

ISSUE DATE:

**November 26, 2013**



MM130014

Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 11(5) of the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended

Objector:	Robert Link
Objector:	David & Trudie Peplinskie
Applicant:	Henry's Excavating Limited
Subject:	Application for a Class A Licence for the removal of aggregate
Property Address/Description:	Part of Lot 20, Concession 1
Municipality:	City of North Bay
OMB Case No.:	MM130014
OMB File No.:	MM130014

**APPEARANCES:**

**Parties**

Henry's Excavating Limited (Henry Van Dusseldorp, Owner)

Robert Link

David and Trudie Peplinskie

**DECISION DELIVERED BY J. P. ATCHESON AND CONDITIONAL DIRECTION OF THE BOARD**

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[1] This was a hearing in the matter of a referral by the Minister of Natural Resources pursuant to s. 11(5) of the *Aggregate Resources Act* ("ARA") of an application by Henry's Excavating Limited ("Applicant") for a Class "A" Category 4 Quarry expansion above the water table licence to extract aggregate from a site known as Part of Lot 20, Concession 1, Geographic Township of Widdifield, in the Territorial District of Nipissing now in the City of North Bay ("subject property").

[2] The Applicant has applied to the Ministry of Natural Resources for a quarry license under the ARA to remove and process bedrock on site in order to supply

crushed stone to the North Bay market. The application indicates a maximum tonnage of 150,000 metric tonnes per year will be removed from this site. The bedrock is a Precambrian meta-sediment which is known locally as “grey granite” and is suitable for a variety of construction materials ranging from granular A & B to asphalt aggregate. The potential quantity of crushed stone on the site is estimated to be from 1.5 m - 3 m cubic metres.

## **BACKGROUND**

[3] The Board, at the commencement of the hearing, noting that none of the parties were represented by legal counsel inquired of the parties as to whether they had had any discussions as to how they intended to proceed and what witnesses they intended to call.

[4] Both Mr. Link and the Peplinskie’s indicated that they did not intend to call any witnesses but would testify on their own behalf.

[5] Mr. Link expressed the opinion that the property was not properly zoned and on that basis the application should not proceed. Mr. Peplinskie indicated that he had a number of concerns with the natural heritage studies, traffic, blasting, noise and dust.

[6] Mr. Fletcher indicated that he wished to testify as an expert witness and to act as agent for the Applicant.

[7] The Board directed that Mr. Fletcher could be either a witness or agent but not both.

[8] It was agreed after some discussion that the Board in the first instance would hear from Ms. Beverly Hillier, the Manager of Planning Services for the City. Ms. Hillier confirmed that she has not been called by any of the parties but was available to testify as to the City’s planning documents that govern this area of the municipality.

[9] The Board also directed Mr. Fletcher to call his other witnesses and have them available, and to discuss with his client what role he intended to play during the hearing.

[10] The Board took a short recess to allow the parties to consider their next steps.

[11] Upon the Board's return, Mr. Fletcher indicated that he would be testifying as an expert witness and that his client and the owner, Mr. Henry Van Dusseldorp, would act on his own behalf.

## **OVERVIEW OF THE PROPOSAL**

[12] The Applicant is seeking a Class "A" Category 4 Quarry expansion above the water table licence to extract aggregate from a site known as Part of Lot 20, Concession 1, Geographic Township of Widdifield, in the Territorial District of Nipissing now in the City of North Bay ("subject property). The applicant seeks to licence an area of some 20.82 ha and intends to extract an area of some 17.72 ha all of which is shown on a series of Site Plans and Site Plan Notes (Exhibits 14 (a), (b) and (c)).

[13] The evidence is that this area has been an active gravel pit predating the ARA. The Applicant currently has a licence under the ARA to extract sand and gravel below the water table at an annual rate of 300,000 tonnes per year from the site. The area of this licence (licence #: 623681) is some 36.64 ha with an extraction area of some 31.06 ha all of which is shown on Site Plans and Site Plan Notes (Exhibits 15 (a), (b) and (c)).

[14] The applicant, in certain parts of the site, has or is about to reach bedrock and now seeks a licence to quarry this bedrock down to an elevation of 302 metres (asl) being a minimum two metres above the elevation of the groundwater found within the bedrock.

