

Corporation of the Township of Guelph/Eramosa

Public Meeting under the Planning Act

MINUTES

Monday, February 8, 2010

7:05 p.m.

Guelph/Eramosa Township Municipal Building

Present: Mayor Chris White and Councillors Doug Breen and Reta Moyer

Absent: Councillor John Scott and Roger Knapp

Present from Staff: CAO Janice Sheppard and Clerk Meaghen Reid

1. The Mayor called the meeting to order at 7:05 p.m.

Mayor White indicated that Councillors John Scott and Roger Knapp will not be in attendance and send their regrets.

2. Robertson Industrial Subdivision Zoning By-law Amendment (ZBA 02/05) and Draft Plan of Subdivision (23T-04003) – 8075 Highway 7, legally known as Part of NE ½ Lot 5, Concession 1, former Township of Eramosa, Township of Guelph/Eramosa

Applicant: David and Marlene Robertson

Present: Bernie Hermsen and Lana Phillips of MHBC Planning Ltd., and John Burns of R.J. Burnside and Associates, Bruce Donaldson, T. Lonsdale, Ken Dance, Jay Flanagan, Peter Grant, Murray Cameron, Hiedfurdi Andrews, Judith Ryan, John Hendy, Doreen Hendy, James Linders, Marlene Robertson, Sa-Woon Im, Cathy Reek, Jake Kuizenga, Simon Wildeboer, Dave Locke Jr., Dave Locke Sr., Charles Simon, Ed Vermeulen, Susan Vermeulen, Marjorie O’Krafka, Paul Crowe, Carolin Bot, Thomas Arnold, Louise Gallagher, Susan Johnson, Mike Nagy, Karol Mathews, John Brants, Linda Hendry, Jon Cousins, Sue Gillespie, Mike Walsh, Steve Osborne, Dave Cobb, Lise Cobb, Mary Rogers, Al Blanche, Kit Bresnahan, Robin Bresnahan, Jeremy Vermeulen, Jennifer Osborn, Robert Kenneth Chadder, Glenn Little, Evan Little, Tom Bones, Ian Wallace, Kathie MacDonald, Russ MacDonald, Burton Patkau, Kathryn Dean, Will Krynen, Also Salis, Ehin Ariss, Betty Ariss, Barb Marshall, Kathy Van Rhijn, Joanne Martin, Margaret Van Rhijn, Louise Marshall, Valerie Marshall, Donna Clifford, Susan Crawford, Jack Darmon, Jasper Harlaar, Elizabeth Little, Dale Hamilton, Tony Darmon, Ed Vunderink, Pauline Vunderink, Mark Rolling, Sandra Lucs, Wayne Gates, L. R. Cousins, Don Holman, Kirin Rice, Doug Walson, Pam Wetlaufer, John Bowmeester, Jim Mochrie, Edward Mochrie, Barb Conley, Alf Conley, Dave

Belanger, Earl Osborne, Steve Nyman, Stephen Jones, Tim Laing, Rick Barlow, Mary Love, Bob Love, John Cox, Jim Brown, Jean Brown, Bill Allen, Frank Fantin, Attilio Odorico, Lee Laing, Wendy Smith, Antonietta Martini, Nat Martini, Dolores Gaetan, Liz Southwell, David Dunne, Rosa Michailow, Sharon Breese, Wayne Breese, Laura Brown, Kamari Brown Gain, Kory Melnick, Donna Zuccala, Kevin Zuccala, Margaret Pearson, Brian Husband, Bonnie Hamilton, Rosemary Marchesano, Teressa Gibson, Michael Coull, Edward Nagel, Mary Skerrett, Pam Bresnahan, Ed Vermeulen, Bob Ralston, Inger Knudsen, Doug Kissick, Jim Goring, Doris Tubman

The Mayor announced that this is a Public Meeting under the *Planning Act* to hear comments from the public and to give consideration to the above noted proposal.

The Clerk requested all persons in attendance clearly print their full name, address and postal code on the attendance sheet being circulated. She noted that all names listed on the attendance sheet and the names of those who speak on this item will appear within the meeting minutes. She also advised that addresses listed on this sheet will be used only to circulate future notices about this matter to attendees.

