

Staff Report 2019-0117

Meeting Date: September 17, 2019

Subject: Noise By-law Exemption Request – Mayfield Road at Centreville Creek Road Watermain Construction, Ward 4

Submitted By: Laura Hall, Manager, Regulatory Services

RECOMMENDATION

That Sam Rabito Construction Ltd. be exempted from Section 15 of Table 3-1 of Noise By-law 86-110 to permit construction activity between the hours of 11:00 p.m. and 6:00 a.m. subject to the conditions outlined in Schedule C of Staff Report 2019-0117; and

That the exemption expire on October 31, 2019.

REPORT HIGHLIGHTS

- Staff received a request for an exemption from the Town's Noise By-law to permit construction related equipment to operate outside of the permitted hours as set out in the By-law.
- Peel Region has retained the services of Sam Rabito Construction Ltd. to carry out the watermain construction on Mayfield Road at Centreville Creek Road.
- The purpose of this request is to permit excavation equipment and trucks related to the construction to operate between the hours of 11:00 p.m. and 6:00 a.m. for (4) four consecutive days between October 1 and October 31, 2019 to help mitigate major impacts to daytime traffic on Mayfield Road.
- The Town's Noise By-law does not contain an exemption process with the exception of emergency situations, therefore anyone seeking to perform activities related to noise outside of the permitted times requires approval from Council.
- Approximately 14 properties may be directly impacted by the activity. The Noise By-law does not specify the measurement of impact; as a result, this is staff's best estimate.
- The Region has committed to monitor the site and the noise levels to ensure they do not create an adverse effect on neighbouring property owners. Adjustments will be made if any issues arise. Property owners in the area will be advised to contact the Region directly if they have any concerns.
- Staff are recommending the exemption request be approved subject to notification to impacted property owners and the Town prior to commencement of the work.

DISCUSSION

Staff received a request for an exemption from the Town's Noise By-law to permit construction activity to occur outside of the permitted hours as set out in the By-law. The purpose of this report is to provide details of the request and receive approval for the exemption request.

Project Details

The Peel of Region has retained the services of Sam Rabito Construction Ltd. to carry out watermain construction on Mayfield Road at Centreville Creek Road. The project is expected to be completed by October 31, 2019.

The contractor has requested approval to operate excavation equipment and construction vehicles between the hours of 11:00 p.m. and 6:00 a.m. for (4) four consecutive days between October 1 and October 31, 2019. The Region has advised that they will monitor noise levels to ensure that they do not create an adverse effect on neighbouring properties.

The current Noise By-law does not capture decibel levels with respect to construction activities only with sounds related to motor vehicles. The Region has advised that they are committed to addressing any concerns brought forward by the public regarding the noise (refer to Schedule A of this report for further details).

Exemption Details

The contractor is requesting approval to operate excavation equipment and construction vehicles outside of the permitted hours of the Town's Noise By-law. The Noise By-law prohibits noise related to construction activity to occur between the hours of 11:00 p.m. and 6:00 a.m.

The Town's Noise By-law does not contain an exemption process with the exception of emergency situations, therefore anyone seeking to perform activities related to noise outside of the permitted times requires approval from Council.

Potential Impact

In reviewing the request and the particular location, staff have determined that approximately 14 properties may be directly impacted (attached as Schedule B to this report) by the noise of the excavation equipment and construction vehicles. The Noise By-law does not specify the measurement of impact; as a result, this is staff's best estimate. The Region has committed to addressing any concerns brought forward by property owners and will address those on a case by case basis.

Conditions of Approval

Staff is recommending the exemption request be approved subject to the following conditions intended to mitigate potential impacts to area property owners:

1. Written notification be provided to each property captured in Schedule B of Staff Report 2019-0117 with the following information included in the notification:
 - a. Project scope
 - b. Timeline of activity, including dates when the work is expected to be performed between the hours of 11:00 p.m. and 6:00 a.m.
 - c. What type of noise or nuisance i.e. lighting, vibrations, etc. may occur

- d. Contact information for questions and to report any disturbances
2. Notify the Town at least 24 hours in advance of each occurrence.
3. A sign posted at the site capturing the above information.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with the report.

COUNCIL WORK PLAN

Subject matter is not relevant to the Council Work Plan.

ATTACHMENTS

Schedule A - Letter from the Region of Peel

Schedule B - Map demonstrating the properties directly impacted by the exemption request

Schedule C - Conditions of the Exemption