## **SUMMARY OF THE ISSUES**

[15] The Board, during the course of this hearing, heard from three expert witnesses retained by the Applicant and who were qualified by the Board in their respective fields of knowledge. The Board also had the benefit of planning evidence from the municipal planner. The experts heard by the Board were qualified as follows:

1. Ms. Beverley Hillier is a qualified land use planner employed as Manager of Planning Services with the municipality and was qualified to give expert opinion evidence in matter of land use planning.
2. Ms. Rebecca Geauvreau is a Biologist qualified to give expert opinion evidence in the area of natural heritage matters. Her firm was

retained to do the Natural Environment Level 1 and 2 report in support of the application as required by the ARA.

3. Mr. Tom Fletcher P. Eng. was retained by the applicant to assist in the preparation of the ARA application. He is certified to prepare ARA site plans by the Ministry and is a qualified Aggregate Engineer that conducted the ground water report and prepared the ARA licence application now before the Board.
4. Mr. Rob Cry P. Eng. is a qualified expert in the area of blasting and was retained by the applicant to undertake a blast impact analysis report in support of the ARA application.

[16] The Board also had the benefit of the following reports submitted as part of the ARA application and filed by the applicant:

1. Natural Environment Level 1 and 2 report prepared by Fri Ecological Services, August 2011 (Exhibit 12).
2. Groundwater Report prepared by The Fletcher Group, May 14, 2012, (Exhibit 18).
3. Blast Impact Study prepared by Explotech, May 2012 (Exhibit 21).
4. Noise Impact Analysis prepared by Valcoustic's Canada Ltd., May 4, 2012 (Exhibit 23).
5. Stage 2 Archaeological Assessment prepared by Horizon Archaeology Inc., October 18, 2010 (Exhibit 24).

[17] The Board also heard from the two objectors Mr. Robert Link and Mr. David Peplinskie. Both spoke against the project. Mr. Link lives immediately south of the haul route entrance onto Highway 11. The north limit of his property runs some 374 feet eastward from Highway 11 and is parallel with the driveway entrance to the extraction area of the current and proposed ARA licences. The rear of his property runs southward some 651 feet and abuts the subject property. The south limit of Mr. Link's property terminates at Chippewa Creek as shown on Exhibits 4 and 17.

[18] Mr. Peplinskie lives at 107 Marsh Drive. His home is to the north and west of the applicant's property (Exhibit 19).

[19] The salient concerns of the objectors maybe summarized as follows:

1. The entrance to Highway 11 is unsafe.
2. There will be increased traffic coming from the pit if the quarry application is approved.
3. The Applicant has not met the site plan buffering requirements of the municipality and as such, the application should not be approved.
4. The blasting impact on ground water has not been determined.
5. The blasting impact on the Trans Canada Pipeline to the east has not been determined.
6. There is a deer yard in the area that will be impacted by the application.
7. There is no report on dust or pollution coming from the site.

### **ONUS AND THE STATUTORY AND POLICY TESTS**

[20] As is the case with any appeal, the evidence presented to the Board must be viewed through the lens of the relevant statutory and planning policy tests in place which govern this site and the proposed use. The evidence and documents filed in support of this licence are too extensive to be completely reflected in this decision. In some cases, documents were filled but no supporting oral testimony was called by the Applicant and in fairness, no issues on some of these matters were raised by the objectors.

[21] The essential decision for the Board is to determine if the Applicant has fulfilled his obligations in complying with the statutory and policy tests set out in provincial policy, provincial legislation, and its regulations, as well as the governing local planning documents. While the Board has carefully considered all of the evidence and submissions provided in this appeal, the critical evidence necessary to determine whether these tests have been met is the focus of this decision.

[22] It is clear to the Board that the tests, as to whether the applications should be approved or not, falls in the first instance to the policy directions of the 2005 Provincial Policy Statement (“PPS”) followed by the policies found in the City of North Bay’s

Official Plan, and Zoning By-law, and then the criteria set out in Sections 2 and 12 of the ARA and its regulations.

[23] It is clear to the Board from the evidence that the local planning documents (the City's Official Plan and Zoning By-law) are intended to be complementary and consistent with the policy directions of the 2005 PPS and, where they differ, the changes in wording are minor and impose a somewhat different planning test but are not in conflict with the overall directions of the 2005 PPS. It is also clear from the uncontradicted testimony of the City's Planner, Ms. Hillier, and the Biologist, Ms. Rebecca Geauvreau, resulting from her environmental investigations that the 2005 PPS should be considered the premier planning document in this case.

