

Our fight against the St. Marys Cement quarry is finally over.....WE WON!!!

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Province intervenes to prevent quarry development, Responds to community concern for groundwater conservation

On April 13, 2010 the Minister of Municipal Affairs and Housing issued a Ministerial Zoning Order (MZO) under Section 47 of the Planning Act to freeze the zoning of 154 hectares of land in the former Town of Flamborough. As a result, St. Marys Cement Inc. is prohibited from using these lands for a proposed major quarry development.

Cabinet has agreed to this Provincial order leaving no real opportunity for a successful appeal. In other words, a huge victory for our Communities.

The MZO comes after concerns about the potential impact on groundwater raised by Hamilton City Council, the Halton Regional Council, local Medical Officers of Health and countless citizens potentially impacted by the development.

With the MZO, the zoning on the land shall remain 'Rural and Conservation Management' in perpetuity and ONLY those uses consistent with this designated zoning will be permitted. This ensures the long-term protection of groundwater resources in this sensitive area.

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Flamborough Councillor Margaret McCarthy and Halton Regional Chair Gary Carr give the thumbs-up in front of one of the many anti-quarry signs that mark the countryside of both Flamborough and Campbellville. On March 17, the Province announced that the St Marys' quarry application has been denied. Photo by Stuart Service

St Mary's quarry stopped by Province

BY DON REDMOND AND STUART SERVICE

For those who have forgotten their Sunday School lessons, David did slay Goliath. He did it with an old-fashioned slingshot and ironically, a stone.

A local David-vs-Goliath battle has been raging for six years now on the Campbellville-Flamborough border as local politicians and a group of area residents had banded together to try and stop a quarry from being built on a 10th Concession-Milburgh Townline site.

That fight ended on April 13 when the Provincial Ministry of Housing and Municipal Affairs issued a Ministerial Zoning Order under Section 47 of the Planning Act to freeze the zoning of 154 hectares of land in the former Town of Flamborough.

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Constable Kate Pulford, Halton Regional Police, and Graham Flint of FORCE were the featured speakers at April 14th's Public Information Meeting held by the Nassagaweya Community Consultation Committee. Just one day after the Province shut down the St Marys' quarry application, Flint was greeted at the meeting with a standing ovation. PHOTO BY CINDY LUNAU

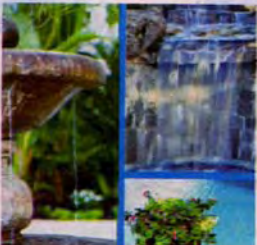
St Mary's quarry stopped by Province...

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As a result, St. Mary's Cement Inc. was prohibited from using these lands for a proposed major quarry development.

The zoning order came after concerns about the potential impact on groundwater raised by Hamilton City Council, the Halton Regional Council, local Medical officers of Health and countless citizens potentially impacted by the development.

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Flamborough Councillor Margaret McCarthy led the charge against the quarry the entire time, creating dozens of objections that turn into unanimous Hamilton council decisions over the six year span harkening back to the March 2004 day that David Lowndes, his father and a company official stopped into her Waterdown constituency office to announce they had been purchasing lots in the area in order to build a quarry. McCarthy told the Compass that she was now thrilled her hard work had seen a fruitful end.

"I'm relieved - I guess that's the best description," she laughed. "I guess it's a combination of relief and the playing that my team just won the Super Bowl."

When Lowndes dropped a puck-shaped piece of compressed granite on her desk that March day, McCarthy knew the proposed quarry would be taking up a lot of her time and energy - but she admitted that even then, she had no idea how much.

At the time, rumours had been circulating that the properties and lots were being bought up for the construction of a golf course. Not long afterwards, McCarthy ruefully noted that a golf course would have been a relief, compared to the idea of a quarry dropping down on the lots.

However, almost instantly, she sent a newsletter out to her constituents, apprising them of the quarry application and at a hastily-organized community meeting at Lawson Trailer Park, she watched as the Friends of Rural Communities and the Environment (FORCE) was created on the spot with area residents offering their services to fight the quarry as an organized citizens group.

"The notion that people were investing their time and their financial resources to battle this quarry was a big one," she confessed. At its peak, FORCE had a war-chest of \$500,000 to use fighting the application.

Two years after Lowndes submitted his application, his stake was bought out by St Marys, an aggregate industry giant and at that point, the battle looked tougher than ever.

However, both McCarthy and FORCE stuck to their guns and before long, political good will was extending their way.

Aside from motions against the quarry - in several different forms - being passed by Hamilton Council, soon, Milton Council, Burlington Council and Halton Regional Council has drafted motions against the quarry application. Conservation Halton and Conservation Hamilton likewise submitted their disapproval.

But the biggest thorn in St Marys' side coming from the Province itself was a Ministry of the Environment objection filed last summer against the "inconclusive" water testing done by St Mary two summers back.

