



The Corporation of **THE TOWNSHIP OF MELANCTHON**  
157101 Highway 10, Melancthon, Ontario, L9V 2E6

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## MEMORANDUM

**Date:** September 24, 2024

**To:** James Hunter c/o Innovative Planning Solutions ([jhunter@ipsconsultinginc.com](mailto:jhunter@ipsconsultinginc.com))

**From:** Planning and Development, Township of Melancthon

**Subject:** Official Plan Amendment and Zoning By-law Amendment application- DHL Melancthon Pit Expansion – 2nd Submission

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This memorandum serves to confirm that Township Planning staff have completed a preliminary circulation of the subject file. A summary of the status of the comments is provided below:

### Comments Received:

Township Planning staff have received comments from the following parties:

- Township of Melancthon Engineering Consultant (RJ Burnside)
- Shelburne & District Fire Department
- Ministry of Natural Resources
- Nottawasaga Valley Conservation Authority
- County of Dufferin

### Comments Pending:

Township Planning staff are still awaiting comments from the following parties:

- Saugeen Ojibway Nation
- Township of Melancthon, Public Works

All comments that the Township of Melancthon planning staff is currently in receipt are attached as appendices to this document for your review.

Based on the comments received, the applicant shall proceed with revising the application materials and resubmitting the revised materials in order to address the comments provided.



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Should you have any questions pertaining to this letter, please do not hesitate to contact either the undersigned or [info@melancthontownship.ca](mailto:info@melancthontownship.ca).

Sincerely,

**Diksha Marwaha**

Planning Coordinator

Phone: 519-941-2816 Ext. 2516

[dmarwaha@melancthontownship.ca](mailto:dmarwaha@melancthontownship.ca)

**Appendix A** – Township of Melancthon Engineering Consultant Comments

**Appendix B** – Shelburne & District Fire Department Comments

**Appendix C** – Ministry of Natural Resources Comments

**Appendix D** – Nottawasaga Valley Conservation Authority Comments

**Appendix E** – County of Dufferin Comments



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## **Appendix A – Township of Melancthon Engineering Consultant Comments**



August 22, 2024

**Via: Email**

Diksha Marwaha  
Planning Coordinator  
Township of Melancthon  
157101 Highway 10  
Melancthon ON L9V 2E6

Dear Diksha:

**Re: Duivenvoorden Haulage Ltd.  
Project No.: 300055091.0000**

We are hereby providing our comments in response to the material that you circulated on August 6, 2024.

### **WMI, Stormwater Management Brief and Erosion / Sediment Control**

- The roadside ditch on 4<sup>th</sup> Line is undulating and some of the contour lines suggest that it may drain onto the subject property in some places. Please check the ditch profile and confirm that roadside drainage will not be impacted by the proposed berm along the property line. We note that Section A-A1 shows water flowing from the road allowance onto the site.

### **Noise Impact Study, Trinity**

*Table 4-1 – Summary of Sound Level Limits (Leq) for Steady Sources summarized the limits for the Plane of Window of Noise Sensitive Spaces only. Limits for Outdoor Points of Reception were not included in the table. Sound levels at the Outdoor Points of Reception were not assessed in the Noise Impact Study, thus were not compared against the applicable limits. Sound levels should be assessed at all Outdoor Points of Reception.*

- Addressed. Limits for Outdoor Points of Reception were included in the report and sound – levels assessed at these receptors

*The surrounding area was considered to be a Class 2 area which represents Class 1 area during daytime and Class 3 area during nighttime. According to the Ministry of Environment, Conservation and Parks (MECP) Noise Guideline NPC-300, Class 1 area means “an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as “urban hum”. Based on the Google images, we do not anticipate an “urban hum” in the area; therefore, Class 3 area seems more appropriate in this case. Justification should*

*be provided for using Class 2 area limits, otherwise assessment should be revised based on Class 3 area limits.*

- Outstanding. Classification for POR 7 and POR 8 was revised to Class 3 area; however, the rest of the receptors remained as Class 2 area with justification that the existing pits in the area would generate elevated traffic equivalent to Class 2 environment during daytime. The fact that there are existing pits in the area is not sufficient to justify urban hum during daytime. Sound levels should be provided to confirm existing background exceeds Class 3 area daytime limits, otherwise all receptors should be assumed to be located within Class 3 area and predicted sound levels compared to Class 3 limits.