[24] The onus and policy tests are discussed further below in relation to the required approvals and the issues raised by the objectors.

## **THE EVIDENCE AND FINDINGS**

[25] Ms. Hillier provided the Board with an overview of the municipal planning documents governing the applicant's site and the general surrounding area in this part of North Bay.

[26] The subject property is designated as licenced "Pit or Quarry" on Schedule 2 to the City of North Bay Official Plan ("OP"). The surrounding area east of Highway 11 is designated as "General Industry" on Schedule 1 to the OP. The North Bay Jack Garland Airport is to the east and the subject property falls within noise contour 30 and contour 40, as shown on the Schedule 2 to the OP. Ms. Hillier opined that the noise contours would prohibit any new residential development within this area. Ms. Hillier then reviewed the zoning governing the subject property noting that the majority of the lands were zoned Rural Extractive Industrial ("RME") Zone with two small areas being zoned "Floodplain and Erosion" (O.2) Zone as shown on a Zoning By-law Schedule (Exhibit 7). It was her evidence that the subject property had existed as a gravel pit prior to the city passing Comprehensive Zoning By-law 28-28, and for a period of time, the gravel pit operation was considered to be a legal non-conforming use. She confirmed that in January of 2002, the City passed a Zoning By-law Amendment (By-law 2002-05, Exhibit 7) that zoned the entire holding of the Applicant as noted above. This By-law was never appealed and is in full force and effect. The RME zoning permits a Pit, a Quarry, an

Asphalt Plant, a Concrete/Block Plant and Solar Farm subject to certain regulations. The subject property is also designated as an area of site plan control by the Municipality.

[27] It was Ms. Hillier's uncontradicted evidence that the current zoning would permit the quarry now being sought by the Applicant.

[28] She further testified that in 2008, the City entered into a Site Plan Agreement (Exhibit 8) with the Applicant to govern certain aspects of his development namely setbacks along the property boundary some drainage and buffering issues.

[29] Ms. Hillier, on questioning from the Board, proffered that both the existing pit and the proposed quarry were permitted by the City's OP and Zoning By-law and as such, the Municipality took no position with respect to the ARA application now before the Board.

[30] Mr. Link suggested that the Applicant is in breach of his current site plan agreement with the City and on this basis, the application should be refused. He contended that the Applicant under the site plan agreement was required to provide a 15-metre buffer along his north property line being the driveway, leading from the pit area to Highway 11 (Exhibit 17). He also contended that the haul route for the new licence has not been properly considered. In making his submission, he relied in part on s. 12. (1) (h), (j) and (k) of the ARA.

[31] The Board, for the ease of the reader, will reproduce this section of the ARA which states that:

**Matters to be considered by Minister**

12. (1) In considering whether a licence should be issued or refused, the Minister or the Board, as the case may be, shall have regard to,

- (a) the effect of the operation of the pit or quarry on the environment;
- (b) the effect of the operation of the pit or quarry on nearby communities;
- (c) any comments provided by a municipality in which the site is located;
- (d) the suitability of the progressive rehabilitation and final rehabilitation plans for the site;
- (e) any possible effects on ground and surface water resources;
- (f) any possible effects of the operation of the pit or quarry on agricultural resources;

- (g) any planning and land use considerations;
- (h) the main haulage routes and proposed truck traffic to and from the site;
- (i) the quality and quantity of the aggregate on the site;
- (j) the applicant's history of compliance with this Act and the regulations, if a licence or permit has previously been issued to the applicant under this Act or a predecessor of this Act; and
- (k) such other matters as are considered appropriate. R.S.O. 1990, c. A.8, s. 12; 1996, c. 30, s. 9 (1, 2); 2002, c. 17, Sched. F, Table.

[32] This issue of the City's enforcement of its site plan agreement is not before this Board. Similarly, there is no evidence before the Board that the quality or quantity of aggregate on the site is not as advertised. Nor is there any evidence that the Applicant has had any history of not complying with the Act or his existing licence requirements. He has by all accounts presented to the Board to have been a good operator.

[33] The Board has reviewed the City's site plan agreement (Exhibit 8) and its attached Schedule A and would note that Schedule A does not extend to Highway 11. It was suggested by Mr. Link in his submission that the site plan agreement should be interpreted as extending to Highway 11 along the existing driveway. This is a matter of interpretation best left to the City and the Applicant.

