

Hear final argument in Toronto

Reserve decision on quarry hearing

A final decision was reserved Thursday when solicitors representing the applicant and two opponents presented final summations before the Ontario Municipal Board on the Cloverleaf Quarry application for rezoning of lands near Campbellville from Quarry Holding (QH) to Quarry (Q).

Summations were heard in Toronto at the OMB chambers. The three-day hearing at Brookville Hall last September ran late on the third day and the solicitors did not have enough time to present their summaries of evidence. Chairman H. E. Roberts and member W. Shrubbs listened to four hours of solicitors' summaries from the three lawyers at the Toronto hearing Thursday.

Zoned to hold

Campbellville Sand and Gravel, owners of a gravel pit on Five Sideroad east of Campbellville, applied to the OMB to allow rezoning of the nearby 150-acre Cloverleaf Quarry site to allow the firm to quarry it. The land, on the east side of Guelph Line opposite Mohawk Raceway, had been designated Quarry Holding in the township's zoning by-law and official plan and cannot be worked until OMB approval is granted.

The township council, Mohawk Raceway, Halton Region Conservation Authority and several township citizens had objected to the opening of the quarry during the September hearing. Only solicitors F. David Thompson representing the township and P.S.A. Lamek representing the Jockey Club (owners of Mohawk) entered summations Thursday. H.R.C.A. solicitor William S. Sharpe has since been named a provincial judge and is no longer practising law. None of the township residents was represented by legal counsel.

May have to close

At the outset of the hearing solicitor D. J. Wright attempted to introduce new evidence that his company was in poor financial straits and its need for the quarry property was even more serious now than it was in September. Campbellville's major purchaser of sand has quit buying there because of variations in the color of the product and as sand was 70 per cent of the firm's output, it was forced to resort to a "salvage operation."

"The operation will go out of business," he warned, if the firm was not able to open the Cloverleaf Quarry lands — "it is absolutely crucial as a result of these recent developments." Solicitors Thompson and Lamek objected to introduction of the new evidence as they were in no position to offer contradictory evidence. The OMB chairman agreed the day's hearing should be limited to summations and no new evidence would be allowed.

Reeve "biased"

In a review that lasted nearly two hours, Mr. Wright explained the quarry is in conformance with the township's official plan; the protest of the council should not be given much weight because of the conflict of interest of Deputy Reeve Gordon Agnew (who also owns a stone quarry near the village) and who participated in the council and planning board decisions; and charged an "obvious bias" by Reeve Anna MacArthur "who indicated she would not be prepared to treat the company fairly at any time."

The applicant's evidence of need was unchallenged and the need of more quarries in this area with such high quality stone was the crux of the hearing, Mr. Wright suggested. It was significant, he said, that the Jockey Club objected mainly on the grounds the quarry operation would affect its water supply and entered no objections to blasting despite "all the glass they've got in the front of their grandstand"; yet area residents' main concerns at the earlier hearing were over the blasting in such close proximity.

Quarry traffic was no problem, he contended, with a new service road nearby to keep trucks off the village streets. Objections from Mrs. Sol Austen, a neighbor of the Campbellville firm, had been overruled by a supreme court justice who dismissed her civil suit against the firm last year, he added.

Too far away

While villagers objected, he called it "obviously some organized fomenting" and suggested the village was too far away to be affected by blasting. He noted the proprietor of Mohawk Inn, located next door to the raceway, had not bothered to object.

Although 60 residents had signed a petition against the quarry opening, the remainder of the 2,300 residents of Nassagaweya did not object. Mr. Wright suggested the township's tax base is based on the

quarrying industry. Evidence had shown there is 32,500,000 tons of good rock available at the subject site and the owners have promised to keep their operation back 2,300 feet from the Guelph Line. It would be surrounded on three sides by dense bush. As for appearance, he suggested Mohawk Raceway was "hardly a great adornment to the landscape." The track created a bigger traffic problem in season, with police necessary to direct up to 3,000 cars a night.

Quarries needed

"Any problems of water

supply, traffic and noise can be easily dealt with and readily overcome," summed up the company solicitor. "I submit this quarry is consistent with the public interest — quarries must be established where the material is available."

Solicitor Lamek from the Jockey Club argued the applicant's present operation is incompatible with neighboring properties and said the new quarry would be equally incompatible. While he appreciated the "understandable commercial ambitions" of the

firm, the evidence did not establish any particular need of this quarry by anyone except the owners. The company's ambitions "cannot ride roughshod over all other considerations," Mr. Lamek charged.

Owners concerned

The Jockey Club is "profoundly concerned" about protection of its \$4,750,000 racing plant at Campbellville which covers 400 acres, has a grandstand seating 8,000 people and attracts over a quarter of a million people per year. The track needs 175,000

gallons of water per day in season, 140,000 gallons of that in a peak five hour period.

Evidence presented earlier, although conflicting testimony came from one expert, indicated the de-watering process at the quarry would seriously affect the track's water supply.

Picture a fire in a grandstand containing 8,000 people — "it's of no comfort to my client," continued Mr. Lamek. One water expert at one point predicted the de-watering would lower the Jockey Club's well by 30 feet; he later presented contrary evidence indicating the drawdown would never be more than 10 feet. Another expert said the drawdown would be 20 feet.

"My client is virtually at their (the quarry's) mercy," said the track's solicitor. The raceway should not be put in a position where it has to rely on the quarry to recharge its wells. He concluded by asking the OMB to dismiss the appeal.