The Clerk advised that the circulation radius for this application was extended from 120 metres to 240 metres. She advised that the Notice of Public Meeting was mailed to residents within 240 metres of the subject property on January 6, 2010 and was published in the Wellington Advertiser on January 15, 2010 and January 22, 2010 and in The New Tanner on January 14, 2010 and January 21, 2010. She indicated that the Notice of Public Meeting was also delivered to residents outside of the 240 metre circulation area, along Wellington Road 29, from south of Eden House Retirement Home to north of Barden Street on February 3, 2010.

The Clerk advised that written submissions for this public meeting have been received from the following individuals: Ian Wallace, Ed Langevin, Norah Menzies, Kent Schubert, Edward Nagel, Laura Brown, Inger Knudsen, Val and Gord Findlay, Joe and Dolores Gaetan, Richard Barlow, Wayne Breese, Joames Mochrie and Edward Mochrie. She indicated that written submissions have also been received at the beginning of this meeting.

The Mayor asked the Township Planner to explain the proposed Zoning By-law amendment and Draft Plan of Subdivision applications.

Through the use of a powerpoint presentation, the Township Planner, Mr. Bernie Hermsen, explained the proposed Zoning By-law amendment and Draft Plan of Subdivision applications as submitted by the applicant. Mr. Hermsen discussed the purpose of the public meeting and noted that no decisions would be made at this public meeting, as further investigation and follow-up will be required by the

applicant. He indicated that a follow-up planning report would be presented to Council in the future. He also summarized the development approval process and discussed the status of this application within the process. Mr. Hermsen provided a review of the location of the subject property and described the surrounding area. He outlined the official plan designation and policies, including the definition of “dry industrial uses.” He indicated the lands are currently designated ‘Rural Industrial’ in the County of Wellington Official Plan. He provided an overview of the applications submitted and the history of these applications. Mr. Hermsen also provided an overview of the draft plan of subdivision, including the subdivision details, and discussed the studies and submitted materials associated with the original 2004 application. He discussed the materials submitted with the revised 2009 application and provided an overview of the servicing, hydrogeological, storm water management and environmental aspects of the subdivision based on the submitted materials. He noted that the GRCA does not have outstanding concerns or objectives, subject to the conditions of approval. Mr. Hermsen provided an overview of the zoning by-law amendment application and discussed the permitted uses within the Rural Industrial (M1) zone. He discussed the Wellhead Protection Areas (WHPA) noting that the policies and regulations limit uses within defined areas. Mr. Hermsen noted agency comments received to date including agency requested conditions of approval. He provided an overview of the issues identified from submissions and indicated that the next step would be for the applicant to follow-up to respond to issues and comments provided and to update the traffic study.

The Mayor asked if the applicant or their agent would now like to address Council with respect to this application.

Mr. Bruce Donaldson, agent for the applicant, discussed the initial application in 2004 and the designation of the subject property as Rural Industrial in the County of Wellington’s Official Plan. He identified that the applicant has enlisted the services of a biologist, geotechnical engineer, a hydrogeologist, an archaeologist, as well as an engineer to assess traffic. He indicated that an agricultural impact study has also been conducted on the property, as well as a servicing report regarding the storm water management system. He discussed the decision of MTO to not allow for entrance to the property on Highway 7 and noted that a revised traffic report is underway to address an entrance on Wellington Road 29 and to include turning lanes. Mr. Donaldson advised that he and technical representatives are in attendance to address questions.

The Mayor enquired if there were any persons present who wished to make an oral or written submission in support of the application.

No one spoke in support of the application.

The Mayor then enquired if there were any persons present who wished to make oral or written submissions objecting to the application.