[34] No compelling evidence was presented to the Board that the Applicant is in breach of his site plan agreement with the Municipality.

[35] The Board would also note that neither the existing licence and its Site Plans (Exhibit 15), nor the proposed Site Plans (Exhibit 14) clearly demarcate the dimensions, the location of the access driveway, or its precise relationship with respect to Highway 11. The Board finds that this is a deficiency in the proposed application. This access route from the quarry, its location and access relationship with Highway 11 is a fundamental consideration under s. 12(1)(h) of the ARA. It is the Board's determination this driveway should have been surveyed and been included within the licence application along with the existing buildings on the site that front on to this driveway that are related to the aggregate operation.



[36] The Board will direct that:

That the Site Plans and Site Plan Notes be amended to include the access driveway and its location with Highway 11 and all buildings owned by the Applicant and associated with the ARA operations on the site. All are to be included on the Site Plans associated with the quarry application (Exhibit 14).

[37] The Board, after a careful review of the City's site plan document (Exhibit 8), finds that it is unclear as to the extent of the 15-metre buffer in the area of Mr. Link's north property line. The Board after examining all of the applicable documents finds that there is not sufficient land in this area to contain the 15-metre buffer being requested and maintain the approved access location onto Highway 11 for the driveway leading from the gravel pit. This may be a function of the deficiency in the current ARA licence note above. However, it does reflect a current approved situation that has been in existence for many years.

[38] There is no evidence that this is not an appropriate and safe entrance for the existing gravel pit or the proposed new quarry.

[39] The objectors submit that perhaps Marsh Drive to the north should be the haul route to Highway 11 for the new application.

[40] The Board would note after reviewing the evidence tendered and the submissions of the parties that there are more residential homes on Marsh Drive that would be impacted if this was the designated haul road for this new quarry. There is no evidence before the Board that Marsh Drive is to be the preferred haul route for this application.

[41] The most compelling evidence before the Board is a letter from the Ontario Ministry of Transportation (Exhibit 16) in which the Ministry states that it has no objection to the proposal provided "the extraction operation remains within the current annual limits and truck traffic to and from the site does not increase".

[42] Mr. Fletcher in his testimony advised that his client was prepared and willing to have a note placed on the ARA Site Plans that the annual tonnes in total from both the existing licence (licence #: 623681) and any new quarry licence would not exceed the current approval of 300,000 tonnes annually. He suggested that this would maintain the

status quo with respect to the usage of the driveway entrance consistent with the Ministry's recommendation.

[43] The Board agrees subject to the driveway and access to Highway 11 being properly surveyed and included on the Site Plans associated with the quarry licence application.

[44] The Board after reviewing the evidence and considering the submissions of the parties has some sympathy with Mr. Link's position. Mr. Link was very forthcoming indicating that he recognized the rights of the existing pit operation to use the existing driveway, and that this predated his coming to his property. He suggested that the existing pit has rarely met its annual tonnes allocation but that this could change as a result of the quarry operation which would make available a different aggregate product. He believed that either a 15-metre or a 7.5-metre buffer should be maintained in this area and at the very least his property should be screened and fenced from the driveway leading to the aggregate operations.

[45] The Board has considered the various options put forward by the parties during the course of the hearing to mitigate the impact of trucks using the existing and approved driveway and its access location and configuration with Highway 11 and concludes that in this case, fencing would be an appropriate mitigation tool.

[46] There is no compelling evidence before the Board that this driveway location should be relocated. However, it is the Board's determination after considering the evidence and the submissions that fencing in this area is required.

[47] The Board directs that the Site Plan Notes be amended to require:

that before any aggregate is removed from the new quarry an eight foot privacy fence to be built by the Applicant along the property line with Mr. Link's property for a distance measured from the Highway 11 property boundary eastward 120 feet along the Link north property line with the Applicant, and further from that point a six foot high chain link fence be continued along the remainder of the north limit of the Link property.

## **NATURAL HERITAGE FEATURES**

[48] The Applicant has undertaken a Natural Environment Level 1 and 2 Report for the proposed quarry as required by the ARA regulations. The Applicant's witness, Ms.

