

COUNCIL – OCTOBER 29, 2013

NOISE EXEMPTION REQUEST - PACHINO CONSTRUCTION CO. LTD. SANITARY RELIEF SEWER PROJECT

Recommendation

The Commissioner of Legal & Administrative Services and City Solicitor and the Director of By-law and Compliance recommend:

- 1) That the Pachino Construction Co. Ltd. be granted an exemption to the Noise By-law 96-2006 for the sewer installation, as proposed by Pachino Construction Co. Ltd. ("the Applicant"), acting on behalf of Region of York.

Contribution to Sustainability

Contributes to sustainability of the City of Vaughan and Regional water/wastewater infrastructure.

Economic Impact

Adoption of this report has no adverse economic impact.

Communications Plan

The Applicant has been instructed by the City to notify area residents and businesses in Vaughan of the proposed work schedule in advance of the commencement of the work and have provided a draft of such notice as part of their Application (Attachment No. 2).

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 Pachino Construction Co. Ltd. ("the Applicant"), acting on behalf of the Region of York in support of the necessary municipal work, proposed to take place over two 30 day periods, between the date of October 30, 2013 to April 30, 2014. As this request for granting an exemption to the provisions of the City of Vaughan Noise By-law exceeds staff's delegated authority of a maximum of 11 calendar days, authorization for exemption of the time proposed requires the approval of City Council.

Background - Analysis and Options

The City of Vaughan Noise By-law 96-2006 prohibits Construction Noise from 7:00 pm of one day to 7:00 am next 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 Equipment and includes the requirement that applications be received at least 60 days prior to commencement of the work.

On October 4, 2013, the Applicant submitted a written request to the City of Vaughan, By-law and Compliance Department requesting an exemption to the Noise By-law for the purposes of installing a sanitary relief sewer on behalf of York Region (pursuant to York Region Contract No. T-13-64 – North Don Sanitary Relief Sewer). This necessary municipal work is being carried out as part of the Region's Long Term Wastewater Master Plan 2009.

The location of construction is in an area zoned commercial and residential and is scheduled to take place from the intersection of Bathurst Street and Rutherford Road (Carville Road), southbound on the west side of Bathurst Street to Autumn Hill (See Key Map – Attachment No. 2). The closest residential property is approximately 4 meters from the proposed work site.

This work will also take place along Carville Road (in the Town of Richmond Hill). This portion of the work does not fall within the jurisdiction of the City of Vaughan.

As described within the Application, construction activity is required to continue during prohibited evening hours, as the machinery and type of work being undertaken requires 24 hour continuous movement. The micro-tunneling construction portion of this project will require work to continue through a 24 hour operation to ensure the trunk sewer commissioning will be achieved as per the York Region Contract; to ensure the ground will not close around the pipeline (which would cause high jacking forces preventing forward movement of the tunnel boring machine); and to ensure drilling fluids do not freeze during construction in the winter months.

The exact dates of the micro-tunneling portion of this construction project are unknown to the Applicant at this time as the timing is dependent on several factors, such as weather and equipment and material availability. This noise exemption is being requested to enable two separate 30 day periods (described as the duration of the continuous work), with a commencement date between October 30, 2013, concluding April 30, 2014; inclusive of the hours between 7:00 pm of one day through 7:00 am of the following day, Sundays and statutory holidays. Although the Applicant does not intend to work on Sundays or statutory holidays, the applicant is requesting inclusion, in the event of an emergency.

Lauren Schipper, Special Project Technologist with the Regional Municipality of York has advised that the City of Vaughan will be provided with as much notice as possible as to when the 24/7 work will take place. In addition, a written Notice of Construction will be provided to surrounding residents and businesses prior to commencement of construction.

Noise Mitigation Plan:

In order to accomplish the micro-tunneling the following equipment will be used and are expected to be the primary sources of noise during construction:

- Herreknecht Tunnel Boring Machine;
- Surface Spoil Separation Equipment;
- Generator (housed inside insulated enclosure);
- CAT 330;
- CAT 950 Front Loader;
- 65T Mobile Crane.

In order to mitigate evening and overnight noise, the applicant will operate the generator from within an insulated enclosure, and will not have truck movement into and out of the site during the hours of 9 pm and 7 am to minimize construction activities on site.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is in keeping with the priorities previously established by Council.

Regional Implications

The work proposed to be carried out is required as necessary municipal work, carried on as part of a tendered contract with the Region of York's Long Term Wastewater Master Plan and borders two municipalities: the City of Vaughan and the Town of Richmond Hill.

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 and Compliance. Therefore, Council authorization for the exemption to the By-law is required to permit Pachino Construction Co. Ltd., acting on behalf of the Region of York, to proceed as planned. Although the Application was not received prior to the 60 day Application period as prescribed by the By-law, the proposed work is necessary municipal work, included as part of the Region's Long Term Wastewater Master Plan, and should be supported accordingly. Staff believes this request for an exemption is reasonable as proposed.

Attachments

Attachment 1: Pachino Construction Co. Ltd Letter of Intent
Attachment 2: Draft Letter to area Residents/Businesses
Attachment 3: Key Plan (map of construction area)

Report prepared by:

Janice Heron, Office Coordinator
Gus Michaels, Director, By-law and Compliance

Respectfully submitted,

Gus Michaels
Director, By-law & Compliance

MaryLee Farrugia
Commissioner of Legal & Administrative Services
/ City Solicitor



PACHINO CONSTRUCTION CO. LTD.