Mr. Robin Bresnahan, resident, on behalf of youth living close to the proposed development, discussed concern about the environmental impact of this development, relating to septic waste, industrial waste and run-off. He discussed the importance of wetlands and noted that Clythe Creek is a coldwater stream and home to many species. He inquired about an environmental assessment being done before zoning changes. Mr. Bresnahan also commented safety concerns with regard to increased traffic on roads where youth walk and ride bikes. He expressed concern about the loss of good agricultural land and indicated that land less suitable for farming should be developed. He indicated that they already have disturbing shots being fired at the Rod and Gun Club and do not want increased noise pollution. He indicated that the youth have to live with the decisions made by older generations and noted that environmental assessments need to be done. He noted that the input of residents, including young people, needs to be considered.

Jordan Little, Kory Melnick and Kamari Brown Gain, residents, indicated that the children of Eden Mills and surrounding area think it is a bad idea to build an industrial park, since it will pollute the air and water. They discussed their learning in school about preservation of natural resources and the importance of farmland. They expressed concern about trucks making the roads unsafe for bikes and school buses and indicated that this industrial park would ruin the spirit of nature that they love.

Mr. Simon Wildeboer, trustee of the Emmanuel Canadian Reformed Church, expressed concern about noise from this development on Sundays impacting church services and concern about the visual aesthetics of industrial development.

Carolin Bot, resident, spoke on behalf of Mr. Bob Ralston, stating that he is strongly opposed to this application due to environmental concerns. She indicated that Mr. Ralston has concerns about the use of hazardous liquids, dyes and resins with this application and their impacts on the drinking water aquifer. Ms. Bot indicated that Mr. Ralston has concerns about the creation of 30 septic systems with bedrock that has fractures. Ms. Bot discussed concern about the Walkerton tragedy being repeated with this application and indicated that Mr. Ralston has contacted representatives at the Ministry of the Environment (MOE) who indicated that septic permits would not be issued for this type of ground. Ms. Bot expressed Mr. Ralston's concern that this application would expose the Township to legal action and indicated that costs associated with legal action should not fall upon the taxpayer.

Mr. Thomas Arnold, agent for Mr. Doug Walsom and Ms. Pam Wetlaufer, indicated that his clients have already experienced flooding in their basement and ponding due to the drainage on the subject property. He noted that the proposed use would not be compatible with the residential use of properties backing onto the subject property.

Mr. Ken Chadder, resident, expressed concern about property values in the area and whether compensation would be awarded, as a result. He noted concerns relating to water.

Mr. Tim Laing, resident, on behalf of the Friends of the Eramosa River Valley, indicated that his group is opposed to the zoning by-law amendment that would change the land use to industrial. He discussed groundwater and its potential contamination as a main concern and discussed articles on this subject, recently published in the Guelph Mercury and the Kitchener Waterloo Record. He discussed the subject lands not being serviced with municipal water and sewer, which would mean that new businesses will acquire their water from the Amabel aquifer. He questioned the amount of water to be required to install 30 new wells for the lots within the industrial subdivision and expressed concern about ambiguity surrounding the quantity of water use in the Rural Industrial Official Plan designation. He discussed the composition of the bedrock below the subject property and indicated that the rock is susceptible to erosion. Mr. Laing discussed the regions identified in the County's Wellhead Protection Areas (WHPA), noting that Eden Mills has the highest sensitivity level of 1 and the subject lands as having a level 2 sensitivity. He discussed a study conducted by the MOE in 2002, which noted limited soil and aggregate cover on the subject property and reduced the capacity to filter water before going into the groundwater. He discussed a recharge and discharge area along Clythe Creek and expressed support for the County's Official Plan Groundwater Section 4.9.3 and its policies to ensure that water quality and quantity are not adversely affected. He commented on liability issues associated with this development. With regard to permitted land use, Mr. Laing expressed concern about having sufficient lands to meet food needs and commented that the uses within this application would contradict the permitted land use under WHPA. He expressed concern about traffic and the potential for trucks to access Highway 401 and the Guelph Line by travelling through Eden Mills. He also noted that the Eden Mills Carbon Neutral initiative and expressed concern that increased traffic would compromise plans to create a bike path from Eden Mills to Rockwood. With regard to noise and air pollution, Mr. Laing expressed concern about the impacts of this pollution to the quality of lives of seniors living at this facility. He also discussed land values and concern that this development will negatively impact those in the vicinity. He acknowledged that industrial development could result in a gain in tax revenue, but requested that, even in light of this, that Council turn down this application.

