

Quarries blast zoning by-law at Nassagaweya OMB hearing

Nassagaweya's zoning by-law went before the careful eye of the Ontario Municipal Board and all objections to the by-law were heard at an O.M.B. hearing held in Brookville Hall Monday.

The purpose of the by-law, as explained by planning consultant M.W. Deke, is to implement the official plan for the township and put teeth into the plan. The by-law would regulate land use in the township.

The by-law is the result of two and one-half years of work by the municipality and Project Planners, a consulting firm, and it comes at an expense of about \$8,000. It has been subjected to criticism at two public meetings and an O.M.B. hearing and now rests in the hands of the O.M.B. for their approval or recommendation for amendments.

In an earlier attempt to have the by-law passed the municipality received over 200 objections and decided not to take it to the O.M.B.

Among the bodies in the municipality anxious to see the by-law become law are members of the Committee of Adjustment. The committee will not be allowed to make decisions on manual variances until it is law. In fact, this means they could not make exceptions to the rules set out. This would allow them to give an individual permission to build on a lot where the frontage did not meet requirements but all other aspects were met or in any case where only a minor variance was deemed necessary.

Two quarrying companies, Dufferin Materials represented by R. W. Chisholm and Domtar represented by W. Scraggie, teamed up to give the by-law its most rigorous criticism.

Both attorneys charged the by-law discriminated against their companies and if left as it was, would zone them out of existence.

They objected to the increased setback. The by-law forbids any excavation on or within 300 feet of the Niagara Escarpment, within 1,000 feet of a village zone, 500 feet of an existing dwelling, 50 feet from a property line or 100 feet from a public road allowance.

Both attorneys argued that the 50 feet from the escarpment as set out in Provincial Statutes should be sufficient.

They criticized the planner and challenged his ability as a planner. They charged he had not contacted their firms to see where and when they would be expanding and how much land they would need for a quarry holding zone. A quarry holding zone is one which is not being worked but is expected to be in the future.

Domtar argued they had 825 acres on which they hold rock rights in Nassagaweya near Mill-on-Highs, which were not marked as such on the map accompanying the by-law. "This is not fair to us or to the potential homebuilder," he suggested that if the area was not marked as quarry holding, potential homeowners could build there and later find a quarry operation in effect.

Counsel for Dufferin Materials charged the by-law was only a stop-gap measure and offered no real solution to the problem. Still arguing about the QH zones not being marked around every quarrying operation, Mr. Chisholm said this should not be left to the discretion of successive councils.