Geauvreau, testified that this report followed accepted protocols and appropriately identified the natural heritage features and functions found on the site and on adjacent lands within 120 metres of the application. She noted that Chippewa Creek is a Provincially Significant Wetland (“PSW”), that crosses a portion of the site and is reflected in the City’s (0.2) Zone. She noted that the current pit licence requires a 37-metre setback from this natural heritage feature, and that her studies found no adverse impacts occurring to this particular natural heritage feature. She testified that as a result of her field work she found no habitat on the site of any endangered or threatened species all of which is documented in her report.

[49] Ms. Geauvreau as part of her testimony and on questioning from the Board made reference to section 2.1.4 of the 2005 PPS and in this particular case subsections 2.1.4 a , d, and e, which states that:

- 2.1.4** Development and site alteration shall not be permitted in:
- a. significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
  - b. significant woodlands south and east of the Canadian Shield<sup>2</sup> ;
  - c. significant valleylands south and east of the Canadian Shield<sup>2</sup>;
  - d. significant wildlife habitat; and
  - e. significant areas of natural and scientific interest
- unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

[50] She confirmed that in her opinion no significant wildlife habitat was observed on the site and in particular it was her evidence that while deer tracks were observed on the property she would not classify any of the area as a deer yard requiring protection.

[51] She freely admitted that portions of the site in the southeast and southwest corners are designated as a Provincially Significant Wetland. She was satisfied that due to the topography that maintaining the current 37-metre setback from this natural heritage feature as found in the current ARA site plans should be carried forward in the proposed licence. This setback in her opinion was sufficient to continue to protect this

PSW such that there would be no negative impacts to its natural features or their ecological functions.

[52] The Board has reviewed her report (Exhibit 12) and the drawings found at Exhibits 19 and 20 and is satisfied that the setbacks proposed are sufficient in this case to protect the Chippewa Creek PSW.

[53] The Board is also satisfied after reviewing the documents and considering Ms. Geauvreau's testimony that the proposal would have no negative impacts on any habitat of any endangered or threatened species and that beyond the identified PSW there are no significant areas of natural and scientific interest that would be impacted by this ARA licence application.

[54] The Board after considering the testimony and submissions of the parties and after reviewing the Site Plans is satisfied that the application is consistent with the directions found in the PPS and the ARA with respect to Natural Heritage Features.

[55] One of the issues raised by the objectors revolved around the question of need for the quarry particularly when other pits and quarries exist in the immediate area to the north of Marsh Drive.

[56] The Board would note that the PPS policy specifically prescribes that need is not to be a determining factor in the consideration of the approval of an ARA licence. Section 2.5.2.1 of the 2005 PPS is clear when it states that:

2.5.2.1 As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licencing for extraction of *mineral aggregate resources* locally or elsewhere.

[57] The Board is satisfied that there is no need to establish the quantum of the need in this case. The Board also accepts the uncontradicted evidence of Mr. Fletcher, that this is a long standing aggregate resource deposit and that for the applicant now to be able to quarry the bedrock that is being exposed is good mining practice.

## **BLASTING**

[58] Mr. Peplinskie in his submissions expressed concerns about blasting and its impact on his well, his buildings, and on the Trans Canada Pipeline that runs in a north south direction to the east of the subject property. He submitted that blasting from the operations north of Marsh Drive have impacted his property. Mr. Peplinskie confirmed on questioning from the Board that he has not been impacted by the existing operations of the Applicant but was concerned about the cumulative effects if the Applicant was permitted to blast on his property.

[59] Mr. Cyr was retained by the Applicant in July of 2011 to do a blast impact analysis for the proposed quarry. In his report, he proposed a blasting regime and conditions for the proposed quarry that would meet or exceed the Ministry of the Environment Guideline (“NPC119”) beginning (ground) vibration limits of 12.5 mm/sec and an over pressure limit (air vibrations) of 128 dB at the nearest receptor. He advised the Board that these guideline limits were set such that no damage would result to nearby structures from a blast. In his report, he proposed initial blast parameters and procedures and various blasting regimes. He clearly indicated that drill hole and blast patterns within 220 metres of a receptor would have to be specifically designed to meet Ministry guidelines. It was also his recommendation that the first 12 months of blasting be monitored to obtain site-specific data to ensure that the Ministry’s guidelines are met and to assist in designing subsequent blasting at the site based upon this observed data. He noted in his report that the direction of quarry extraction in the early stages was farthest away from any receptors allowing time to develop specific blasting programmes based upon observed on site data and that this was a normal industry practice. He confirmed that his recommendations were included on the notes on the Quarry Licence Site Plan (Exhibit 14 (b)). He further recommended that an additional blast condition be included stating that:

“That all blasts be designed and undertaking to ensure compliance with the Ministry of the Environment’s Guideline (NPC119).”