Dale Hamilton, resident, indicated that she has served on Eramosa Township Council in the early 1990s when the Official Plan function came under the County of Wellington. She indicated that this property was identified for Rural Industrial designation since it is along the pipeline to Guelph. She indicated that it was the intention of the previous Council that this development would be connected to municipal water and wastewater services. Ms. Hamilton discussed a past application for residential development along County Road 44 in the 1990s, which was rejected by the OMB due to the karst topography.

Ms. Karol Mathews, resident, discussed a pond fed by the water table near her property, which has continually decreasing water levels over the years.

Mr. John Cox, on behalf of John Bouwmeester who is the owner and operator of Eden Place Retirement Home, expressed concern about increased traffic on Wellington Road 29 and the condition of the road. He expressed concern about some of the uses permitted within an industrial zone. Mr. Cox also expressed concern about the visual aesthetics of the property, and suggested techniques for mitigation such as the orientation of buildings, setbacks, berming and planting.

Ms. Carolin Bot, resident, asked about the size of the lots and whether the lots can be subdivided. The Mayor requested that staff look into this matter for a response to Ms. Bot's question.

Mr. Mike Nagy, resident, discussed a group that he helped form in the 1990s regarding the loss of control over the Official Plan. He commented that this subdivision plan appears to be from the 1950s, as it does not address green economy or take into account new technologies. He also expressed concern about water and discussed the recent prevalence of flash floods, droughts and huge rains in March and April.

Ms. Teresa Gibson questioned why farmland is considered vacant land.

Mr. Will Krynen, resident, noted that there is spectacular farmland located on the subject property.

Mr. Mike Walsh, resident, asked about how fire departments will be able to fight fires on the property with all of the lots being on wells.

Ms. Dolores Gaetan, resident, asked what would stop a big company, such as Magna, from purchasing the whole property and developing it into one large operation.

Ms. Katherine Clark, resident, questioned why MTO rejected access to this property off of Highway 7 and how this would be different from Wellington Road 29. She further questioned if lights would be provided at Indian Trail. Mr. Donaldson indicated that MTO rejected access on Highway 7 due to the need for distance separation from the stoplights at Wellington Road 29 and Highway 7. He indicated that, like Wellington Road 124, there is a possibility that Highway 7 could be a road transferred to the County of Wellington. He indicated that it is not the intention to have the traffic from the subject property to go south through Eden Mills and that signage could be used for this purpose. Mr. Donaldson noted that Wellington Road 29 is under the jurisdiction of the County of Wellington and they would determine entrance and traffic control requirements.

Mr. Alf Conley, resident, discussed the intersection of Highway 7 and Jones Baseline and the fatal accidents that have recently occurred. He expressed concern about busier traffic from this development resulting in more accidents.

Mr. Stephen Jones, resident, commented that he already lives in a vulnerable area on Wellington Road 29 and expressed concerns about environmental impacts and safety of families and young children if there is increased traffic.

With regard to Ms. Bot's earlier question about whether the lots can be subdivided, Mr. Hermsen indicated that it is not the intention for these lots to be subdivided and there is a minimum lot area requirement of one acre in the Township's Rural Industrial (M1) zone. He indicated that, only once the application was approved, could severance proposals be considered in the future. Mr. Bermsen clarified the part lot control process.

Ms. Carolin Bot, resident, asked about an acceleration lane mentioned within the proposal. Mr. Donaldson and Mr. Im indicated that there would be a right turn lane and a predominately a three-lane cross-section.

Mr. Kent Schubert, resident, indicated that he agreed with a previous comment about this development looking like a plan from decades ago. He expressed concern about these lots being high density and having high susceptibility to contamination. He commented that this application violates the building code regarding the septic systems and the bedrock being shallow and variable. He indicated that this application is obsolete and does not comply with the Clean Water Act, the Safe Drinking Water Act and the County's official plan amendments prompted by these Acts.

