

Reserve decision on Esqueusing holding by-law

The Ontario Municipal Board reserved decision after hearing almost six hours of testimony and cross-examination both for and against the controversial land holding by-law at a hearing in Esqueusing council chambers Thursday.

Spectators overflowed into the corridors and jammed the council chambers when the hearing opened at 10 a.m. Only about 30 of the hardest were there when proceedings closed after 5 p.m. that afternoon.

Bulk of the testimony came from representatives of the township's extraction industries and officers and members of the North Esqueusing Ratepayers' Association but there was also objections from several private individuals, as well as support for the by-law.

The by-law specifically states that no land in the township may be used for any purpose other than an agricultural

use. Existing uses which are not agricultural are preserved by provisions of the Planning Act and these are legal non-conforming uses which may be continued.

Solicitor Terence Baines presented the case for the Township. Testimony was heard from several township officials as well as planning consultants and a representative from the community planning branch of the Department of Municipal Affairs.

Three of the township's large quarries—Indusmin Ltd., Dufferin Materials and Construction Ltd. and Consolidated Sand and Gravel—were all represented by counsel as was the North Esqueusing Ratepayers' Association. The quarries partially opposed the by-law on the grounds it discriminated against their operations, if in force for any length of time. They urged the OMB to limit the time of

application to a maximum period of year, and if possible nine months.

In his introduction the township solicitor said the township wished approval for the holding by-law for 18 months, which was the period of time officials estimated it would take to introduce the township's Official Plan and attendant Zoning By-law.

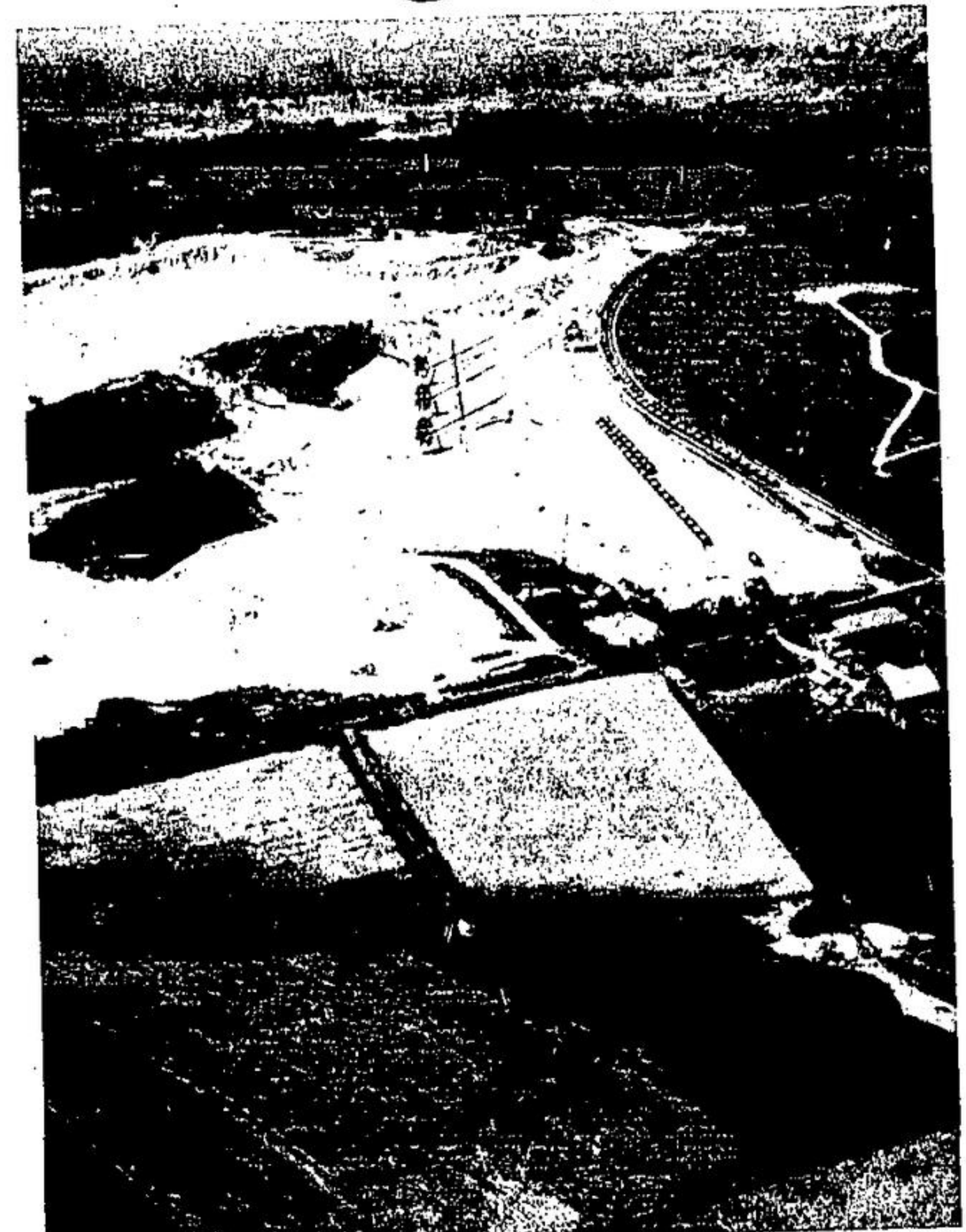
Mr. Baines testified the purpose of the land holding by-law is to prevent uncontrolled development in the municipality. The township up to now has had control only on the creation of separate registered lots in the township and not upon the use to which those lots could be put. The villages of Glen Williams, Norval, Stewarttown and Limehouse are exempted from these provisions.