[60] He proposed in his report that monitoring sites be located at the nearest receptor including the Trans Canada Pipeline to ensure compliance with Guideline (NPC119).

[61] The Applicant, in response to the concerns raised by Mr. Peplinskie agreed subject to Mr. Peplinskie's consent to place a blast monitor on his property and to advise all potential receptors of a blast 24 hours in advance of the event.

[62] The Board understands the concerns of Mr. Peplinskie and his previous experience with other operators. However, the more compelling evidence is that blasting can occur on this site in accordance with Ministry Guideline (NPC119) that will result in no adverse impacts to abutting properties. The provision of an appropriate blast monitor on Mr. Peplinskie's property should also provide him with evidence that the Applicant is undertaking blasting in compliance with these guidelines (NPC119).

[63] The Board after considering the submissions of the parties, the blasting impact report (Exhibit 21), the blasting conditions found on the Site Plan (Exhibit 14 (b)) and the testimony of Mr. Cyr will direct that with respect to the blasting the following conditions be added to the Site Plan Notes:

10. That all blast be designed and undertaking to ensure compliance with the Ministry of the Environment's Guideline (NPC119).
11. That all receptor be notified 24 hours in advance of any blast occurring within the licence area.
12. That the operator with the consent of the owner of 107 Marsh Drive install, at the operator's expense, appropriate blast monitors on the subject property as directed by an independent engineering consultant, registered with the Association of Professional Engineers of Ontario.

## **CONCLUSION AND DIRECTIONS**

[64] The Board, after considering the submissions of the parties and the documents filed, can find no significant flaws in submissions of the Applicant with respect to his ARA license application with respect to the policy directions of the 2005 PPS, the matter set out in s. 12(1) of the ARA, the City of North Bay's Official Plan and Zoning By-law other than those articulated by the Board in this Decision.

[65] The Board, for the reasons contained in this decision, makes the following directions:

- The Board respectfully and conditionally directs the Honourable Minister of Natural Resources to issue to Henry's Excavating Limited a Class "A" Category 4 Quarry expansion above the water table licence to extract aggregate from a 20.82 hectare site known as Part of Lot 20, Concession 1, Geographic Township of Widdifield, in the Territorial District of Nipissing now in the City of North Bay, in the manner set out in Site Plans (Exhibit 14 (a),(b) and (c)) prepared by The Fletcher Group dated April 30, 2012, subject to the following changes and conditions:
  1. That the Site Plans and Site Plan Notes be amended to include the access driveway and its location with Highway 11 and all buildings owned by the Applicant and associated with the ARA operations on the site. All are to be included on the Site Plans associated with the quarry application (Exhibit 14).
  2. That the Site Plan Notes be amended to include a note "that the annual tonnes in total from both the existing licence (licence #: 623681) and any new quarry licence would not exceed the current approval of 300,000 tonnes annually".
  3. That the Site Plans and Site Plan Notes be amended to require that before any aggregate is removed from the new quarry an eight-foot privacy fence be built by the Applicant along the property line with Mr. Link's property for a distance measured from the Highway 11 property boundary eastward 120 feet along the Link north property line with the Applicant, and further from that point a six-foot high chain link fence be continued along the remainder of the north limit of the Link property.
  4. That the blasting notes on the Site Plan be amended to include the additional notes:
    10. That all blasts be designed and undertaken to ensure compliance with the Ministry of the Environment's Guideline (NPC119).
    11. That all receptors be notified 24 hours in advance of any blast occurring within the licence area.

12. That the operator with the consent of the owner of 107 Marsh Drive install, at the operators expense, appropriate blast monitors on the subject property as directed by an independent engineering consultant, registered with the Association of Professional Engineers of Ontario.

[66] The Board will withhold its final direction to the Minister pending the receipt of amended Site Plans and Site Plan Notes consistent with the directions set out in this decision certified by a person authorized to prepare ARA Site Plans.

[67] The Board maybe spoken to if any problems should arise.

“J. P. Atcheson”

J. P. ATCHESON  
MEMBER