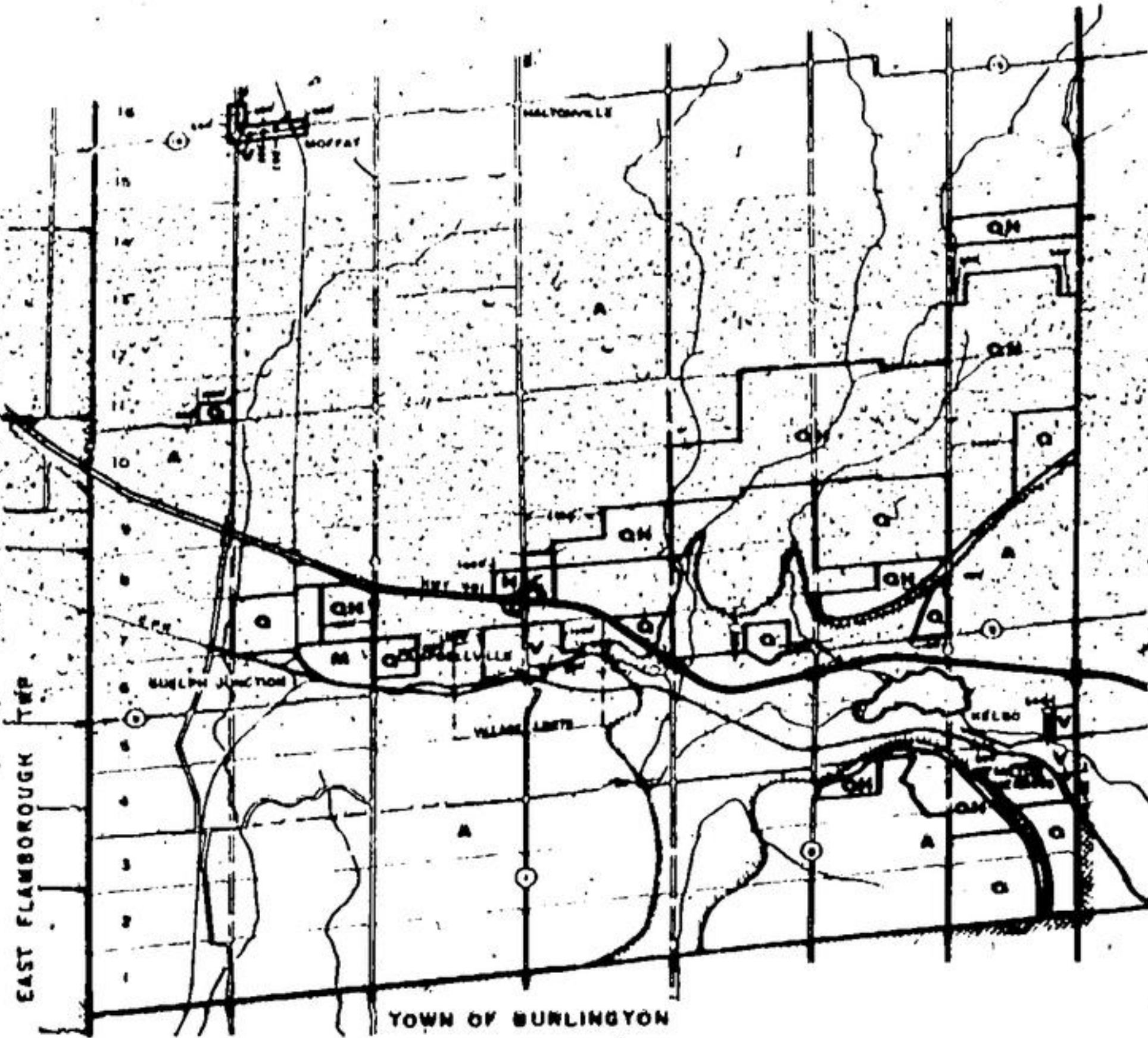
Representing Project Planners Mr. Deke said, "Because all holdings are not marked you think the whole thing is wrong. This is not correct. If you needed room to expand, council would entertain an amendment."

When questioned following the meeting Reeve William Coultter supported planner Deke. "You have to start somewhere," he said. Mr. Coultter explained large areas were marked agricultural or rural because this was the easiest way to allow for change. "You have to make it something, and that is what it was to begin with."

Reeve Coultter explained some areas were zoned QH (quarry holding) to warn potential homebuilders. Other areas were not marked because there was no anticipation of expansion.

Under the present provisions in the by-law everything that is not zoned as village, industrial or commercial, as sand and gravel or quarry or quarry holding, is zoned rural or agricultural.

In the event a quarry company had to expand into an agricultural zone it would have to apply to council for an amendment to the by-law. This is what both Domtar and Dufferin Materials object to. They don't want to go to



THIS MAP SHOWS the controversial quarrying and quarry holding zones. The industry is concentrated in the south-west portion of Nassagaweya Township. The map used during

council every time they want to expand.

Both attorneys said their industry rates different regulatory measures than the sand and gravel industry. Eric Trothway, Secretary-Treasurer for Dufferin Materials testified, "It costs \$2,000,000, exclusive of land costs to set up an operation."

Attorney for Dufferin, Mr. Chisholm said his company had been and still is "a good neighbor." Comparing quarrying to sand and gravel, he said, "We have a big stake in an operation. We quarry in one area for about five years, as the gravel companies are here today and gone tomorrow. We should not be punished for the misdeeds of others."

Dufferin donated a stretch of land 200 feet wide and about two miles long to the Halton Region Conservation Authority. The land is on top of the escarpment.

Mr. Trothway testified that a stretch of land 100 ft. by two miles sterilized would cost the company 5,000,000 tons of material and \$6,000,000 in gross revenue.

Dufferin Materials has been drawing 1,500,000 tons annually since 1960 in their Nassagaweya - Esqueping quarry. Dufferin has 925 acres in Nassagaweya and 240 in Esqueping on which they own rights. Dufferin uses the quarried material for related industries in Toronto. Domtar has rock rights to 850 acres in Nassagaweya.

P. Gervais, Domtar plant manager said the present zoning would cut their property in half on top of the escarpment near the Esqueping Town Line.

The Jockey Club had representation at the meeting for the sake of clarity rather than to lodge an objection. Mr. Carlson represented the Jockey Club.