Ms. Jennifer Osborn, resident, indicated that water currently stands in the location where the storm water management pond is to be located on the subject property. She expressed concern about oil and diesel from an industrial use being drained into Clyde Creek and discussed the biological diversity around and on the property.

Ms. Dolores Gaetan asked about information on the Township's website regarding industrial land available, which had recently been removed. The Township's CAO indicated that this information on the website had been removed recently because it was misleading and it is currently being reworked.

Ms. Liz Southwell, resident, noted that her property faces the back of the subdivision and stated that she would likely have to sell her property if this application is approved. She asked about the benefits of this application.

Mr. Stefan Jones and Ms. Katherine Clark asked if Mr. Donaldson would be able to explain the benefits of this application. Mr. Donaldson indicated that this property is one of very few industrial lands to be developed in the Township.

Ms. Kathryn Dean, resident, voiced her disappointment on the loss of farmland and questioned why the County's Official Plan designation had to remain. She indicated that industrial uses are more of a drain on municipal resources than agricultural uses.

Ms. Barb Marshall, resident, urged planners to look to new techniques and technology and commented on the efforts taken in the past to provide municipal sewage service to Rockwood.

Ms. Libby Little, resident, questioned whether there would be a way to encourage this farmland to be used for agricultural purposes. She expressed concern about climate change and the importance of fostering food sources for future generations. She commented that we should not trade future sustainability for today's jobs.

Mr. Doug Walsom, resident, asked about ditching and run-off on and around the subject property. Ms. Lonsdale indicated that there would be roadside ditches, as well as a storm water management pond to address water quality and quantity. Mr. Walsom expressed concern about the basement of his house, which is sitting on clay and backs onto the subject property. Ms. Lonsdale indicated that she could sit down with Mr. Walsom and further discuss this matter.

Ms. Marjorie O'Kafka, resident, discussed a ditch located on Wellington Road 29, stating that this ditch never worked and resulted in water in the basement of her home. She also expressed concern about not being able to bike along Wellington Road 29 due to increased traffic.

Mr. Tim Andrews, resident, expressed concern that the environmental study does not record the depth of the land over the bedrock. He stated that far more residents in the area will suffer rather than benefit from this development and commented that this development would be a "blemish" on the community.

Mr. Will Krynen, resident, discussed the experiences in the City of Edmonton with regard to fines for contamination. He indicated that this development would require stringent rules and enforcement and requested that this proposal be rejected.

Mr. Charles Simon, resident, indicated that he was not hearing any information about the storm water management pond and plans for monitoring and decontamination of the water before it is slowly released into the creek. Mr. Donaldson indicated that preliminary consideration can be given to this and that these items are considered as part of the future detailed design stage.

Mr. Jim Goring, resident, indicated that he has heard 25 questions tonight and questioned whether a compromise is possible. He asked the audience to consider what they would like to see on the property in 2060.

Mr. Ed Vermeulen, resident, noted that the subject property is underwater during spring run-off. He expressed concern about the roofs of the development creating a larger flood zone on the property. Ms. Lonsdale noted that the clean water from the roof would move into infiltration trenches and recharge back into the groundwater.

Ms. Lee Laing asked who would be responsible to correct the damage if the drainage plan does not work. Ms. Lonsdale indicated that the storm water management pond would become a Township pond.

Ms. Marjorie O'Kafka commented that the creek in this area is not level and, when the creek fills, the water flows.

Ms. Dolores Gaetan asked about who is responsible for wells and if these wells run dry. The Township's Engineer indicated that MOE has ultimate control and that it will go back to the name of the person on the development agreement with the Township to correct the water supply. He indicated that if new water was required, it could come from drilling a new or deeper well.

Ms. Kathryn Dean, resident, questioned what would occur if the person at fault refused to pay and who would then pay the legal fees.

Ms. Carolin Bot asked what Council's decision is on this matter. The Mayor indicated that it is the intention of Council to have another public meeting to receive information on the questions asked so far. He indicated that Council would not proceed without being comfortable with the information received from the applicant and that all studies by the applicant are available for viewing at the Township Office. Councillor Breen noted that all submitted materials are reviewed by the Township staff and consultants..