*The Noise Study assessed the noise impact from the Phase 1 Operation at the expansion area only. Will separate assessment prepared for Phases 2 to 4?*

- Addressed. Phase 2 and 3 assessments were included in the report. There appear to be no Phase 4 in the revised report.

*Based on Google images, there appears to be a residential dwelling at 437213 4<sup>th</sup> Line. Justification should be provided why this sensitive receptor was not included in the assessment, otherwise sound levels at this location should be provided and compared to the applicable limits.*

- Outstanding. This address was not discussed in the report.

*Clarification regarding recommended berm extents and the height should be provided, A label in Figure 3 indicates “berms at the site perimeters: 5 meters high”. Does this mean berms follow the orange line in this figure? If this assumption is correct, what is happening between the existing and the proposed site, where there is an orange line as well, but trucks will be travelling between the two areas? Locations of all the berms and their respective heights should be clearly indicated in the figures.*

- Addressed. Figure 3 in the revised report clearly identifies the recommended berms and barriers.

*The Noise impact Study assumed day and evening time operations only. According to the Operational Plan, the hours of operation will be 6:00 am to 6:00 pm. The period between 6:00 am and 7:00 am is considered a nighttime. Nighttime operations should be assessed and predicted sound levels compared to the applicable nighttime limits.*

- Addressed. Nighttime operations were assessed in the revised report.

Additional comment based on the latest report:

- Figures 2b and 2c show source location plans for Phases 2 and 3. The sources are located in the central area of each phase. Confirmation should be provided that the worst case scenario with sources located at the closest possible distance to receptors POR8 and POR10 were considered and presented in the result tables.

## Site Plans

### Existing Features Plan

- We were unable to follow the contour elevations in the wetland area and could not properly check for potential impacts on the wetland or the functionality of the proposed bypass swale
- Note 6 says “*The elevation of the ground water table ranges from +/-507 masl to +/- 493 masl...*” yet the groundwater contours on the plan range from 506 to below 492

### Operational Plan

- While we were not engaged to technically review the Hydrogeological Report we did reference it for review of the Operational Plan. The groundwater elevations reported on the Operational Plan are taken from Figure 12 of the Hydrogeological Report. However the hydrogeologist explains that these measurements were taken in December of 2018 and goes on to note that “*Generally, the water level trends are seasonal, with water levels peaking in the spring and decreasing over the warmer and drier summer/fall months*”. As they relate to operational plans for aggregate extraction the important groundwater levels are the highest peaks and it is these peak levels that ought to be provided on the Operational Plan.
- The Hydrogeological Report provides a useful drawing of Proposed Pit Floor Elevations (Figure 19) which is substantially different from the proposed elevations that are shown on the Operational Plan. For example, the Operational Plan shows a groundwater elevation of 494.10 m at MW2 and adds 1.5 m to set the extraction level at 495.60 m. At the same location, the Hydrogeological Report shows a groundwater elevation of 497.5 m and the corresponding pit floor elevation of 499.0 m. The difference is 3.4 m which is substantial. Similar variances exist throughout the plans.
- The response matrix references the use of rip-rap for erosion control but we did not see where it is being used on the Operational Plan.

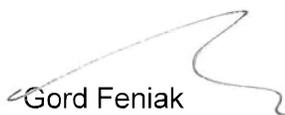
### Cross Sections

- Both Rehabilitated Conditions sections inexplicably show the Rehabilitated Pit Floor at the same elevation as the Groundwater Table. Typically, the excavation stops 1.5 m above the water table and then topsoil is added in the rehabilitation, creating a separation of 1.8 m from the rehabilitated ground surface to the water table.
- The cross sections also appear to be inconsistent with the recommendations of the Hydrogeological Report.

