

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

**7 NOISE EXEMPTION REQUEST - REGIONAL MUNICIPALITY OF YORK
BATHURST STREET & TESTON ROAD WATERMAINS (T-13-56)
WARDS 1 AND 4**

Recommendation

1. That the Regional Municipality of York be granted a noise exemption, in accordance with the City's Noise By-law #96-2006, for the purposes of new watermain installations on Bathurst Street from Major Mackenzie Drive to Teston Road, Teston Road from Bathurst Street to 300 metres west of Bathurst Street and on Bathurst Street from 630 metres south of Gamble Road to 60m south of Gamble Road (in Richmond Hill) for the period of June 23, 2015 through October 9, 2015.
2. That this request for noise exemption be granted with the following conditions:
 - a) That notices be sent to surrounding residents and business owners (if applicable) within a 60 metre radius, in keeping with City standards, advising them of the impending work;
 - b) That the notice to residents and business owners include contact information for contractors conducting the work;
 - c) That no construction takes place on statutory holidays; and
 - d) That noise mitigation measures be implemented by ensuring that:
 - lighting is directed so as not to impact residents or oncoming vehicular traffic;
 - unnecessary noise related to equipment be minimized where possible;
 - hoarding fencing be installed at the shaft area;
 - temporary hydro service be acquired for use of generators; and
 - no construction takes place on statutory holidays.

Economic Impact

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Communications Plan

The Applicant has been instructed by the City to provide notification of the use of construction equipment to area residents and businesses within a 60 metre radius of the proposed work and have provided a draft of such notice as part of their application.

Purpose

The purpose of this Report is to seek Council's approval in support of an Application for Exemption to the City's Noise By-law #96-2006 from the Regional Municipality of York, in support of the necessary municipal / regional work, proposed to take place from June 23, 2015 through October 9, 2015. As this request exceeds staff's delegated authority of a maximum of 11 calendar days, authorization for this exemption requires the approval of City Council.

Background - Analysis and Options

The City of Vaughan Noise By-law #96-2006 prohibits noise created from the use of "construction equipment" as defined, between the hours of 7:00pm of one day to 7:00am the following day and on Sundays or statutory holidays.

Any noise created by construction activity during these prescribed hours requires an exemption to the provisions of the By-law. Exemption requests for construction noise are governed by the provisions of Section 19, Exemption – Construction.

On May 19, 2015, the Applicant submitted a written request to the City of Vaughan By-law & Compliance Department requesting an exemption to the Noise By-law for the purposes of new watermain installations on Bathurst Street from Major Mackenzie Drive to Teston Road; on Teston Road from Bathurst Street to 300 metres west of Bathurst Street and on Bathurst Street from 630 metres south of Gamble Road to 60 metres south of Gamble Road (in the Town of Richmond Hill, bordering the City of Vaughan), Contract No. T-13-56. The proposed watermain installations will include the use of tunnel boring machines, heavy equipment such as excavators, loaders, cranes, dump trucks, and generators.

The location of construction (Attachment No. 1) is primarily on Bathurst Street both on the Vaughan and Richmond Hill sides, with a small portion of the installation, 300m, being on Teston Road. There are two phases to the after-hours request for noise exemption.

Phase 1

The first phase of the project requires overnight work intermittently between June 23, 2015 and July 6, 2015, in order to complete watermain installations crossing local roads (Bathurst Street and Teston Road). This phase of the work will include the use of heavy equipment such as excavators, loaders and dump trucks and will include noise associated with vehicle movement on and off the site.

Phase 2

The latter half of the project will require regular overnight work from July 6, 2015 through to October 9, 2015, to facilitate tunnel construction along Bathurst Street. This part of the work will require the use of a tunnel boring machine heavy equipment such as excavators, cranes and dump trucks and will include noise associated with vehicle movement on and off the site.

As described within the Application documents, construction activity is required during prohibited evening hours to minimize traffic disruption, public inconvenience and maintenance work on the tunnel boring machine and at the launch shaft. The Region's consultant, GHD Inc., will be providing full-time inspections of construction activities.

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The Applicant will implement noise mitigation measures in an effort to minimize noise and disruptions to residents, which will include:

- Temporary lighting, directed so as not to impact residents or oncoming vehicular traffic;
- Restrictions on unnecessary noise related to equipment (eg. no slamming dump truck tailgates, no idling of unused equipment/vehicles);
- Installation of hoarding fencing to dampen noise at the shaft area;
- Obtain temporary hydro service to minimize noise created by generators; and
- No construction work on statutory holidays.

A written Notification of Road Construction will be provided to surrounding area residents and businesses prior to the commencement of construction.

Relationship to Vaughan Vision 2020/Strategic Plan

This Report is in keeping with the priorities previously established by Council to plan and manage growth and economic viability.

Regional Implications

The work proposed to be carried out is required as necessary municipal work, and will be carried on as part of a tendered contract with GHD Inc., the Region's consultant.

Conclusion

This request for a noise exemption pursuant to the City of Vaughan Noise By-law #96-2006 exceeds the delegated authority of the Director of By-law & Compliance. Therefore, Council authorization for the exemption to the By-law is required to permit the Regional Municipality of York to proceed with the required work as planned.

Staff believe that the watermain installation is necessary municipal work and the request received for a noise exemption should be endorsed by Council pursuant to the recommendations set out in this Report.

Attachments

Attachment 1: Construction Area Map

Report prepared by:

Janice Heron, Office Coordinator

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)