"When you have everyone pulling from all these communities, I honestly think it would have been politically embarrassing (for the Province) to advance the quarry (application)."

"So I have to say thank you to Milton, Burlington and Halton region for their support and efforts in this battle," she noted. "It could not have been done without them."

Politicians on Halton's side of the border were flush with praise for McCarthy's efforts. Speaking to the Compass by one of the large "Stop the Quarry" signs as he posed for a photo with McCarthy, Halton Regional Chair Gary Carr said: "We're really pleased at all the work that everyone did..."

A passing car on Centre Road, the passenger shouting "Way to go Margaret!" to McCarthy standing nearby, interrupting him.

"That says it all. Obviously, tremendous work..." Carr said, when the next car honked its horn. "Holy smokes."

With the roads temporarily clear, he added: "It does affect everybody right across the boundary into Halton, so we're very pleased and very thankful that the provincial government listened, and it was because of the great work that Margaret and the citizens did."

Milton Councillor Cindy Lunau also heaped praise on McCarthy, who's retiring from politics this October, saying, "This victory will be her legacy. I am so pleased that she can see this before she retires. She brought sparkle and fire to the fight against this quarry."

"This is absolutely good news for Campbellville," she added. Noting that Campbellville's roads were cited as the primary haul route for St Marys' trucks, which would have numbered in the hundreds daily, Lunau noted, "These are country boundary road that were never meant to be the thoroughfare for gravel trucks."

For his part, Graham Flint, chair of FORCE, also praised the local councils for their involvement.

"If we hadn't had the City of Hamilton, Town of Milton, the City of Burlington, the Region of Halton, all saying 'Hey, Province, you need to intervene here,'" he said. "We wouldn't have got to where we got to today."

He also noted the "fabulous" work of his organized citizens group.

"Six years into it, there were still four- to five-hundred people coming out for a meeting if something important was happening. If we needed letters sent in, there's be a thousand letters or e-mails."

When St Marys initiated a 45-day Notification and Consultation period in 2009, the mail-boxes of the quarry company and Ministry of Natural Resources were stuffed with more than 1,200 objection letters.

"Get involved and speak up. I think that was the key to what furthered the process for us," Flint said.

"The most important thing is to do it - actually send in that letter, go to that meeting, sign the list," he continued.

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Brian's April's Feature

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Tax Notice

Ratepayers of the Town of Milton are reminded that the second installment of the 2010 Interim Tax bill will be due on Friday, April 30, 2010.

If you require information about taxes, please contact the Corporate Services, Tax Division at 905-878-7252 ext. 2193, 8:30 a.m. to 4:30 p.m. Monday to Friday.

Tax payments must be received in the Cashier's Office on or before the due date to avoid penalty. A late payment charge of 1.25% will be charged on the first day of default and on the first day of each calendar month in which the default continues.

It is the responsibility of the ratepayer to ensure that the taxes are paid by the due date, even in the event that the bill is not received as mailed.

Payments can be made in the following manner:

- By mail: Tax Division, 150 Mary St. Milton, ON, L9T 6Z5.
- By phone/internet through most banking institutions (please contact your financial institution for details).
- Between 8:30 a.m. and 4:30 p.m. at Corporate Services, Cashier Services, Town Hall. Payment by cheque, cash or direct debit is available.
- At any bank or financial institution in Ontario.
- By deposit into the After Hours Drop Box, Town Hall.
- Cheques are payable to the Town of Milton.

Please contact the Tax Division for details regarding the Pre-Authorized Tax Payment Program.

*** There are two After-Hours Drop Boxes, these can be found outside the main doors facing Mary Street and facing King Street.**



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OFFICIAL PLAN REVIEW – CONFORMITY EXERCISE STATUTORY PUBLIC OPEN HOUSE

Pursuant to Sections 17 and 26 of the Planning Act, R.S.O., 1990, c.P. 13, as amended, the Corporation of the Town of Milton is hereby inviting members of the public to attend the following statutory public open house in relation to the Official Plan Review Conformity Exercise:

Date: Wednesday, April 28, 2010

Place: Milton Room, Milton Town Hall
150 Mary Street, Milton

Time: Doors Open at 6:30 p.m. – Presentation at 7:15 p.m.

Purpose and Effect: The purpose of the open house is to present and receive comments regarding the proposed amendment to the Town of Milton's Official Plan. Changes to the Official Plan are necessary to implement the requirements of the Planning Act and other Provincial legislation, to be consistent with the Provincial Policy Statement (2005) and to conform to:

- The Growth Plan for the Greater Golden Horseshoe
- The Greenbelt Plan
- The Niagara Escarpment Plan
- The Parkway Belt West Plan
- The Region of Halton Official Plan (Sustainable Halton – ROPA's 37 & 38).

The proposed amendment will affect lands Town wide; therefore, no key map has been provided.

