

KITCHENER WOODBRIDGE LONDON KINGSTON BARRIE BURLINGTON

June 28, 2021

Joe Nethery
Halton Region
Manager, Priority Development Projects
Legislative & Planning Services
1151 Bronte Road

Oakville, Ontario L6M 3L1

Dear Mr. Nethery:

RE: Burlington Quarry Extension - Nelson Response to JART Registered Agreements and

**Reference Plan Comments** 

**OUR FILE 9135D** 

On behalf of Nelson Aggregate Co., MHBC is pleased to provide the Joint Agency Review Team (JART) with a response regarding the registered agreements and reference plans dated June, 2021.

We trust the enclosed addresses the comments provided by JART. If there are any outstanding issues or clarification needed, Nelson would be pleased to meet with JART to discuss.

Yours truly,

### MHBC

President

Brian Zeman, BES, MCIP, RPP

*cc.* Gina Ali, Region of Halton

Janice Hogg, Region of Halton Betty Pakulski, Region of Halton Kyle Plas, City of Burlington Gordon Dickson, City of Burlington John Stuart, NEC

Jessica Bester, Halton Region Conservation Authority

Quinn Moyer, Nelson Aggregate Co.

Peter Graham, Nelson Aggregate Co.

Tecia White, Whitewater Hydrogeology Ltd.

Kevin Powers, Project Advocacy Inc.

## Proposed Burlington Quarry Expansion JART COMMENT SUMMARY TABLE – Registered Agreements and Reference Plan

Please accept the following as feedback from the Burlington Quarry Joint Agency Review Team (JART). Fully addressing each comment below will help expedite the potential for resolutions of the consolidated JART objections and individual agency objections. Additional, new comments may be provided once a response has been prepared to the comments raised below and additional information provided.

JART Comments (February 2021)	Reference	Source of Comment	Applicant Response (June 2021)	JART Response
Report/Date: Registered Agreements and Reference Plan	Auth	or:		
Please provide a draft reference plan showing all existing property lines/blocks/easements and proposed right of way widenings (both City and Regional), and please include the PIN numbers for each property	General	City of Burlington	Through JART's comments on the Traffic Impact Assessment, the Region of Halton and City of Burlington have both advised that road widening dedications are required along Cedar Springs Road, No. 2 Sideroad, and Guelph Line in order to meet the planned widths and design specifications for the respective right of ways. It is MHBC's understanding that the Region of Halton and City of Burlington have no legal authority to require the dedication of land at no cost as part of the Local Official Plan Amendment (LOPA) and Regional Official Plan Amendment (ROPA) applications submitted as part of the proposed Nelson Burlington Quarry Extension. In accordance with the provisions of the Planning Act, municipalities may only obtain land at no expense for road widening through site plan control, plan of subdivision and/or consent. The proposed quarry application does not include site plan control, plan of subdivision and/or consent. The proposed quarry extension also does not require Region of Halton or City of Burlington planning approvals related to the existing Burlington Quarry.  The City of Burlington has referenced Official Plan Policy 3.3.2 a). This policy requires the right-of-ways to be protected. Nelson's application does not propose any development that would impact the future right-of-way. The policy also requires the right-of-ways to be secured. Based on the provisions of the Planning Act, the municipality has no legal authority to require Nelson to prepare and pay for these at their expense. If the City and Region are interested in securing these right-of-ways, it should be the municipality that prepares the required plans and advises Nelson on the fair market value to acquire these lands.  In addition, Nelson has offered to convey all of the Existing Quarry and Extension lands into public ownership, subject to approval of the Burlington Quarry Extension applications. To date, the City and Region have indicated they are not interested in the conveyance of the land. Should the City and Region wish to revisit this	

2.	Several PIN reports for the properties were included in the Application Booklet Tab 16 and several properties indicated existing easements/agreements on title for the Hydro-Electric Power Commission of Ontario, please provide copies of the registered	General	City of Burlington	Attached please find copies of the registered agreements on title for the lands subject to the City of Burlington Official Plan Amendment. See Attachment 1.
	agreements on title. Please also indicate the municipal address for each of the PIN reports for easy identification, by either handwriting on the PIN report or providing a table detailing the PIN and associated municipal address.			Tab 6 of the Application Booklet (April 2020) provided to the City of Burlington in May 2020 included Schedule A which indicated the civic address and PIN for easy reference. See Attachment 2.
3.	Several plans of surveys were included in Tab 16 of the Application Booklet, some have the municipal address handwritten on the survey plan, others do not, it would be appreciated if the municipal addresses could be written on the plan of surveys in the lower right corner of each plan.	General	City of Burlington	The plans of surveys were included in Tab 17 of the Application Booklet. Attached are the surveys with the address written on the lower right hand corner of each plan. See Attachment 3.