Robert J. Swayze, counsel representing the ratepayers' association, said his group opposed the by-law because the Golden Horseshoe

Dragway would be allowed a non-conforming use under the proposed zoning by-law, which would follow. They proposed the township should give permanent approval to the holding by-law.

There were other objections, from M.A. Morrow representing Systems Construction Ltd. which proposes to build an addition to their present plant on Highway 25 on the west half of Lot 5 and feel the land holding by-law would interfere, as well as a number of township residents who testified it would interfere with the rights of owners to dispose of land as they saw fit. Others supported the by-law and urged immediate application to ensure proper planning in the township.

Chairman of the hearing was David Jamieson, vice-chairman of the Ontario Municipal Board, with H. H. Lancaster of the same body.



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Second Section

Planner says township "hodge-podge"

Township planner, L.R. Keddy of the M. M. Dillon firm, told Thursday's Ontario Municipal Board hearing Esqueusing was a "hodge-podge" of development with a lack of planning control that reflected in the number of problems the township was experiencing.

Ninety-five percent of the township is used for farm purposes but this was contradicted by the fact that 62.7 per cent of the buildings in Esqueusing has a non-farming

use. Although the township is primarily rural, growth in the past five years had been as high as 7 per cent, away over the 2.5 per cent average of the province.

Population in rural areas had increased 33 per cent in the years 1961 to 1968 while hamlets within the township had experienced only nine per cent growth. He noted that rural residents were not necessarily engaged in agriculture, however. Figures showed 61 per cent of the

population were on census farms in 1941 but in 1968 this had been reduced to 21 per cent.

Total farm area of the township had decreased nine per cent from 1941 to 1968 and census farm figures decreased 31 per cent. Forty per cent of farms in the township were less than 100 acres and 23 per cent less than 70 acres. So sixty-three per cent of farms in the township were thus smaller than the norm for an economically-sized farm.

Mr. Keddy said this indicated a trend and without controls it would continue to break up the township farms into uneconomic units subject to economic pressures medium and small-sized farmers experience today.

Suggests control He noted there was a great amount of extractive industry in the township and felt there would be a five year time period on the Official Plan to regulate their operations. His suggestion was

opposed by solicitors representing the quarries who stressed the large investment required by the extractive industries and submitted that large parts of the township were unsuited to farming.

They felt restrictions on land use for quarries over 18 months was unreasonable and hamstrung operations. A one year freeze would be better, submitted R. D. Jennings, counsel for Consolidated Sand and Gravel, and one extending to Oct. 1 even better yet.

Consider economies? Systems Construction counsel M. A. Morrow told Mr. Keddy it was unreasonable to take 80 square miles and expect to get an Official Plan and Zoning By-law.

He wondered if planners had considered the economics and the effect it would have on industries with plans for expansion, such as the one he represented. He recommended the holding by-law be limited to six months rather than the proposed 18.