Mohawk has a small sand and gravel operation on their racetrack property and use it in the upkeep of the roads and parking facilities, and they were concerned about the legality of upholding this practice as the land was not zoned for quarrying.

Both township solicitor William Sharpe and Mr. Deke assured the Jockey club this practice could be carried on provided it was limited to Mohawk Raceway's own use.

Mr. Carlson's only complaint was what he termed "unduly onerous restrictions" on the parking requirements at the track. The by-law asks that one spot be provided for every seat.

Both Mr. and Mrs. John Skillen and Mr. and Mrs. John Johns are caught in a similar problem. They bought land in Nassagaweya before the by-law came into effect last April, but the deed was not processed until some time after.

The by-law requires them to build a house of 2,000 square feet in floor space. Both parties had intended to build a dwelling with 1,000 to 1,500 square feet and both parties are just short of the 330 feet frontage required.

O.M.B. member and chairman of the meeting, William Greenwood asked if the 2,000 foot area was not totally unrealistic. "Would they use it?" he asked the planner. "That is a lot of

house. You wouldn't want to take care of it, would you Mrs. Johns?" he said partly in jest.

The strict and seemingly unrealistic restrictions are not without some merit. Nassagaweya finds itself presently in a situation where close to 400 homes could be erected in what the by-law rules an agricultural zone. These homes could go up without restrictions because of the early date the land was bought.

Reeve Coultter explained after the meeting that council's idea was to encourage growth in the villages of Eden Mills, Brookville and similar places.

That municipality's road budget has more than tripled in the past few years and if helter-skelter development was allowed, road budgets as well as most others would continue to increase, the reeve pointed out. Frank Kirkaby, represented by Mr. Winters asked to be exempt from the by-law as it refers to floor and frontage and a third clause prohibiting him from having two houses on one lot.

Mr. Kirkaby erected one house on lot 15 conformed five and started the second, but was stopped



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OBITUARY

Teacher's husband dies at Grand Valley

Acton friends were sorry to learn of the death on Thursday, March 21 at Grand Valley of Robert Neil Smith Sutherland, husband of Acton high school teacher Ann McKillop Sutherland. Mr. Sutherland had been in failing health for some time.

Mrs. Sutherland boarded in Acton during the week and her daughter Lorna lived here with her part of the time.

Funeral services and interment were at Grand Valley on Saturday, March 23.

Joe Greene meets Libs.

Halton East Liberal delegates to the national leadership convention had a chance to meet J. J. Greene, one of the candidates, at a social evening in Mississauga last week.

Mr. Greene, Minister of Agriculture in the federal government, spent an evening at the home of Mr. and Mrs. AIO Marra to meet voting delegates from surrounding riding association. Earlier Pierre Trudeau made a similar brief visit with area delegates at Oakville.

A piece of sandpaper will give you a good grip for opening the tightest screw-top container.

OBITUARY

William Gilbertson was thresher, sawmill operator

A well-known district thresherman and steam enthusiast, William Gilbertson of Eden Mills passed away suddenly at his home on March 20. He was 79 years of age.

Mr. Gilbertson and his brother, the late James Gilbertson, threshed for many years for farmers in Nassagaweya and Esqueping townships. In earlier winters they spent their time in the bush saving timber in different localities, and later operated a sawmill for many years at their own residence.

He was an enthusiastic and active member of Pioneer Steam Power Group and attended many steam engine reunions and plowing matches.

Mr. Gilbertson was born July 18, 1888, in Annan, Scotland, but came to Canada in 1891, attending school in Nassagaweya. He moved to the present home 43 years ago.

In June, 1914 he and Sada Anderson were married in Nassagaweya. Mrs. Gilbertson survives him with their daughter Willa, (Mrs. Garnett MacDougall) Eden Mills, three grandchildren Bonnie, Roger and Dean; sisters Mrs. J. Reid (Both) London and Mrs. W. Calvert (Isabel) Guelph, and a brother Herbert of Eden Mills. He was predeceased by

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15 accidents

During the week ending midnight Saturday, Milton O.P.P. report investigating nine property damage accidents, five personal injury accidents resulting in eight persons being injured and one fatal accident resulting in one person being killed. Property damage totalled \$8,000. Causes of accidents were speed too fast for road or traffic conditions, follow too close, did not have right of way, inattentive driving and driver lost control. There were seven charges laid as a result of these accidents.



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