Please let us know if any further explanation is required for these comments.

Yours truly,

**R.J. Burnside & Associates Limited**

  
Gord Feniak  
GF:af



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## **Appendix B – Shelburne & District Fire Department Comments**

## Diksha Marwaha

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**From:** Ralph Snyder <rsnyder@sdfd.ca>  
**Sent:** Tuesday, August 6, 2024 2:11 PM  
**To:** Diksha Marwaha; 'Planner'; Roads Department; Gord Feniak; dmetheral@nvca.on.ca; manager@saugeenajibwaynation.ca  
**Cc:** Silva Yousif; Liam Morgan; Kaitlin Dinnick; Denise Holmes  
**Subject:** RE: Request for Comments-Official Plan Amendment and Zoning By-law Amendment-Duivenvoorden Haulage Ltd.

Good, Afternoon,

I have reviewed the documentation and can confirm that Shelburne and District Fire Department has no concerns with application.

**Ralph Snyder, Fire Chief**

**Phone: 519-925-5111 Mobile: 519-938-1609**

[rsnyder@sdfd.ca](mailto:rsnyder@sdfd.ca)

**Shelburne & District Fire Department**

**114 O'Flynn St., Shelburne ON, L9V 2W9**



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## **Appendix C – Ministry of Natural Resources Comments**

**From:** [Marks, Jody \(MNR\)](#)  
**To:** [Diksha Marwaha](#)  
**Cc:** [Holtby, Cara \(MNR\)](#)  
**Subject:** RE: Request for Comments-August 6-OPA and ZBA-Duivenvoorden Haulage Ltd.-Second Submission  
**Date:** Monday, August 19, 2024 2:30:27 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Hi Diksha,

Thank you for circulating the above noted application to the Ministry of Natural Resources (MNR). MNR does not typically have a role in site specific planning matters where a municipality is the planning approval authority. It is the municipality's responsibility to ensure their planning decisions are consistent with the *Provincial Policy Statement (PPS)* and other applicable provincial plans and policies. As such we have not conducted a detailed review of the technical documents circulated.

It is noted that the proponent is aware that approvals under the *Aggregate Resources Act* are required.

Please let me know if you have any questions.

Thank you,

Jody Marks (*she/her*)  
Regional Planner | Land Use Planning and Strategic Issues Section, Southern Region  
Ministry of Natural Resources | Ontario Public Service  
(249) 733-1376 | [jody.marks@ontario.ca](mailto:jody.marks@ontario.ca)



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**Please note:** As part of providing [accessible customer service](#), if you have any accommodation needs, require communication supports, or alternate formats please let me know.

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**Appendix D – Nottawasaga Valley Conservation Authority Comments**

## Diksha Marwaha

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**From:** Tyler Mulhall <tmulhall@nvca.on.ca>  
**Sent:** Tuesday, September 17, 2024 9:01 AM  
**To:** Diksha Marwaha; Liam Morgan  
**Cc:** Planning Dept  
**Subject:** RE: Request for Comments-Official Plan Amendment and Zoning By-law Amendment-Duivenvoorden Haulage Ltd.

Good morning,

Apologies for the delay on the NVCA comments – please see them below.

### **Hydro-G**

1. The proposed mitigation measures and the recommended monitoring program is supported. Please advise if the wetland feature, located in the southwest corner of the property, will also be monitored and the rationale if not. (Previous comment, still outstanding).
2. It is recommended that the annual monitoring report for the Duivenvoorden Pit expansion be also provided to the NVCA for review.
3. A spill response plan and associated spill kit is recommended as part of the prescribed conditions on the site plan .

### **Engineering**

4. No outstanding engineering concerns noted. However, a sealed copy of both the Drainage Plan (Fig-1) and ESC Plan (ESC) prepared by WMI Ltd. Must be provided and uploaded prior to final approval.