Mr. Swayze referred to Design for Development in the Toronto-centred region and its emphasis on recreation and agriculture in Esqueusing in cross-examining Mr. Keddy. His clients—North Esqueusing Ratepayers' Association—feared temporary approval of the holding by-law might expire prior to approval of the zoning by-law and this would benefit the Golden Horseshoe Dragway.

He asked Mr. Keddy how he felt about the location of the drag strip and its impact on the surrounding three to five miles.

Poor location Mr. Keddy said he felt the drag strip was not properly located in the township because of the proximity to residential areas of good quality homes. But he also admitted he viewed the drag strip with mixed feelings because these operations were good for a certain segment of the population to let off steam.

Roads connecting with the strip he found adequate to handle increased traffic. Any expansion at the drag strip, he told the hearing, would be dealt with on its merits when operators applied for an amendment to the zoning by-law which would likely signify the strip as a non-conforming use.

Residents complain of drag strip

Stockbroker Denison Denny, president of the North Esqueusing Ratepayers' Association, said his 54 family member organization feels there is a definite need of some type of land control in Esqueusing.

Mr. Denny lives at Lot 27, Con. 5, just off 7 Highway and about nine-tenths of a mile from the Golden Horseshoe Dragway, an operation which consistently cropped up in testimony at the Esqueusing OMB hearing Thursday.

Mr. Denny said he had spent \$50,000 to fix up his property, not including the purchase of house and land, and hoped he had found a quiet rural retreat where he and his wife could retire. He owned property at Lot 23, Con. 7

but was driven out by a turkey farm and other development and decided to locate elsewhere.

Now he described the Golden Horseshoe Dragway as an "abomination, pure and simple." "Funny" cars, he said, almost blasted him out of bed one night. He testified noise after 11 p.m. was hard to live with and then residents had to contend with cars racing down the road afterwards, "like boys on the track."

Devalue property Ellis Taylor, treasurer of the Association, had a similar complaint. Mr. Taylor lives 400 feet and the width of a road from the strip and three-quarters of a mile from the starting point. He said noise and fumes from the

strip were very upsetting and had devalued his property a great deal.

He also testified residents had no idea the dragstrip was going to establish at the site until residents got a petition and took it to council, who claimed they knew nothing either. He saw a need for restrictions and planning in the township.

Can't sleep Mrs. Vivian Rozell's reaction to the dragway? "Fear", she testified.

A resident of the 6th Line, Mrs. Rozell said her family cannot enjoy their home, can't hear TV or go to sleep if they go to bed for the noise from the dragway. She also complained of increased traffic and trespassing by fans. Noise control expert John Marlow, retained by the ratepayers' association, testified he had taken four readings with instruments on as many different dates and came up with readings that indicated residents living within one and a half miles of the dragway were suffering severe irritation and tension caused by noise.

Normal rural noise is 40 to 45 decibels, he claimed, but readings he took on instruments at the Denny home and the residence of David Craig on the Fourth Line, showed a decibel count as high as 93 with 53 the lowest.

He testified noise from the track was sporadic with wide variations of frequency and intensity. His recording of track sounds was listened to by the hearing.

Character change Charles Hildebrand, Lot 31, Con. 8, said he also is strongly in favor of a holding by-law since his experience with the dragstrip. He said he had observed with dismay the original rural character of the area being destroyed.

"I'll probably end up in a mental institution," he grinned as he recounted his experience. He said the first indication a drag strip was moving into the township was January 24, seven weeks after the third reading of the holding by-law.

The control tower was approved by council despite the fact people objecting were flowing over into the washrooms," he declared.

Bowman favors Peter Bowman, nearest neighbor to the strip, stated he was 100 per cent in favor of the by-law. He said if he had tried to put a commercial business on his property he would have been slapped around but the township let a drag strip establish under the by-law.

Noise from the strip, he said, vibrates the windows of his 102-year-old stone home, and the lights from the strip light his house up.

Work commenced on the strip, he testified, on the first part of November but he said farming operation was carried on at the same time.

Further testimony about the drag strip was ruled inadmissible by the chairman, following Mr. Bowman's.

Testify to lack of land control

Hold development His evidence was buttressed by the next witness, Gary Wright of the community planning branch of the Department of Municipal Affairs who outlined steps the township and his department took to improve the situation.

Basic reason for urging the municipality to pass the holding by-law, he said, was to hold development until an official plan and zoning by-law could be developed and implemented.