Mr. Bill Allen, resident, asked what MOE's role would be in assessing the suitability of this application. Mr. Donaldson indicated that the technical reports would be circulated with the final decision being forwarded to GRCA and the MOE. On behalf of the applicant, Mr. Peter Gray indicated that the Ministry requires that the applicant to address the impact of all wells.

Ms. Dolores Gaetan questioned whether we can know how much water is being consumed until the lots are sold.

Mr. John Bouwmeester expressed concern about increased traffic and the possibility for heavy truck traffic. He indicated that the road will need to be resurfaced and expressed concern about the aesthetics of the property and this property looking like the industrial area from Guelph to Cambridge on Wellington Road 124.

Mr. Paul Crowe, resident, commented on the amount of buses on Wellington Road 29 taking children to school and expressed concern about accidents as a result of an increased volume of traffic from trucks and employees.

Mr. Burton Patkau, resident, asked if a traffic light was included in the proposal and commented that the natural flow of traffic would be to turn right to head into Eden Mills. He questioned who reviewed the studies, specifically those related to traffic and agriculture. He expressed concern regarding fire suppression.

Mr. Charles Fraresso, resident, expressed concern about light pollution and the impact that this development would have on dark skies.

Mr. Jack Darmon, resident, asked about plans for the unfinished roadway at Indian trail where people currently cycle and walk their dogs. Mr. Donaldson indicated that there is no intention to use Indian Trail.

Mr. Dave Dunn, resident, inquired about noise pollution and restrictions on all-night work for this development.

Mr. Ed Vermeulen asked whether the adjacent railroad had been advised of this development. Mr. Donaldson indicated that he was not aware of correspondence being sent to Canadian National Railway (CNR).

Mr. Tony Darmon and Ms. Carolin Bot asked about the boundaries of the property and if the applicant owned land adjacent to this property for future development. Mr. Donaldson indicated that the applicant does not own the land to the west of the property.

Mr. Stefan Jones, resident, asked about a date for the next public meeting. The Mayor indicated that a meeting will be held in the future depending on when the Township receives the appropriate information and noted that a different venue would be chosen for the next meeting. Ms. Meaghen Reid noted that circulation of the public meeting notice would be the same as the recent notice, in addition to those listed on the public meeting sign in sheet.

Mr. Dave Cobb, resident, asked for clarification on the term 'infiltration galleries', and PPS, and commented on ambiguity with regard to nitrate and chloride levels. Ms. Lonsdale noted that 'infiltration galleries' referred to the system to deal with roof water described earlier in the meeting. Mr. Hermsen indicated that PPS refers to the Provincial Policy Statement. Mr. Peter Gray indicated that several wells were surveyed and the nitrate and chloride levels applied to wells to the northwest of the property.

Ms. Louise Marshall, resident, indicated that she had been warned by the public health unit about the exposure to nitrate levels on child development.

Mr. Peter Gray discussed water quality and impacts of nitrate levels to health, as well as the impact of agricultural use on water. He indicated that results of the well testing were provided to the owner of the wells.

The Mayor then enquired if Council had any questions regarding the application.

Councillor Moyer commented that there seemed to be frustration that Council is not responding to all of the questions and noted that Council has not sat together to discuss a decision, as members are waiting for further information from tonight's meeting.

Mayor White thanked all of the attendees for their presentation and noted that a decision would be premature until all information was received by the applicant and input was received from the public.

Councillor Breen thanked all attendees for coming to the meeting and thanked the youth for their involvement. He thanked Dale Hamilton for the background information that she provided.

A resident asked about if studies regarding the aquifer were available from when the property was designated Rural Industrial. Mr. Donaldson indicated that he was not aware of any such reports. .

Mayor White indicated that Council will consider all comments before reaching a decision. He indicated that those registered in attendance would be provided notice as to the date of any future public meeting and Council meeting where follow up materials would be brought forward for a decision.

3. The Mayor advised that the Public Meeting is now concluded at 9:50 p.m.

Chris White, Mayor

Meaghen Reid, Clerk