### **Ecology**

5. All concerns have been addressed.

We note that these comments are related to this submission and the information provided within this submission. NVCA requires additional information in order to complete our review and additional comments may be provided in the future.

Kindly,

**Please note:** Regulations and Permit Staff are experiencing a significant volume of applications and inquiries at this time and some delays or disruptions in correspondence may be experienced. Additionally, the NVCA has a hybrid work arrangement, if you wish to meet with me at the office, please book an appointment by calling our Receptionist at 705-424-1479. If your matter is urgent please contact [permits@nvca.on.ca](mailto:permits@nvca.on.ca).

**Tyler Mulhall, C. Tech (he/him/his) | Planner**  
**Provincial Offences Officer**  
**Nottawasaga Valley Conservation Authority**  
8195 8th Line, Utopia, ON L0M 1T0  
T 705-424-1479 ext. 245  
[tmulhall@nvca.on.ca](mailto:tmulhall@nvca.on.ca) | [nvca.on.ca](http://nvca.on.ca)

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#### **Appendix E – County of Dufferin Comments**



**Date:** September 23, 2024

**To:** Township of Melancthon

**Re:** OPA and ZBA – Duivenvoorden Haulage Ltd.- Second Submission- 437202 and 437138 4th Line - Part of the East Half of Lots 13 and 14, Concession 4.

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Dufferin County is in receipt of the Request for Comments for the above noted application, dated 2024-08-06. The request for comments was circulated to the following department(s):

1. [Building Services](#)
2. [Public Works – Engineering Division](#)
3. [Planning and Development](#)

The department(s) have reviewed the documents submitted with the request for comments against the applicable policies. The comments are on the following pages.

Please keep Dufferin County informed with respect to the status of the attached comments and the decision of the Council related to the subject application.

Should you have any questions pertaining to this letter, please do not hesitate to contact the undersigned

Kind Regards,

**Diksha Marwaha**  
Planning Coordinator  
Phone: 519-941-2816 Ext. 2516  
[planner@dufferincounty.ca](mailto:planner@dufferincounty.ca)



**Date:** August 23, 2024

**From:** Building Services

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Building services has no comments pertaining to this application.

**Kristina Millar**, Plans Examiner  
519-941-2816 Ext. 2710  
[kmillar@dufferincounty.ca](mailto:kmillar@dufferincounty.ca)



**Date:** September 5, 2024

**From:** Public Works - Engineering Division

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The County of Dufferin Engineering Services Division has reviewed the second submission materials and offers the following comments:

- The stormwater management report shall be stamped by a professional Engineer.
- Detailed dwg of the silt fence and OPSD reference shall be included on the ESC plan.
- We have reviewed the provided TIS and have no comments.

The County has no further comments and defers the review of the stormwater management and ESC plan to the municipality.

Regards,

A handwritten signature in black ink, appearing to read 'Shophan Daniel'.

**Shophan Daniel**, C.E.T., GDPA  
Engineering Review Lead | Public Works Department  
[sdaniel@dufferincounty.ca](mailto:sdaniel@dufferincounty.ca)

**Date:** August 14, 2024

**From:** Planning Division

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The County Planning division has reviewed the 2<sup>nd</sup> submission materials and has the following comments:

- The applicant shall obtain the necessary Aggregate Resources Act license from the Ministry of Northern Development, Mines, Natural Resources and Forestry upon the approval of all planning applications.
- The Township is satisfied that the applicant has proposed to implement the appropriate mitigative measures as it relates to surrounding sensitive uses (i.e., social and community), surface and groundwater quality and quantity, environmentally sensitive resources, cultural heritage and archaeological resources, and transportation infrastructure.
- The Nottawasaga Valley Conservation Authority (NVCA) is satisfied that all comments relating to Source Water Protection and Natural Heritage Resources have been addressed by the applicant.

There are no other comments or concerns from County Planning staff.

Best regards,



**Liam Morgan**, BES, MEPP, RPP Candidate  
Development Planner  
Phone: 519-941-2816 Ext. 2511  
lmorgan@dufferincounty.ca