

Greetings Westhaven Residents

As you know, there is a campaign underway in our neighbourhood to deal with Forterra's planned expansion of their quarry (East Cell) on King Road.

On Thursday, May 12th a number of the semi-detached homeowners on Westhaven Dr. (WHD) got together to discuss the Tyandaga Environmental Coalition Inc. (TEC), and the objectives and the status of the project. What we discovered was that some of the information distributed has been misinterpreted. Hopefully this document will clarify the issues and demonstrate the importance of **OUR** contributions and involvement as members of TEC.

In the last flyer that was delivered to the homes on WHD and Sturbridge, it asked for an INITIAL contribution of \$500. Does this mean \$500 now and possibly an additional contribution later?

The simple answer to this question is **NO**. Initially, assumptions were made that if each household (there are approximately 100 homes on Westhaven), contributed \$500, the WHD resident community would have \$50,000 of funding; which would be used to cover legal costs, various environmental experts and other ancillaries; such as a venue for a public information event and other meetings which may be needed, along with marketing materials such as a website and flyers.

WHEN and IF more funding is required, TEC would consider various options for fund raising – Other coalition groups that have dealt with quarry development or expansion have been consulted on this matter. There are also a number of environmental groups that are closely observing our project and we expect there may be some support from them.

Once TEC “goes public” it is important to have the WHD residents, as a community, support this project and speak as one voice. As more information is communicated and the campaign picks up momentum, it is expected that many within the Tyandaga community and beyond will get involved. The impact of this quarry expansion is far reaching beyond Westhaven Dr.

It is anticipated that with the appropriate information and canvassing nearby industries (businesses and schools) will offer their support.

Why do we need a lawyer?

First, it was essential to incorporate TEC as a Not for profit company. Six home owners on WHD formed a board. By incorporating, we better protected ourselves from any individual nuisance law suits. As well new Anti-SLAPP Legislation was recently passed. *Ontarians, such as ourselves will now be able to exercise our right to freely speak out on public issues without the fear of strategic lawsuits often used by deep-pocketed businesses to silence public debate..*

Secondly, a lawyer with environmental expertise was needed to review and interpret past quarry licenses and permits; which we know are extremely outdated. The Ontario Municipal Board agreements need to be reviewed, architects need to be engaged to identify opportunities for alternative land use. Also when it comes to Forterra we need to put our best foot forward and present ourselves in an organized and professional manner.

Thirdly, we needed expert legal advice on the omission of the warning of the quarry on our property title. Forterra mentioned that there was an agreement between the City of Burlington, Branthaven Homes and Forterra (formerly known as Hanson) to ensure the warning of the quarry activities was put on our property titles. When there exists a warning, it should be front and centre and not buried deep within an appendix!

Who is our lawyer?

Donnelly Law and Associates was retained. David Donnelly is the same lawyer who represented PERL, which is the community group that stopped the Nelson Aggregate Quarry from expanding into the community of Carlisle. He has also represented coalition groups protecting the Oakridges Moraine. His area of expertise is the environment. A retainer agreement has been signed and it is divided into Phases. At the completion of Phase I, Mr. Donnelly and TEC representatives will have met with both Forterra and The City. Phase I has been priced at \$5,000 and so far the founding TEC members have contributed half.

Mr. Donnelly has been in contact with the City and Forterra. The meeting with the City is expected to occur soon and we are still waiting

for Forterra to meet with their legal team as per their last email before they meet with Mr. Donnelly and TEC representatives. Mr. Donnelly will be requesting a meeting sooner than later as TEC expects to soon take this issue public.

Our Property Value and its Devaluation

It has become apparent that both listing and selling Real-estate agents have been advising both clients and home owners to ignore our group because if this coalition goes public, this will be the true cause of devaluation of our property.

The **true** basis for devaluation is having nearby aggregate lands zoned as industrial. MPAC and other independent credible experts in aggregates and their impact on residential properties have reported that devaluation does happen. Our houses are a key asset that many of us will acquire during our lifetime. Surely we want to protect the value of this asset.

We need to make this clear to our valued community. Later this fall, Forterra's plan is to demolish the forest to begin the quarry expansion. What impact does this have on us as the home owner? Truck traffic, idling tractor noise, constant noise from the machinery to shale this quarry. A great health hazard is the dust from an operating quarry that travel and settles. In our homes and in our lungs. This could be the situation **for many years if not decades to come**.

Some residents say they don't hear anything now or haven't heard any noise from the central quarry. Of course not. There is the buffer of approximately 33 acres of forest that Forterra intends to **remove**. There will be minimal green space between our properties and Forterra's fence line.

What is the purpose of Environmental Experts?

Our homes are located within a close proximity to the Niagara Escarpment, Cootes to Escarpment Urban EcoPark and Conservation Halton lands which are afforded various levels of environmental protection. It is important to note that the geographic landscape of our community and the quarry land is similar to the Niagara Escarpment.

We live within about a mile of the same area where the protected Jefferson Salamanders migrate to various ponds to breed. This is the

same endangered creature that stopped the Nelson Aggregate from expanding and the same one that closes King Road in April of each year.

Forterra admitted to the fact that the forest they plan to deplete contains "endangered" species. Their plan is to uproot and replant vegetation. Will this flora survive the replantation? Environmental experts can identify various flora and fauna – "at risk", "threatened", "endangered" or otherwise. This way we will have better knowledge if this is true. We have requested Forterra to allow environmental experts access to the quarry lands to determine what exactly habitats in the East cell. If Forterra are the good corporate neighbours as they say they are, and have nothing to hide, certainly they should grant us this access.

We know of the many birds, animals, insects and reptiles that live within or visit our community. Surely they have no borders.

Do we want similar green space destruction as that which is clearly visible after the clear cutting of the Hydro One lands in our neighbourhood.

Watercourses (creeks & tributaries) through the Quarry and our Neighbourhood

There are creeks and their tributaries running through this area. How will the removal of the vegetation and potential diversions affect the quarry and our neighbourhood? Creeks have no borders. Within the past few years there has been a great deal of publicity around the nearby Hager Creek and erosion potentially caused by the changing terrain. Other recent environmental assessments highlight Indian Creek as an "environmentally sensitive" watercourse and it has tributaries running through the quarry. Isn't that "environmentally sensitive too?"

Why and how can you get involved:

After many months of information seeking and laying the ground work, we are now at a point where we are going to expand our Coalition and we are hoping other like-minded and concerned residents can help us take our opposition to a more public forum. This doesn't mean you would have to be front and foremost but helping support our board by information seeking, guidance and communicating to the community would be invaluable. Every contribution small or large is essential to achieve our goals.

Contribution/Membership: \$500

TEC needs your support to protect YOUR environment. Everyone in the community of Tyandaga should be concerned about their health and wellbeing as well as the right to ensure the preservation of the endangered or at risk species of living creatures and flora in our community.

Who to contact:

Email TEC at tecburlington@gmail.com. In subject line just simply write: Volunteer/Donation. Someone from our board will be in contact with you promptly. If you wish to make contact with an individual on the board, simply write that person's name in the subject line.

Board Members:

David Adcock
Fran Fendelet
Maria Adcock
Mike Wilson
Paul Lareau
Heather Laareau
Bernice Theriault

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We have until this fall to prevent the destruction of approximately 33 acres of forest and the removal of the topsoil of Forterra's East Cell. Once it is done, it is done!

We MUST unite. It's OUR community, OUR property and OUR environment that is at risk.

TOGETHER we must try to make a difference