



PUBLIC COMMENT AND RESPONSE DOCUMENT

Prepared: November 29, 2021
Lead Planner: Toulia Theodoridis, Meridian Planning

Proposed Zoning By-law Amendment (Temporary Use)
Glen Schnarr and Associates Inc. on behalf of Nucon Property Development Inc.
10795 Highway 9
Part of Lot 26 Concession 10 (ALB)
File Number: RZ 2020-0001

The following public comments were received regarding the above-noted Zoning By-law Amendment application.

Hydrogeological:	
1. Potential contamination of groundwater	<p>Findings of the ESA2 prepared by Safetech Environmental dated June 6, 2019 and the Hydrogeological Impact Assessment Report prepared by Safetech Environmental dated August 12, 2019, conclude that the groundwater at the site exceeds the MECP limits for petroleum hydrocarbon compounds (PHC) and chloroform.</p> <p>Town of Caledon, Region of Peel, and MECP have been notified and are undertaking further investigations into the groundwater contamination matter.</p>
2. Community members support the protection and preservation of the Oak Ridges Moraine	<p>Comment is acknowledged.</p>
3. Hydrological Impact Assessment findings are inconsistent	<p>As noted in response #1, findings of the Hydrogeological Impact Assessment Report prepared by Safetech Environmental dated August 12, 2019, conclude that the groundwater at the site exceeds the MECP limits for petroleum hydrocarbon compounds (PHC) and chloroform. Town of Caledon, Region of Peel, and MECP have been notified and are undertaking further investigations into the groundwater contamination matter.</p>
4. Impacts to high aquifer vulnerability area	<p>The demolition and excavation contractor's yard/business has been operating for years on lands within the ORM and within an area designated as High Aquifer Vulnerability. The Subject Lands are within the ORM and within an area designated as High Aquifer Vulnerability. The proposed temporary uses are prohibited. Studies that have been submitted identify groundwater issues. As indicated in response #1, there is an ongoing investigation.</p>



Environmental:	
5. 4 areas of potential environmental concerns as highlighted in the report prepared by Safetech Environmental Limited	Please refer to response #1 & #3.
6. Illegal fill has been brought and dumped on the property and debris (bricks, mufflers and clay) can be seen in the soil	The Town's Fill By-law, prohibits and regulates the placing or dumping of fill, the storage and removal of topsoil and the alteration of the grade of land on all properties located within the Town of Caledon. By-law Enforcement have issued orders to comply.
7. Grading has occurred without proper engineering standards	Historical air photos appear to show significant ponding and wet areas at the granular surface. It is not clear what standards the granular parking area was constructed to regarding grading and drainage requirements and whether the granular parking area would conform to Town Development Standards.
8. Smell of fuel	The smell of fuel detected may be related to the nature of the operations illegally operating on-site. As indicated in response #1, there is an ongoing investigation involving the MECP, Town and the Region to further address matters of contamination in conjunction with the adjacent lands located at 10819 Highway 9.
9. Outdoor storage of derelict equipment/machinery, miscellaneous scrap metals, vehicles, used oil drums (some unlabelled drums), batteries, used fuel and/or propane storage tanks, tires, broken truck trailers	There are minimum requirements for the maintenance within the Town of Caledon which are regulated through the Town's Property Standards By-law.
10. Excessive amounts of PCBs, PHC, hydrocarbons and chloroforms	Please refer to response #1.
11. Potential hazardous materials are stored outdoors	Please refer to response #9.
12. ESA Phase 1 and 2 findings are inconsistent	As indicated above, findings of the ESA2 indicate that the groundwater exceeds the MECP limits for petroleum hydrocarbon compounds (PHC) and chloroform. Town of Caledon, Region of Peel, and MECP have been notified and are undertaking further investigations into the groundwater contamination matter.



Land Use:	
13. Site is used as a waste disposal facility which presents compatibility issues with existing agricultural, estate rural residential and environmental designations	See staff report.
14. The current use of the site is not permitted under the ORMCP	See staff report.
15. Open pit aggregate groundwater source is adjacent to the subject property	The extractive industrial use abutting the subject lands to the west is a licenced gravel pit and has specific policies that designate and govern its use.
16. ORM Conservation Act (Section 24) deals with offences and policies that can be awarded to people who fail to comply with the restrictions imposed by the Plan	Comment is acknowledged.
17. How does the zoning by-law amendment application meet the objectives of the ORMCP?	See staff report.
Public Safety:	
18. Request consultation with Technical Safety and Standards Authority relating to above ground fuel storage tanks	Town staff understands that the Town of Caledon, Region of Peel, and MECP have been notified and are currently undertaking further investigations into the groundwater contamination matter.
19. Extensive spills and stains are identified throughout the property	Please refer to above response.
20. Fuel smell reported to MOE spill line with reference number	Please refer to response #8.
21. Public request that site be cleaned up and remediated	Please refer to response #18.
22. What is known about past environmental violations against the property owner/related companies?	As part of this application review, the MECP were circulated for review and comment. The MECP are responsible for enforcing the requirements of the Environmental Protection Act and other applicable environmental legislation. Matters under this review of the application dealing with environmental violations are with the MECP.



Property Standards:	
23. Concern with type of business operating at the subject property and large display signs are located along the frontage	Any signage, permanent or temporary on property is regulated through the Town's Signs By-law.
24. Paying residential taxes when site appears to be used for different purpose	Matters related to taxes are not within the realm of the planning review.
25. Property standard issues and violations withheld at Hearing Tribunal	In 2017, property standards issued an order by the Town's by-law enforcement to be cleaned up and this is ongoing.
Public Participation:	
26. Objection to the electronic meeting process and the options for members to participate	Town Hall continues to be closed to the public to attend Public Meetings due to COVID-19 protocols, public meetings are held electronically. Information outlining the different options to participate is available on the Town's website.
27. Concerns with lack of open house prior to public meeting	A formal Public Meeting was held on September 8, 2020, in accordance with the requirements of the Planning Act. An Open House was not required under the Planning Act.
28. Concerns with application supporting materials unavailable prior to public meeting	The materials which have been submitted by the applicant are available on the Town's website for examination.
29. Property standards issues have been filed numerous times with the Town and active investigations are underway	Comment is acknowledged.
30. Similar application request came forward in 2017	<p>In 2017, an application for a Legal Non-Conforming Use was submitted to the Town's Planning Department requesting that the legal non-conforming use permission for a Motor Vehicle Repair Facility be revised to permit a Contractors Yard, Office and Outside Storage.</p> <p>On February 13, 2019, the Town advised that upon a review of the submitted affidavits as well as Town records, there was insufficient information to recognize the use of a Contractors Yard, Office and Outside Storage. The Town refused the application and the use was not determined to be a legal non-conforming use.</p>



31. Request for an additional public meeting to further discuss and address public concerns	A second public meeting is not being held. Through the review of this temporary use application, staff has determined that the proposal cannot be supported and is recommending refusal.
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