# Attachment 1

Pg 10/13/ar

This Indenture made in duplicate the Thirty first

A.D. 1940,

Between

Lockhart C. Spence

hereinafter called the GRANTOR

and-

#### THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

hereinafter called the GRANTEE

- 1. WHEREAS the Grantor is the owner in fee simple and in possession free from encumbrances and easements of the land described herein in Schedule "A";
- 2. AND WHEREAS the Grantee is about to erect a transmission line to conduct electricity across the said land;
- 3. NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Swenty seven him acknowledged) the said Grantor doth whereof is hereby by grant and convey unto the said Grantee, its successors and assigns, the right and easement
- (a) To erect and maintain upon the land described in Schedule "A" herein and as Five pole s, with shown on the plan hereto annexed,

Two anchors, guys and braces, and to string thereon wires from the date hereof.

- sixteen (b) To keep the land for a distance of feet on each side of the centre line of the said transmission line clear of all buildings, trees and brush, and to trim all trees where necessary, with the right to fell all leaning or decayed trees whose condition renders them liable to fall on the line.
- 4. AND the Grantor hereby covenants, promises and agrees to permit the servants, agents and workmen of the Grantee to enter on the said land at all times for the purpose of inspecting, erecting, maintaining, repairing and renewing its works and equipment.

6. The burden and benefit of this Indenture shall run with the said land and shall extend to, be binding upon, and enure to the benefit of the Grantor , heirs, administrators, executors and assigns and to the Grantee, its successors and assigns.

Signed, Sealed and Delibered In the Presence of

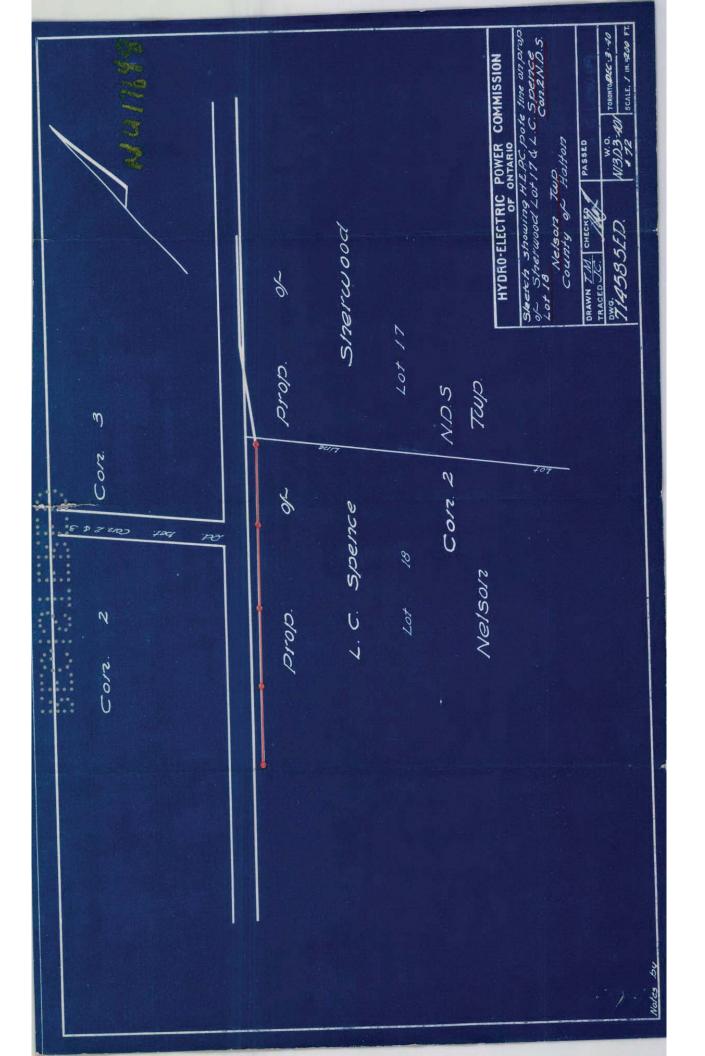
li & Huddleston Lock hait , C. Spence

SCHEDULE "A"

BEING a description of the land referred to in the easement herein:-Part of Lot 18.

Concession II N. D.S. Township Nelson County Halton.

