250 metres from any house which is well beyond the minimums required by the Ministry of Natural Resources and Forestry. Mr. Erdman noted that MOE has done the studies to determine set-backs for noise and they were exceeding those set-backs. Mr. Erdman also noted that the old maps show an extractive zone on the property and that the MNR deemed the whole property would be considered as extractive in the absence of any evidence to the contrary. The Clerk advised that MNR had informed the Township that if we could not provide definitive areas for the existing extractive zoning they would consider that the whole property was zoned and this is what Council had moved forward with when they advised Mr. Erdman to apply for the aggregate licence. Mr. Erdman noted that he believed the marks on the zoning map were meant to show the entire property as zoned extractive because the existing pit was not even in the area of the hatch marks.

Mayor Holland advised that regardless of what existed or did not exist in the past the Council did not want to cause any confusion and were dealing with this as a new application. He noted that Council appreciates the concerns regarding previous zoning but Council must consider what is before them now.

Councillor Arnold questioned whether the house and property to remain rural had been severed from the rest of the property. The Clerk advised that there was no severance and that there can be more than one zone on a lot.

Mr. Flegel noted that the only evidence of extractive was a small little part on the map but this now was an enlargement of the boundaries. He also noted that when the pit was operating previously there was never a crusher in there.

Mayor Holland noted that many of the concerns that Council was hearing from those present had to do with operations of the pit. He advised that this meeting was to speak about the zoning only and then Mr. Erdman would re-apply to the MNR for the Aggregate Licence which would contain operational limits.

Ms. Bettoil noted that MNR had no record of a licence ever being issued for that operation, however Mayor Holland noted that there may not have been the process to require a licence back then.

Mr. Rothenberg questioned what the stipulations were to change the zoning. Mayor Holland advised that once an application for a zone change was made, a notice was circulated and a public meeting held to hear submissions for and against the application. Mr. Rothenberg also questioned who was responsible for any impact to the water if they got a permit.

Mr. Barten from KBM requested permission to respond. He stated that the Aggregate Act requires applicants to hire a hydrogeologist to establish the level of the water table and that the licence would restrict the operations to 1.5 metres above that level. Mr. Barten also noted that testing was required every time a new area was to be excavated.

Mr. Honsberger from KBM also noted that there was a well at the residence on the property and Mr. Erdman had committed to testing the water level in the well every month.

Ms. Bettoil questioned why there were operational parameters in the by-law if Council was only dealing with the zoning. Mayor Holland advised that that Mr. Erdman was using the same map for the zoning amendment application as he had used for the aggregate licence application.

Mr. Rothenberg questioned what the "other operations" were that the by-law allowed as they could also be disruptive. Mayor Holland responded that it would be everything needed to operate an extractive industrial use except for a crusher or screener.

Mayor Holland called for any further comments and seeing none, the Clerk advised that the By-law would go to Council for approval or denial on August 9, 2016. It was noted that while all Council meetings are open to the public, if anyone wanted to address Council they would need to follow the process to request a delegation to Council and would be allowed to speak at the beginning of the meeting. It was also noted that the actual By-law would be dealt with later in the meeting and no further input or discussion would be accepted from the public at that time.

Mayor Holland thanked everyone for attending the meeting.

5. **ADJOURNMENT**

Resolution No. 2016 - 154

Moved by Councillor Woodbeck
Seconded by Councillor Maxwell

THAT the Meeting is now adjourned at 6:53 pm.
CARRIED.

Mayor

Clerk