



February 17, 2016

Helen Fleischer
Community Planning and Development
Canadian National Railway Company
Box 8100 Montreal PQ H3C 3N4

Dear Ms. Fleisher,

**RE: Comments on the Spencer Zone Change Application
Proposed Spencer Pit
Part of Lots 14-16, Lots 17 and 18, Concession B, Township of Guelph/Eramosa**

Most of the comments which you have made are pertinent to the site plans and not the zone change. The site plans are prepared under the Aggregate Resources Act administered by MNRF. The license application process was started in May of 2014 and as an adjacent landowner, CN was notified of the application and of the public meeting where further information would be provided. The deadline for comments under the ARA process was July 14, 2014 after which you are presumed to have no objection to the license. The site plans deal with issues such as setbacks, fencing, vibration and the location of structures.

Regardless of this, we are pleased to address the comments in your email.

General

This application is for a Category 3 sand and gravel pit with extraction limited to a minimum of 1.5m above the water table. The water table is within the bedrock below the sand and gravel deposit. It is not a quarry and there is therefore no blasting on this site. All of the existing surface water infiltrates into the bedrock and leaves the site as groundwater and this will not change. Aggregate extraction is an interim use and the site is to be rehabilitated to agriculture following extraction.

Comments on Non-Sensitive Developments

1. An adequate setback to build and maintain the structure off of the right-of-way.

Response

There are no buildings proposed adjacent to the right-of-way

2. The provision of 1.83 meter chain link security fencing.

Response

The boundary between the proposed license and the right-of-way is currently fenced with a page wire fence. Under the ARA the site must be fenced with a 1.2m high fence and this fence must enclose the entire property. Any gates must be locked when not in use and all fencing must be kept in good repair and inspected annually. We are certain that this provides improved fencing on the site and adequate security for CN.

We would also note that none of the adjoining properties have fencing and thus adding a chain-link fence here would seem pointless.

3. Confirmation that there will be no adverse impacts to the existing drainage pattern on the railway right-of-way and that there will be no additional runoff to CN lands in the event of a 100-yr storm.

Response

This comment presumes a traditional “development” where buildings and paving could change the surface flows. This is not the case. The site infiltrates 100% now, will infiltrate 100% as a pit and will infiltrate 100% when it is returned to a farm.

4. A 30 meter setback of access points to avoid the potential for impacts to traffic safety when located near at-grade railway crossings.

Response

There are no access points near the CN right-of-way

- 5. We ask that there be no resource extraction within 75m of CN's right-of-way, as to avoid adverse impacts on the integrity of the track bed. We note that there has been aggregate piled very high in close proximity to the rail corridor, which could lead to safety and drainage concerns on the right-of-way. If this has not already been resolved, the property owner needs to correct this.**

Response

This comment clearly refers to the existing quarry east of this land. Note that the Provincial Standards under the ARA require that all stockpiles be a minimum of 30m from the license boundary.

The 75m extraction setback is also clearly a requirement for a quarry where blasting would occur. The maximum depth of extraction adjacent to the CN right-of-way for this proposal is about 10m (30') and is set-back 15m from the property boundary. In our experience this is not unusual and quite stable as the sand and gravel is an excellent base and the face is back filled sequentially once extraction is completed to a 3:1 slope. Tri City operates the Petersburg Pit which is set-back 15m from a Rail America line leased by CN which is twice as deep (+/- 24m) and remains stable.

- 6. Extraction and other activities shall not generate vibration exceeding 100 mm/sec, as measured on the edge of the rail right-of-way, again for safety reasons.**

Response

This again is a requirement we would expect for a quarry where blasting would occur. Crushers and screen plants do not produce significant vibration.

- 7. If resource is to be trucked over a nearby grade crossing, impacts of the added truck traffic need to be considered and addressed, subject to review and approval by CN Engineering.**

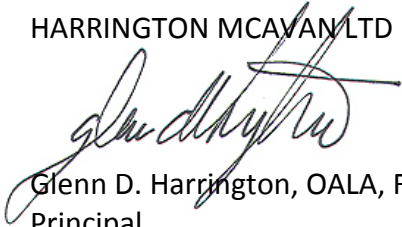
Response

There are no proposed new crossings of the CN right-of-way.

I hope this addresses your comments. Please feel free to contact me if you have any further questions.

Sincerely,

HARRINGTON MCAVAN LTD

A handwritten signature in black ink, appearing to read "Glenn D. Harrington", written over the company name.

Glenn D. Harrington, OALA, FCSLA
Principal

GDH/sh