October 18, 2013

City of Vaughan
Enforcement Services
2141 Major Mackenzie Drive,
Vaughan, Ontario
L6A 1T1

ATTN: Rick Girard, Acting Director

**RE: Application to Council,
The City of Vaughan – Noise Exemption Bylaw
North Don Sanitary Relief Sewer**

Dear Sir,

Pachino Construction Co. Ltd. is undertaking the North Don Sanitary Relief Sewer Project for the York Region (York Region Contract No. T-13-64) within the City of Vaughan. The sewer will be installed using microtunnelling from the intersection of Bathurst Street and Carville Road going south on the west side of Bathurst Street to Autumn Hill Blvd and also going east on Carville Road to approximately 200m past Ayr Rd. The microtunnelling construction element of this project will require 24 hour operations. There are a number of reasons for this requirement:-

1. The proposed deadline for trunk sewer commissioning will not be achieved unless 24 hour operations are available.
2. The microtunnels are long and curved. The ground will close around the pipeline causing high jacking forces that will prevent forward movement of the TBM and result in failure to construct the pipeline if 24 hour operations are not permitted.
3. The construction will take place through winter. Slurry and water are key components to the operation of the equipment. Without continuous movement of the drilling fluids they will freeze and it will not be possible to operate.

Based on the above and to successfully complete the project, we are requesting two separate 30 day sessions of noise Bylaw exemptions in the City of Vaughan within the window of **October 30, 2013 to April 30, 2014, Monday to Sunday 7am to 7am including statutory holidays**. Please note that we do not intend to work on Sundays and statutory holidays. However, we are requesting for the exemption in the event of emergencies.

We will have the following equipment / machinery on site:

- Herreknecht Tunnel Boring Machine,
- Surface Spoil Separation Equipment,
- Generator which will be housed inside insulated enclosure,

8635 KEELE STREET, BUILDING 'B' CONCORD, ONTARIO L4K 3P5
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PACHINO CONSTRUCTION CO. LTD.

- CAT 330,
- CAT 950 Front Loader.
- 65T Mobile Crane,

To minimize construction activities on site, we will not have plant and truck movements into and out of the site during the hours of 9pm and 7am. If there are any issues with the site, Please contact Padraig Keating at (647) 821-6239.

We hope that this is satisfactory. If you have any questions or concerns, please do not hesitate to contact our office.

Regards

Michael Liao,
Project Coordinator

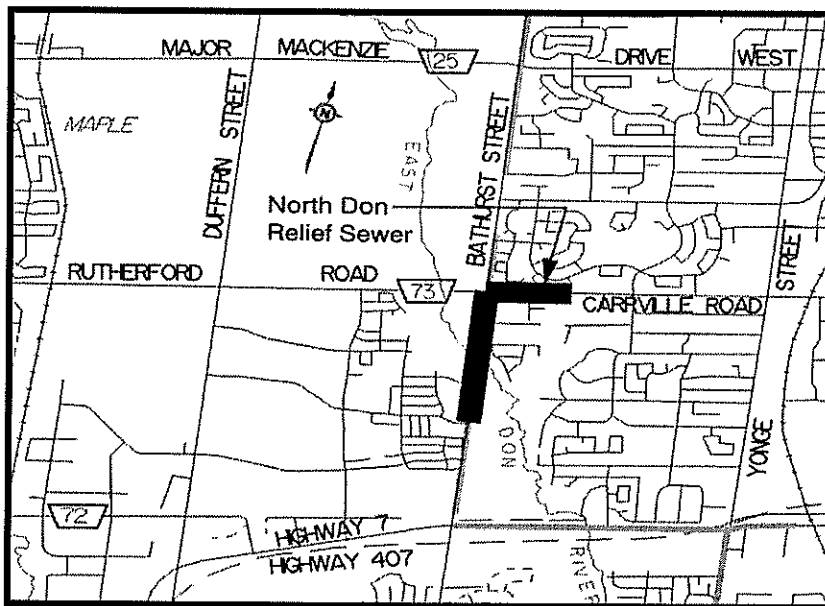
ATTACHMENT No. 2

York Region

Notice of Construction **North Don Sanitary Relief Sewer** **Town of Richmond Hill & City of Vaughn**

The Project: The Regional Municipality of York (York Region) has awarded a construction contract to install a new 1200mm diameter trunk sewer in the Town of Richmond Hill and The City of Vaughn to relieve the existing North Don Trunk Sewer. Beginning from where the existing North Don Sewer crosses Carrville Road, the new sewer will proceed 600 m west on Carrville Road to Bathurst Street, and then south on Bathurst Street for 1.2 km, connecting to the existing Bathurst Collector Sewer just north of Autumn Hill Boulevard. The total length of sewer is approximately 1.8 km. The need to construct the new sewer was identified in York Region's Long Term Wastewater Master Plan (updated November 2009).

The sewer will generally be constructed using trenchless construction methods, with some open cut construction near the proposed shaft locations. The General Contractor will be required to provide and maintain, at all times, access to residents, businesses and emergency vehicles. It is not anticipated to have major traffic delays from the project.



Construction will begin the Fall 2013 and completion is anticipated in Fall 2014.

Should you have any questions or comments at any time, please feel free to contact the following.

- Consultant's Site Inspector, Aiden Kennedy of MMM Group Limited, at (647) 222-4287;
- York Region's Construction Administrator, Dan Babensee at (905) 953-6493; or
- Consultant's Contract Administrator, Peter Barrington of MMM Group Limited, at (905) 882-4211, ext. 6304.

We thank you for your patience and co-operation during the construction of this important project.