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Sun Pipe Line Easement Instrument No. NU36401

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SUN PIPE LINE COMPANY

RIGHT OF WAY AGREEMENT

Situate:

AVO.390'0100X AM, OF THE 3/4 DAY

Joffern & Jed BARRISTERS

CERTIFY THAT THE WITHIN INSTRUMENT IS DULY NEEDED AND DELIGIOUS IN THE REGISTRY

COUNTY OF MIDDLESEX  I, Dennis Joseph Batten  of the City of Woodstock in th  County of Oxford,  make oath and say  Agent,	r:
1. THAT I was personally present and did see the within or annexed Instrument and a duplicat thereof duly signed, sealed and executed by George Gordon Coverdale and Annabelle Coverdale, his wife,  2. THAT the said Instrument and duplicate were executed by the said part ies at the Township of Nelson.	7
3. THAT I know the said part ies.	
4. THAT I am a subscribing witness to the said Instrument and duplicate.  SWORN before me at the City of London in the County of Mindlesex this London A.D. 195 3.	
COUNTY OF MIDDLESEX  I, Dennis Joseph Batten  of the City of Woodstock in the County of Oxford,  Agent, make eath and say	
1. THAT I was personally present and did see the within or annexed Instrument and a duplicate thereof duly signed, sealed and executed by John A. Yergey	
for Sun Pipe Line Company of the parties thereto.  2. THAT the said Instrument and duplicate were executed by the said party at the City of London.	
3. THAT I know the said part y.	Ü
4. THAT I am a subscribing witness to the said Instrument and duplicate.  SWORN before me at the City of Ondon in the County of Middlesex this day of July A.D. 195 3.	3
Tallier Callet Col A Commissioner for taking Affidavits, etc.	•,
COUNTY OF HALTON TO WIT:	
I. Gordon Coverdale in the within instrument named make oath and say: THAT at the time of the execution and delivery by me of the within instrument I was (married) (unmarried), (a widower), and of the full age of twenty-one years or THAT at the time of the execution and delivery by me of the within instrument I was legally married to Annabelle Coverdale, the person joining therein as my wife to bar her dowe and was of the full age of twenty-one years or THAT at the time of the execution and delivery of the within instrument, I was legally married to the person named therein as my husband, and he was of the	d er
full age of twenty-one years.	
SWORN before me at the Township of Nelson in the County of Middlesex this	۶ !
32 day of Sun A.D. 1953 .	
of Middlesex this  32 day of A.D. 1953.  A.D. 1953.  A Commissioner for taking Affidavits, etc.	

from said right-of-way and easement, such right-of-way and easement to be along such route as may be selected by Grantee.

The grant of the said right-of-way and easement shall not exclude Grantor from enjoying and using said lands as heretofore used in any way that does not interfere with the said use of the rightof-way and easement herein granted for the purposes aforesaid, and Grantee shall pay any damages which may arise to crops, trees, fences and buildings on said lands from the exercise of any of the rights herein conferred. It is further agreed that Grantee, in the use of the right-of-way and easement herein granted, may at any time lay, maintain, operate, renew, alter, improve, protect, repair and remove additional pipe lines and all necessary equipment and appurtenences thereto as it may desire alongside the first pipe line laid, upon the payment, for each additional pipe line to be laid, of the same amount paid for the right-of-way and easement herein granted, and the payment of any damages which may arise to crops, trees, fences and buildings on said lands from the exercise of such rights conferred upon Grantee. The rights herein granted may be assigned or transferred by the Grantee, its successors or assigns, in whole or in part.

The right-of-way and easement herein conveyed is hereby declared to be appurtenant to the lands, premises and facilities of Grantee located in the City of Sarnia, County of Lambton, Provinceof Ontario, and elsewhere.

Grantor as the owner of said premises will execute such further documents and assurances as may be requisite to convey to Grantee the right-of-way and easement herein intended to be conveyed.

This agreement shall be binding upon and enure to the benefit of the heirs, executors, adminis trators, successors and assigns of the parties hereto.

WHEREOF, the parties hereto have caused these presents to be duly executed 500 A.D. 1953. this day of

SIGNED, SEALED and DELIVERED

in the presence of:

Annabelle Coverdale

GRANTEE:

SUN PIPE LINE。COMPANY

Under Power of Attorney registered in Halton County Registry Office June 22.

Instrument Number 7397 G.R.

## RIGHT OF WAY AGREEMENT

#### BETWEEN:

George	Gordo	n Cover	dale	
		. * *		
and	The state of the s			, 12 to 12 t
and	A			
and Annabelle	Coverd	lale	, his wif	le,
of the Township of Nels		,	the Count	-
of Halton	,	Province of	of Ontario	,
hereinafter, whether one o	r more, c	alled the	GRANTO1	R,
· <u>-</u>	and -			•
SUN PIPE LINE COMPAN monwealth of Pennsylvania the Province of Ontario, her	and licer	used to do	business :	in

### WITNESSETH:

That in consideration of the sum of One Dollar and other good and valuable considerations paid by the said Grantee to the said Grantor, the receipt of which is hereby acknowledged, the said Grantor does grant and convey unto the said SUN PIPE LINE COMPANY, its successors and assigns, a right-of-way and easement to lay, maintain, operate, renew, alter, improve, protect, repair and remove a pipe line and all necessary equipment and appurtenances thereto, over, upon, under and across the following lands of the Grantor situate in the Township of Nelson , in the County of halton , and Province of Ontario, more fully described as follows:

 $W_{\Xi}^{1}$  of Lot 2 100 acres N. S. Con 2

and also, insofar as Grantor has the right to do so, upon, along or under rights-of-way and appurtenances, adjoining or adjacent to said lands together with the right of ingress and ogress to and

# Attachment 2

## SCHEDULE A OWNERSHIP AND DESCRIPTION OF SUBJECT LANDS

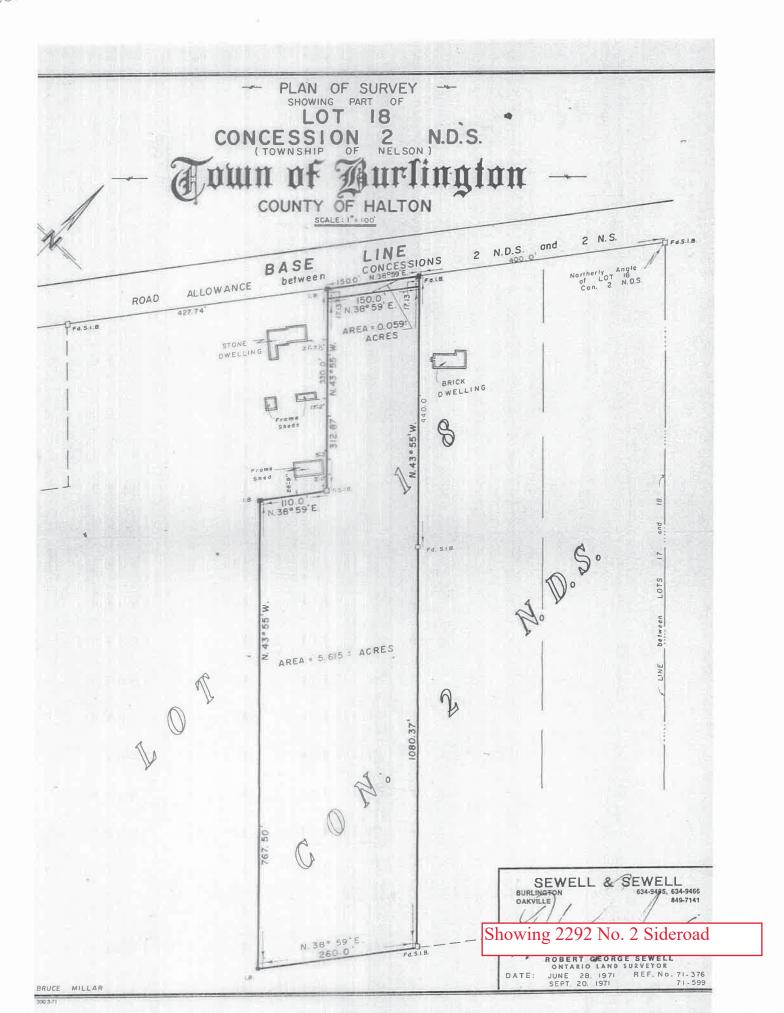
The following properties constitute the Subject Lands within which the Nelson Burlington Quarry Extension has been proposed. The lands which form the South Extension and the Existing Quarry Site have one Registered Owner, 546958 Ontario Limited; Nelson Aggregate Co. holds signing authority for this company. The lands which form the West Extension have one Registered Owner, Bestway TV and Appliances Limited. Bestway TV and Appliances Limited has authorized Nelson Aggregate Co. to act as their agent for applications related to the quarry extension proposal; find Schedule B attached hereto.

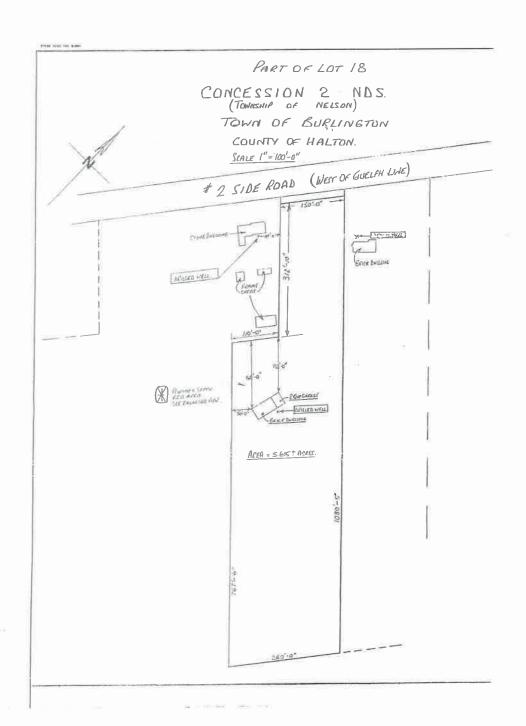
- 1. The Aggregate Resources Act License, Region of Halton Official Plan Amendment, and City of Burlington Official Plan Amendment apply to the South Extension and the West Extension;
- 2. The Niagara Escarpment Plan Amendment applies to the South Extension, West Extension, and the Existing Quarry Site; and
- 3. The Niagara Escarpment Development Permit applies to the South Extension, West Extension, Existing Quarry Site, and the Buffer Lands.

