



Quarry issue goes to OMB

Dianne Cornish

Published on Nov 08, 2010

The provincial government averted being the subject of legal action when it referred the St Marys Cement (SMC) appeal of its Ministerial Zoning Order (MZO) to the OMB last week.

The aggregate company had prepared and issued a press release on Friday threatening to force the government's hand by seeking a judicial review of the matter unless the province immediately processed its appeal launched six months ago.

According to Richard Stromberg, a spokesperson for Minister of Municipal Affairs and Housing Minister Rick Bartolucci, both SMC and the City of Hamilton were notified of the referral, but he couldn't say how soon after the necessary paperwork was sent to the OMB by the Minister's office last Thursday.

St Marys, notified Monday circulated its press release last Friday.

In it, John Moroz, vice-president and general manager of St Marys, protested the delay in government action to the company's appeal.

"It's now time, almost six months after we asked, for an independent body to review the arbitrary and unwarranted decision of the Minister (Municipal Affairs and Housing) to issue the MZO."

On April 13, then-Minister of Municipal Affairs and Housing Jim Bradley issued the MZO, freezing the zoning on the proposed quarry site at 11th Concession East and Milborough Line and preventing the development of a quarry on the property. SMC filed an application with the government on May 10, asking that the order be revoked or directed to the OMB for a decision.

Graham Flint, chair of the anti-quarry group FORCE (Friends of Rural Communities and the Environment), also unaware of the government's referral of the appeal when interviewed by the *Review*, characterized St Marys' threat of legal action against the province as "a bit two-faced" in light of the company's protracted delays in providing transportation and groundwater reports to the City of Hamilton and the local community. Stressing that area residents have been waiting for an answer on the quarry issue since the company filed rezoning and Official Plan Amendment applications with Hamilton in September 2004, he said, "The community has been on tenterhooks for six years, so six months (of waiting for St Marys), I'm not too sympathetic."

The delay in the government's response might be attributed, in part, to a cabinet shuffle that saw Bartolucci appointed as Minister of Municipal Affairs and Housing in August, Flint speculated.

There is no prescribed time limit for the Minister to respond to the referral request made by SMC in May.

MPP Ted McMeekin (Ancaster-Dundas-Flamborough-Westdale) confirmed for the *Review* Tuesday afternoon that the government had referred the appeal to the OMB. While he couldn't provide the date of the referral, he said it was done before SMC issued its press release. He said the OMB will determine when the hearing will begin.

If the company had proceeded with court action, it would have filed an application for a judicial review with Divisional Court, seeking a mandatory order requiring the OMB to hold a hearing on the company's application to revoke the MZO.

St Marys officials maintain that the quarry can be established without causing significant negative impacts to the surrounding area. "Our (quarry licence) application was making its way through the rigorous provincially and municipally mandated processes and we believe—if the project is ever assessed on its merits—it will ultimately be approved," said Moroz.

But FORCE members say the quarry poses a threat to the local groundwater supply, the natural environment in the area and traffic safety on nearby roads. The citizens' group recently began a community campaign to raise several thousands of dollars in anticipation of participating in the upcoming OMB hearing.



<http://www.flamboroughreview.com/news/article/295618>



© Copyright 2010 Metroland Media Group Ltd. All rights reserved. The reproduction, modification, distribution, transmission or republication of any material from this Metroland West Media Group website is strictly prohibited without the prior written permission of Metroland Media Group Ltd.

