

FACT-MB named Newsmaker of Year for Arnprior area

Residents group battled against quarry expansion

Arnprior Chronicle-Guide

By Derek Dunn

A small band of residents who have repeatedly taken on a multinational corporation – and won – is this year’s local Newsmaker of the Year. Friends Addressing Concerns Together in McNab-Braeside (FACT-MB) is largely made up of citizens living around the Braeside quarry. Their legal battles with construction giant The Miller Group go back years. Some members have fought Miller on various issues for eight to 10 years.

But it culminated in 2015 with a significant and categorical victory at the Ontario Municipal Board (OMB). Miller wanted to expand its extraction operations and make permanent its asphalt plant at the sand-and-gravel quarry. With a reputation of often siding with businesses, as opposed to private citizens and governments, the OMB hearing would prove to be a modern David and Goliath fight; with the same biblical outcome.

FACT-MB mustered a formidable case with the scant resources at its disposal. Its legal team worked largely for free; its expert witnesses were painstakingly researched and coaxed; its anecdotal-producing witnesses sharpened to shine. Although the group partnered with the Township of McNab-Braeside in opposition to Miller’s plan, the council members were new and largely inexperienced in municipal politics let alone the complicated maze of land use issues.

It became clear during the OMB hearing – which took the entire month of March – that FACT-MB’s expensive experts were the only way to defeat Miller’s claims that the plan would not adversely affect the environment or surrounding private properties. The township did what it could, contributing \$200,000 toward the case and passing a bylaw to disallow Miller to include residential properties in its buffer zone. However, there is no clear indication the cash-strapped township will reimburse FACT-MB the almost \$100,000 spent on expert witnesses. The group is hoping the money will be made available in the 2017 budget.

Meanwhile, the deep-pocketed Miller’s with a large team of lawyers on retainer has asked whether it has a right to appeal the decision. If granted, the company’s appeal must be based on law (not on fact or the introduction of new evidence). It is considered an unusual move, but Miller may have found a reason to question jurisdiction or statutory areas.

Norma Moore, a retired school teacher and expert gardener living across the road from the quarry, has played an important role in FACT-MB. She said 2015 has been a watershed year for residents in Braeside and well beyond.

“We are thrilled that you chose us as Newsmaker of the Year because it’s been a lot of years that we’ve been working to protect this community,” Moore said. “The OMB decision which came down at the end of October was very important for all the people of the township because if groundwater and air quality are threatened for a significant number of residents, then there are financial repercussions for every single person in the township.”

Not only would the municipality have nothing to show for its \$200,000, but tax revenue would have plummeted with property values, she said. An expert testified that were a permanent asphalt plant built



Newsmaker

Derek Dunn

FACT-MB's Norma Moore in her garden near the Braeside Quarry.

and a spill occurred contaminating the water table, the township would have to spend \$40 million for a water filtration plant in the area and another \$40 million for the pipes to homes.

ARNPRIOR AFFECTED

Even residents of Arnprior – downwind from the quarry – would have suffered, Moore contended. Contaminated water would have reached the Ottawa River; cancer-causing chemicals in the air would land in town during rain.

“An atmospheric scientist with an international reputation, paid entirely by FACT-MB, testified that the inevitable exposure of these chemicals was too great a risk to the health of people in the region,” Moore said.

It isn't possible to say the victory for residents at Braeside is precedent-setting. Whether other residents fighting similar battles across Ontario and beyond can point to this case is too difficult to determine at this time. Every case is unique with its own set of circumstances. But there is little doubt that the members of FACT-MB mounted a valiant defence against a powerful entity.

“The community really came forward and fought hard. It was a community effort that made this a success,” Moore said. “I think people can look back on this one day and be proud of what they accomplished. We proved that we could stand up for our rights. And we won.”

And, so, on Dec. 29, the group was planning to throw itself a party.