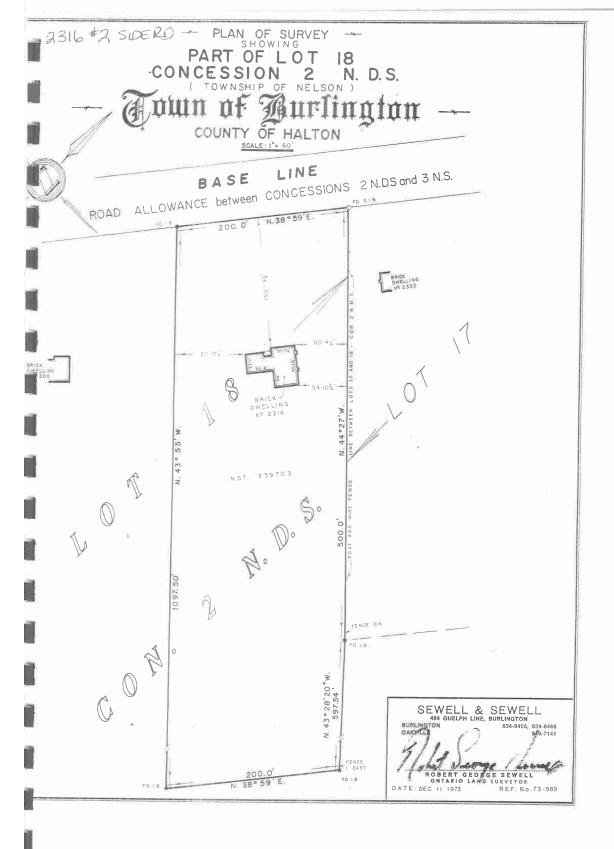
#### SUBJECT LANDS

Registered Owner	Site	Civic Address	Legal Description	PIN	Approx. Area (ha)	Approx. Frontage (m)	Approx. Depth (m)	Existing Building(s) (Approx. Ground Floor Area, m²)
546958 Ontario Limited	South Extension	2280 No. 2 Side Road, Burlington	Part Lot 18, Concession 2 NDS	071990039	34.16	131 (No. 2 Side Road)	1,031	House (222) Garage/Barn (394) Shed (124)
546958 Ontario Limited	South Extension	2292 No. 2 Side Road, Burlington	Part Lot18, Concession 2 NDS	071990039	2.29	46 (No. 2 Side Road)	329	House (240) Shed 1 (105) Shed 2 (110)
546958 Ontario Limited	South Extension	2300 No. 2 Side Road, Burlington	Part Lot18, Concession 2 NDS	071990041	2.04	60 (No. 2 Side Road)	336	House (327)
546958 Ontario Limited	South Extension	2316 No. 2 Side Road, Burlington	Part Lot18, Concession 2 NDS	071990042	2.05	62 (No. 2 Side Road)	336	Shed (126)
546958 Ontario Limited	South Extension	2330 No. 2 Side Road, Burlington	Part Lot 17, Concession 2 NDS	071990043	1.22	80 (No. 2 Side Road)	153	N/A
Bestway TV and Appliances Limited	West Extension	5235 Cedar Springs Road, Burlington	Part Lots 1 & 2, Concession 2	071980141	70.08	1,024 (Cedar Springs Road)	674	Clubhouse (789) Garage 1 (338) Garage 2 (301) House (416) Barn (554)
546958 Ontario Limited	Existing Quarry Site	2433 No. 2 Side Road, Burlington	Part Lots 1 & 2, Concessions 2 & 3	071980140	218.7	1,392 (No. 2 Side Road)	1,215	Various existing buildings on site; see ARA site plans.
546958 Ontario Limited	Buffer Land	2226 No. 2 Side Road, Burlington	Part Lot 18, Concession 2 NDS	071990036	0.41	30 (No. 2 Side Road)	133	House (193) Shed (128)
546958 Ontario Limited	Buffer Land	2232 No. 2 Side Road, Burlington	Part Lot 18, Concession 2 NDS	071990037	0.40	30 (No. 2 Side Road)	133	N/A
546958 Ontario Limited	Buffer Land	2244 No. 2 Side Road, Burlington	Part Lot 18, Concession 2 NDS	071990038	0.40	50 (No. 2 Side Road)	81	House (248) Shed (24)
546958 Ontario Limited	Buffer Land	2416 No. 2 Side Road, Burlington	Part Lot 17, Concession 2 NDS	071990044	39.41	314 (No. 2 Side Road)	1,035	House (309) Barn 1 (358) Barn 2 (210) Shed (74)
546958 Ontario Limited	Buffer Land	2430 No. 2 Side Road, Burlington	Part Lot 16, Concession 2 NDS	071990077	1.82	61 (No. 2 Side Road)	302	N/A
546958 Ontario Limited	Buffer Land	2473 No. 2 Side Road, Burlington	Part Lot 1, Concession 3	Part of 071980140	0.45	32 (No. 2 Side Road)	142	House (130) Garage (83)
546958 Ontario Limited	Buffer Land	2479 No. 2 Side Road, Burlington	Part Lot 1, Concession 3	Part of 071980140	0.43	31 (No. 2 Side Road)	142	House (154)