This is an opportunity to hear about the proposed policy and mapping changes, review displays, ask questions and share comments with Town staff before and after the formal presentation at 7:15 p.m.

Draft Official Plan Amendment Available For Review: Copies of the draft Official Plan policies and mapping to be discussed at this open house are available for review in the Planning & Development Department, Town Hall East (2nd Floor), 150 Mary Street between the hours of 8:30 a.m. and 4:30 p.m., at the Milton Public Library (Main Branch - 45 Bruce Street and Beatty Branch - 945 Fourth Line) or online at <http://www.milton.ca/townhall/projects/opr.htm>

Appeals: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Milton before the proposed official plan amendment is adopted:

- a) the person or public body is not entitled to appeal the decision of the Regional Municipality of Halton to the Ontario Municipal Board; and,
- b) the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

Notification: If you wish to be notified of the adoption of the proposed official plan amendment, you must make a written request to the Town Clerk at the Town of Milton, Executive Services Department, 150 Mary Street, Milton, Ontario L9T 5Z6.

Written Submissions: Members of the public who wish to participate in these undertakings and require notification of future public meetings or other matters related to the Official Plan Review should contact the undersigned. Written submissions relating to the draft official plan amendment should be made prior to **May 14, 2010** to the attention of:

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"I hope that other groups will really take from this that sometimes David can slay what appears to be Goliath," he added. "Life isn't even fair at times, but you can't give up just because the last guy didn't win, and you're not always guaranteed to win just because the last guy won. I think what was proven here is that if you don't fight, you never will win, and sometimes you might be surprised and you will."

Lisa Olsen, St Marys' National Director of Public Relations issued a release on April 13 that said, "St Marys learned of the government's decision this morning. We are surprised and disappointed, and believe the government has made a grave error. St Marys expects to conduct business in Ontario within a regulatory framework that is clear and reasonable, and on that basis has invested hundreds of millions of dollars in this Province."

"Our application was making its way through the provincially and municipally mandated processes and we believe that, on its merits, it had a high chance of being ultimately approved."

"Since 2006, we have invested well over \$20 million in demonstrating to regulators that the Flamborough Quarry would be environmentally sound and a net benefit to the community and the province," Olsen continued. "We think that providing high quality aggregate, to fuel the expansion of Ontario's economy, close to market, while creating jobs and investment in Hamilton, was the right thing to do."

"Given the strong economic and social potential of the Flamborough Quarry, and our investment to date, we have no choice but to examine our legal options."

However, McCarthy believes that the only group that could overturn the Ministry's edict would be the Provincial Cabinet – and that, in fact, the decision was made by the same political body.

When Andrea Bourrie, Dufferin Aggregates director of planning and regulatory affairs, was asked whether the provincial decision on the St. Marys application could set a precedent for Dufferin's expansion plans, she said that the rules are different for expansion plans versus plans for starting a brand new operation.

"It's always a little bit concerning to see a land-use planning process not be able to go through its full course, but the difference between our application and the CBM (St Marys) application is that we have an existing site," Bourrie told the Compass. "The CBM application is a Greenfield site, so there are some additional considerations to take into account there."

Like St Marys, the Ontario Stone, Sand and Gravel Association was not happy with the Provincial Zoning Order.

"OSSGA is disappointed with this decision," said Terry Waites, Chair of the OSSGA Board of Directors. "The credibility of Ontario's land use approvals process has been undermined. The rigour with which aggregate extraction proposals are currently reviewed ensures that only good applications ultimately get approved. It is unclear to us why the Minister felt the need to interfere with a process that considers, in great detail, the planning, environmental and social issues surrounding each application."

Waites said the St. Mary's proposed quarry offers the opportunity to provide high-quality stone resources to support Ontario's critical infrastructure needs close to the markets in which the resources will be consumed.

Given the province's current focus on being "open for business," the OSSGA "finds (the ministry's) actions (to be) counter-intuitive to the progress of continual improvement and cooperation between the aggregate industry and its various stakeholders. Through its actions this week, the province has sent a clear message that investing in Ontario is uncertain at best."

"OSSGA members remain committed to improving environmental standards, incorporating scientific research and responding to the needs of the communities in which they operate. We remain committed to improving the process of managing Ontario's aggregate resources in a sustainable manner, despite the province's recent decision," Waites added.

However, with the battle done, McCarthy said she can finally relax.

"When I ran again in 2006, I was hoping that would be enough time to stop this application," said McCarthy. "To be honest, it was looking like that might not happen but by this point, there was so much entrenched legislation against the quarry by local councils that whoever replaces me on council would have had the legwork done for them."

"In the end, the Province had to agree that this was the wrong place for a quarry – and they did."

"It would have been a huge failure had we not beaten this."

And Lunau believes that fight should be remembered with more permanence.

"I think there should be a plaque or a marker erected on that site to show our children and our grandchildren the fight that happened there."