

A Vision to a Healthy Future at 125 Peel Street

Good evening members of Council,

Thank you for allowing me to address you this evening.

I'm speaking to you tonight about the Application For a Major Site Plan Amendment for the property at 125 Peel Street.

I'll be presenting to you

- where things were in the past,
- where they are now,
- and then show you a vision for a healthy future at 125 Peel Street.

In the coming days, you will receive an invitation. Residents of Conestogo-Winterbourne will offer to give you a tour of the area. I encourage you to accept their invitation.

Let's begin by going back in time. Prior to 2013, the land at 125 Peel Street was a farm.

Nestled in an oxbow of the Grand River, the farm was situated north of Conestogo, just across the Grand River; it lay just west of Winterbourne; it was bordered by a number of other farms; and a Mennonite parochial school was just down the road.

When it was a farm, the soil at 125 Peel Street was classified as Prime Class 1 and Class 2 agricultural land. What this means is the soil was excellent, and was well-suited for a variety of crops. That farmland was a contributor to Ontario's 34-billion dollar agri-food sector.¹

Because of its unique history, its natural beauty, and its Mennonite agricultural heritage, the Winterbourne Valley (where 125 Peel Street is located) has been identified as a Candidate Cultural Heritage Landscape.²

About ten years ago, things started to change. In late 2008 the Township of Woolwich received a Zone Change Application Form that would see the property turned into a 36-hectare above-water-table gravel pit and recycling operation. Over the course of the next year and a half, studies were conducted and reviewed, and residents engaged in letter writing campaigns to the Township and to the MNR, raising concerns about the proposed pit's negative impact on a range of issues.

Despite those concerns, in November 2010 a majority of Council members voted in favour of accepting the application.

In July of 2011, the applicant appealed to the OMB on the grounds that the statutory processing period of 120 days had expired.

Council, not wishing to spend money on a full-blown OMB hearing, decided to reach a settlement via OMB mediation. As preparations for Mediation began, residents requested that their concerns be placed on the Issues List, which was the source document used in Mediation. One of the issues residents raised was the question of economic viability, due to the high water table.

In other words, there wasn't as much money to be made. Since the water table was high, the applicant would not be able to extract as much gravel, because they wouldn't be able to dig down as far. This led the residents to be fearful that the applicant would apply for below water table extraction.

Closed-door Mediation proceedings were held in September and October, 2012. The result of Mediation --the Minutes of Settlement--were presented to the public on November 15, 2012.

Later that month, Woolwich Council voted to approve those Minutes of Settlement.

The resulting bylaw contained a Holding Provision, where extraction was limited to 1.5 metres above the seasonal high water table.³

Further to this, the matter of rehabilitation was addressed in the Operational Plan notes, in which the final land use was designated as Agricultural.⁴

In June of 2013, water monitoring was performed as required, and the report stated that the water levels were high.

Nonetheless in September of 2013, site construction began.⁵ Then in late April of 2014, as the topsoil and overburden were being stripped in order to build the berms, the water table was breached, and water began to pond on the surface of the ground.

Concerned residents contacted the MNR, which resulted in the Ministry ordering that construction be halted. Parts of the berms were then dismantled, and the soil was used to cover up the ponding water.

What's going on at 125 Peel Street today?

I think the best way to describe it is that it's a parcel of land sitting in limbo. It's not a pit. The berms are only partially built, and there's no equipment sitting on it.

While the land has been in limbo for five years, the people involved in this story have been busy.

In September, 2016⁶, residents were notified of an Application for a Major Site Plan Amendment, namely to lift the Holding Provision, and to extract gravel below the water table.

Once again, studies were performed in an attempt to prove that below water table extraction was a healthy thing for 125 Peel Street.

Residents reviewed the new studies, and noted incomplete information and inaccuracies, and reported them to Woolwich Council and Staff. They also reminded Council of past infractions on the part of the applicant, and how this was a cause for great concern for the future.⁷

More recently, peer reviewers have been raising red flags about the studies' inaccuracies and conclusions.

And so this brings us to a vision for the future at 125 Peel Street.

In her February 2013 OMB decision, Member Sills had a vision. She writes, "An aggregate extraction operation is a permitted use in prime agricultural areas, provided that the site is rehabilitated; the site will ultimately revert back to agricultural lands..."⁸

Three more times she repeats the rehabilitation requirement.⁹ And she refers to aggregate extraction on agricultural lands as an "interim use".

Clearly, rehabilitation of prime agricultural land is important in this province.

The definition of rehabilitation is "the action of restoring something that has been damaged to its former condition."

This Major Site Plan Amendment Application proposes that the final land use of the extraction area will NOT be Agricultural, but "a naturalized water body."¹⁰

This final land use is in conflict with the Board's Order of rehabilitation, which all parties agreed to at Mediation.

Moreover, the Township's hydrogeology consultant evaluated this plan and disagrees entirely with its conclusions; he expresses concern that "in dry years... large areas of the lake can be expected to become extremely shallow or dry up completely."¹¹

So really, what the applicant is asking for is not an amendment, but an entirely new project, with a far different outcome than originally asked for, negotiated, and agreed upon with the Township.

And the end result of this new project is not a healthy vision for the property at 125 Peel Street. So, what is the vision to its healthy future?

The land has been sitting inactive for five years. Not a single piece of gravel has been extracted from it. The berms are only partially built, and no equipment is sitting on it.

It's not too late to rehabilitate it back to farmland, as ordered by the OMB.

Additionally, further study is needed to assess this area's Cultural Heritage Landscape potential. This land is valuable to the Township, and valuable to Ontario, for reasons that far outstrip a below water table gravel pit.

Members of Council, you are standing at a moment in time where you have the ability to decide how you will designate this land's usage. You have the ability to protect it now in order for it to have a healthy future. I urge you to make the healthy choice for 125 Peel Street.

Thank you.

Endnotes

¹ <http://foodandwaterfirst.com/about-us/>

² Christopher DeGeer and Michael Drescher, Identification of Candidate Cultural Heritage Landscapes in the Townships of Wellesley and Woolwich, (The Heritage Resources Centre, University of Waterloo), 31-38.

³ PL 110809 Memorandum of Oral Decision Delivered by M.A. Sills on November 26, 2012, and Order of the Board, (Ontario Municipal Board), 13.

⁴ Minutes of Settlement Schedule "A" Jigs Hollow Operational Plan, note 27, November 15, 2012

⁵ See Minutes of Settlement Schedule "A" Jigs Hollow Operational Plan, Noise Study note 1, November 15, 2012

⁶ Note that the first notification, dated August 4, 2106 was incorrectly identified as a Notice of Application for a License.

⁷ Township of Woolwich Council Minutes, February 28, 2017

⁸ <https://www.thomsonrogers.com/wp-content/uploads/2015/03/preston-sand-gravel-company-limited-woolwich.pdf>, (Ontario Municipal Board Decision PL 110809), 8.

⁹ <https://www.thomsonrogers.com/wp-content/uploads/2015/03/preston-sand-gravel-company-limited-woolwich.pdf> (Ontario Municipal Board Decision PL 110809), 10.

¹⁰ <https://www.woolwich.ca/en/township-services/resources/Ongoing-Planning-Items/Preston-Sand-and-Gravel/4---2027-Rehab-Plan.pdf>

¹¹ Letter from K.W.F. Howard M.Sc., Ph.D., P.H.G., P.Geo., CGeol FGS University Professor and Groundwater Consultant 32 Cadbury Court, Toronto, Ontario, M1E 1E7, Jan. 8, 2019