# Attachment 3







PLAN OF SURVEY --SHOWING PART OF

## LOT 17 CONCESSION 2 N.D.S.

(TOWNSHIP OF NELSON)

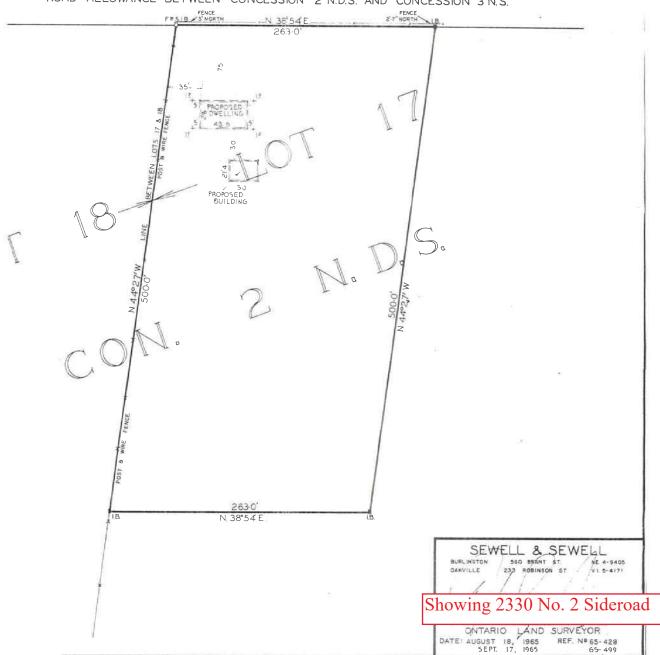
## TOWN OF BURLINGTON

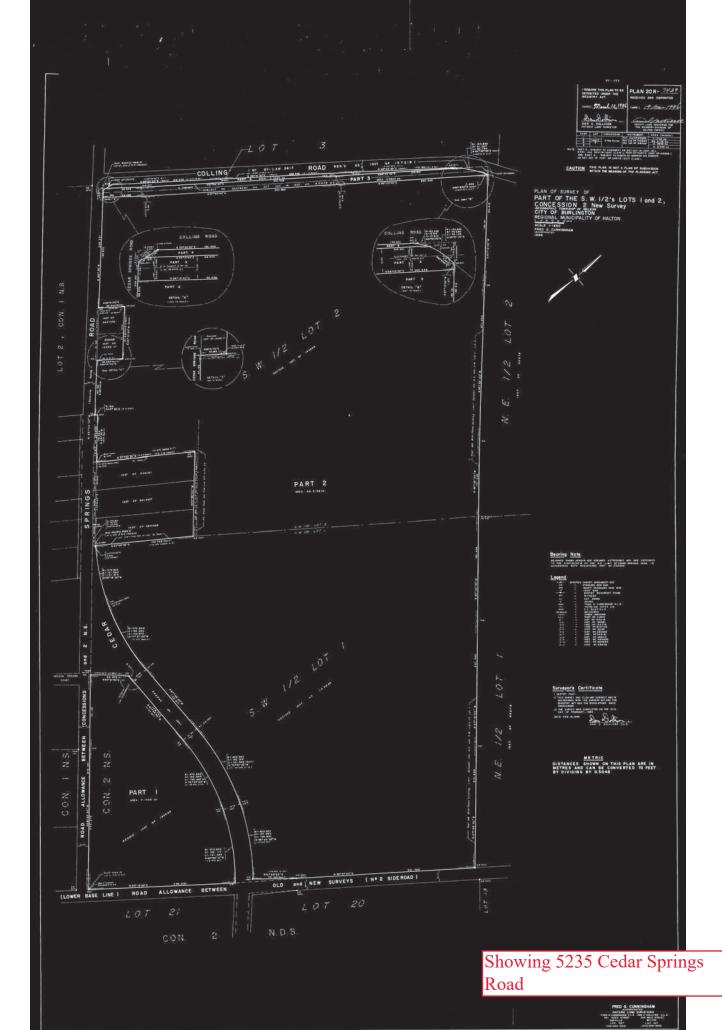
COUNTY OF HALTON

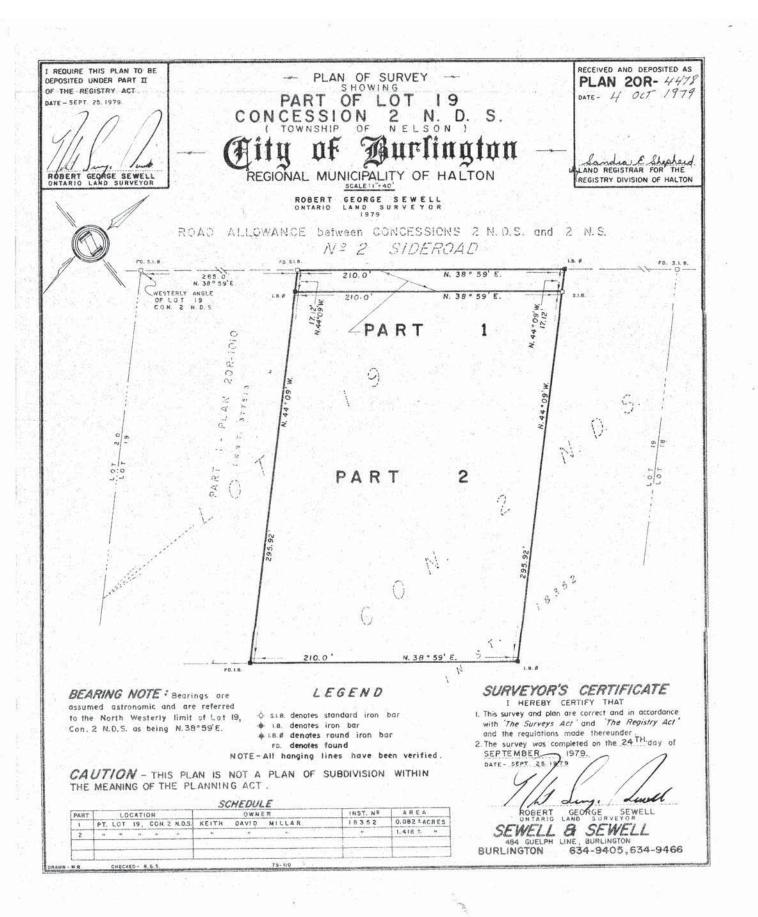
SCALE 1660'

## BASE LINE

ROAD ALLOWANCE BETWEEN CONCESSION 2 N.D.S. AND CONCESSION 3 N.S.







### PLAN OF SURVEY PART OF LOT 19 CONCESSION 2 N.D.S.

REGIONAL MUNICIPALITY OF HALTON

M. J. TERRY ONTARIO LAND SURVEYOR 1987

REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

DATE - NOV. 3/87

PLAN CUR- 840 RECEIVED AND DEPOSITED DATE - 23 NAV 198)

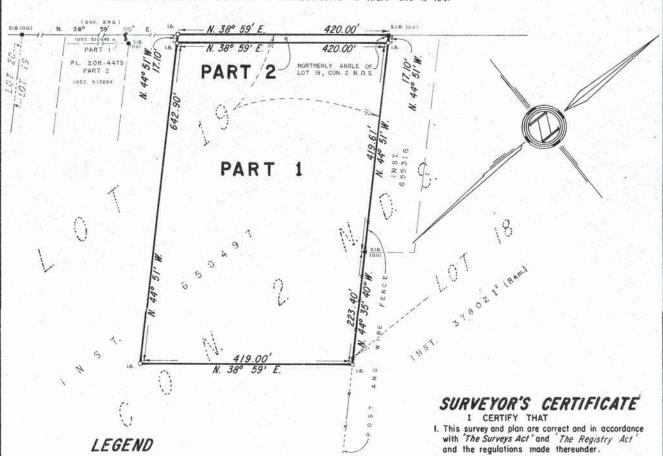
M. J. TERRY ONTARIO LAND SURVEYOR

Ay LAND REGISTRAR FOR THE REGISTRY DIVISION OF HALTON 20

PART	ART LOCATION				INST.	AREA			
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BEARING NOTE

Bearings are astronomic and are referred to the Northwesterly limit of LOT 19, CON. 2 N.D.S. as shown on Plan 20R - 4478 having a bearing of N. 38° 59' E.