The Department was concerned about the lack of planning in the township because the scattered pattern of development was a contravention of government policy for the region.

The situation was aggravated because Esqueusing was the only municipality "this close to Toronto" lacking in some land use control, Mr. Wright testified. The department's water pollution survey was unfavorable and they felt some means must be implemented to control the health hazard as well as protect other development. Unfavorable developments occurred which council could not control other than by a subdivision control by-law.

The Department suggested the format for the interim holding by-law and Esqueusing turned out a

Residents support, object to by-law

Thursday's Ontario Municipal Board hearing also heard testimony from township clerk Delmar French, solicitors C. F. Leatherland of Acton and F. D. Thompson of Milton, both representing themselves. Dick Looye representing ratepayers on the Fourth line and 17 Sideroad, B. Hegedus, Mrs. Patricia Wingrove, Kyle Bingham, a ratepayer on the Ballinafad sideroad, R. Dolan, Orval Dillon and Robert Zmija, among others.

Mr. French, questioned, said he understood construction on the Golden Horseshoe Dragway started prior to the passing of the holding by-law. Earth moving started, he said, before council was aware of what it was for. He also testified council thought construction of the control tower at the dragway conformed to the by-law.

Abuts Acton Mr. Leatherland said he had 5.8 acres abutting Acton and could be serviced by the town. He didn't think the land should be frozen since he wished to build apartments there and had already submitted a plan of subdivision.

Barrister F. D. Thompson told the hearing he bought a lot 1.6 acres completely unaware of the by-law and asked exemption so he could erect a home on the property. Mr. Looye said a weigh scale constructed by Indusmin Ltd. after November, 1969, was contrary to the by-law. He also asked how roads in an agricultural area could be used for industry.

Quarry operators oppose long freeze

The big Esqueusing extraction industry told Thursday's Ontario Municipal Board hearing they were already governed by the Niagara Escarpment Act, which regulates quarrying on the face of the escarpment and further regulations imposed by the township would be wrong as well as being an overlapping of authority because the township was under control of the province.

R.D. Jennings, representing Consolidated Sand and Gravel, said that under the new by-law there is no definition of what is meant by agricultural purposes and his client would withhold approval until the township defines their meaning. Sand and gravel operations should also be allowed to operate in agricultural areas, he said.

Responsibility to people Excuses from the township about lack of staff to hurry the time limit on the holding by-law were not acceptable. If the township needs staff they should get, he said — "there is a responsibility to industry and people of the township."

Different problem Dufferin Materials and Construction Ltd. had a different problem. Ordered by the provincial government to move their

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Veteran township clerk-treasurer K. C. Lindsay was the first to testify on behalf of the township at Thursday's OMB hearing.

He told the hearing there were no land use controls in the township and there had been an acceleration of separations for residential purposes in the last 15 years, where previously Esqueusing had been an agricultural community with few demands for residential housing.

Records indicated there were 33 separations in 1953 and this number rose until 1969 when there were 208 separations granted. They listed as follows: '53, 33; '54, 70; '55, 91; '56, 86; '57, 75; '58, 79; '59, 87; '60, 80; '61, 60; '62, 81; '63, 69; '64, 59; '65, 37 up until the time the Committee of Adjustment was formed and they passed another 52 in 1965; '66, 104; '67, 156; '68, 206; '69, 208; and 1970, 147.

Few industrial Mr. Lindsay said the major part of the separations were for residential purposes but there were also a few commercial and a very few for industrial purposes. Questioned, he said there had been no serious study to show the amount of tax return for a residence to pay its own way, but the opinion was it must be assessed for over \$5,000.

The township council, perturbed at the increasing separations and lack of land controls consulted the Department of Municipal Affairs before initiating action on a holding by-law, assisted by DMA officials.

Balance of year A resident of the Ballinafad sideroad said he was prepared to oppose the by-law but after listening to the hearing he supported it. But he felt the balance of the year would be ample time for it to be enforced and an Official Plan in force.

Kyle Bingham, Lot 26, Con. 8 and 9, said he didn't like to see his hands tied so he can't move hand or foot. He felt if he had to rely on his 45 acres for agricultural purposes he would starve. He was told the by-law did not prevent future separations but only regulate land use.

Others who protested were told to apply for separations and there was a good possibility they would be granted if they did not contravene the by-laws.