Township's case

Solicitor Thompson said that although only 65 names appeared on the petition, many more residents of the area were concerned. He disputed Mr. Wright's statement the village was "quite some distance" away from the quarry site, pointing out it was only one township lot of 2,000 feet distant. As for a suggestion by the company's solicitor that some of the residents who testified earlier were "vague," he suggested "they are the ones who have to live with it and the man who gives the expert evidence does not."

Replying to Mr. Wright's charges of bias by township councillors, Mr. Thompson suggested the Campbellville company has done little to screen or buffer its existing operation on Five Sideroad and based on past performance, the councillors could not be blamed for animosity.

"Worst" site

He noted there are many QH zones in the township and if there is a shortage of good stone it could be supplied from other areas. But this applicant wanted to open the "worst" property while the others are far removed from the bulk of the citizens and commercial enterprises. "The

township probably won't object to other quarry zones but on this particular one, it feels very, very strongly," he concluded.

In reply Mr. Wright argued other quarries are further away from the market and the extra trucking cost would be a critical factor. The Jockey Club has no right to pre-empt the water supply in this area, he suggested, and the Jockey Club's resistance to the quarry was purely on the standpoint of its own self-interest. And to date the only other quarry area described as available is the one owned by former Deputy Reeve Agnew and it is closer to the village than the Cloverleaf property.

Not Board's problem

"Justification for the re-opening of the quarry is sufficient on the evidence," summed up Mr. Wright. "The only opposition is based on animosity toward the Campbellville company. It was never the purpose of the legislation that this Ontario Municipal Board should be dealing with that kind of a problem."

Chairman Roberts quickly adjourned the hearing once the final arguments had been given. Decision was reserved but the solicitors said it should not take long for the Board to hand down a ruling.

Mr. Roberts concluded the case was "a protracted and involved matter."



"WHITE CHORAL BELLS" and "The Canoe Song" will be presented by grade four and five students of Campbellville Public School at the Performing Arts concert to be held at Acton High School auditorium on Thursday. Characters in the musical production are front row Kelly Homewood, Cam McLean, Garth Essery, Ron Wendel and Jim Pearson. At back are Phyllis Freeman, Margaret Iutzi, Autumn Watson, Earl Essery, Roger Nicholson, Herman Tarrant and Randy McLean.—(Staff Photo)

Pupils of 10 area schools take part in program

A variety night involving between 350 and 400 performers from 10 area schools will be held tomorrow (Thursday) evening, in Acton District High School auditorium.

The executive of the North Halton Association for the Performing and Creative Arts (formerly the Music Festival Association) is arranging the new type of program.

The program and displays will be of work which originated in classrooms of Area No. 1 of North Halton — Acton District High School, Brookville, Campbellville, Speyside, Limehouse, Glen Williams, Norval, Stewarttown, M.Z. Bennett and Robert Little Public Schools.

Repeat sequence

Students at Brookville School plan to stage an act from their Christmas play "A Child Is Born". The scene included a special dance sequence for King Herod's court, with numerous stage props and music.

"White Choral Bells" and "The Canoe Song" will be presented by grade four and five students from Campbellville School.

All are welcome

There is no admission charge and the public is cordially invited to attend. If this event is supported and enjoyed the Area 1 executive plans to present a show again next year, possibly putting

it on in three different locations in Area 1.

Gymnastics, vocal and instrumental music are on tap and industrial art, art and home economics will be on display.

The regular music festival competition will again be held in April.

Nurses hold open house

Residents are reminded of the open house to be held at Credit Valley School of Nursing, Port Credit, This Saturday and Sunday.

Faculty members and students will tour guests through the building and answer any questions. Open house hours are Saturday from 1.30 to 4.30 and 7 to 9 p.m. and 1.30 to 4.30 on Sunday.

Refreshments will be served. Several local students attend the school.

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1:30 p.m. 3:30 p.m. 5:30 p.m. 7:30 p.m. & 9:30 p.m.

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Person reporting or anyone witnessing automobile accident, February 18, 1971 No. 10 Sideroad, app. 1/2 mile East of Guelph Line, please call Burlington, Days 637-2394, evenings 637-1989.

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As the town of and its population demands will be Scouting organization. Within the present total involved in Ventu Scouts and Cubs with 800 boys.

Charlie Mills, a chairman of the board and a man who has with Scouting over years, told The Scouting has gone and was now expanding and he is upswing will continue. "Milton is a town," Mr. Mills

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hond

Sunday, Feb. 21 beginning of Scouting throughout the world founders Lord and Powell. Most of Brownies, 38 Guides Rangers joined to Scouts on Sunday parade from the Parish Hall to the they renewed their

At 1:30 on Sunday the Legion Hall they receive the highest can obtain, the They are Leslie W. 17 Kathy Mullin 16 Miller, 15.

Scout we

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"You have a wonderful Father J. J. Murphy Guides, Rangers, C on Sunday afternoon church service ceremony was the first time they Any structure department a good foundation world "depends on there are no shorts

He urged the young community and the put into it," he said expect everyone to Father Murphy was joining a group where so that later in life y Due to the weather assembled at Holy St. church.

Heart

turns

To date \$1,485 has the Canadian Association by M Fund blitz organization O'Connor. Although from the industrial still to come in, M reports she is "qu with the results campaign.

The CWL of Church organized t and numerous res town canvassed on. Although some donation trickling in, the termed "a great success

Name capt Blitz captains W Merritt, Mrs. B. H McCann, Mrs. J. B

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