2. The survey was completed on the 22nd day of OCTOBER, 1987.

M. J. TERRY ONTARIO LAND SURVEYOR

YATES & YATES LIMITED
ONTARIO LAND SURVEYORS
RECORDS OF SEWELL & SEWELL
484 GUELPH LINE
BURLINGTON, ONT. L7R 3L9 (416) 639-1375

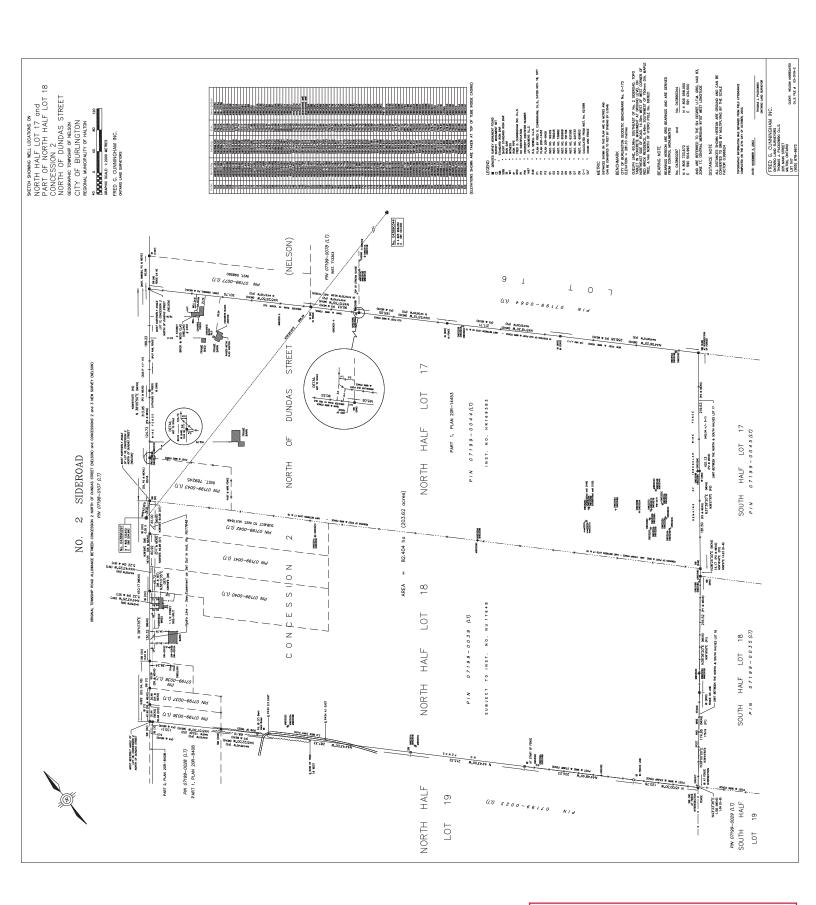
CAUTION - THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT. 877-40

-0-

SI.B.

(o.u.)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER PART II PLAN OF SURVEY PLAN 20R-/6/0 OF THE REGISTRY ACT. SHOWING PART OF CONCESSION DATE - 26 Jan 73 LOT V 2 19 N 2 N. D. S. Burlington LAND REGISTRAR FOR THE COUNTY OF HALTON REGISTRY DIVISION OF HALTON ROAD ALLOWANCE between CONCESSIONS 2 N.D.S and 2 N.S. Nº 2 SIDEROAD FD. L. P. WESTERLY ANGLE OF LOT 19 CON 2 N.D.S. LOTS 19 AND 8° 59' E. SURVEYOR'S CERTIFICATE BEARING NOTE : Bearings are LEGEND astronomic and are referred to the South Easterly limit of Nº 2 SIDEROAD I HEREBY CERTIFY THAT This survey and plan are correct and in accordance with 'The Surveys Act' and 'The Registry Act' and the regulations made thereunder th \$ S.L.B. denotes standard iron bar as being N. 38° 59' E. 1.8. denotes iron bar 2. The survey was completed on the 18 TH day of SEPTEMBER 1973 FD. denotes found CAUTION - THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF SECTION 29, 32 OR 33 OF THE PLANNING ACT . SCHEDULE ROBERT GEORGE PT. LOT 19 - CON 2 N.D.S. KEITH DAVID MILLAR 0.892 ± ACRES SEWELL & SEWELL 484 GUELPH LINE, BURLINGTON 634-9405,634-9466 BURLINGTON DRAWN - M.R. CHECKED - 8.4.5. R.O.P. 100-17-5163-0-73



Showing 2226, 2232, 2244, 2280, 2292, 2300, 2316, 2330, and 2416 No. 2 Sideroad