

**TOWN OF MINTO****DATE:** July 16, 2018**REPORT TO:** Mayor and Council**FROM:** Terry Kuipers, C.B.O**SUBJECT:** MTO Noise By-law Exemption Request

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**STRATEGIC PLAN:**

9.4 Provide strong community development policies and practices that support a family friendly environment, attract family oriented businesses, and enhance Minto as a welcoming, attractive, and safe location. Include resident and business testimonials supporting the family image in publications.

**BACKGROUND:**

Council will recall from the March 06, 2018 Council meeting that the Ministry of Transportation requested an exemption from the Noise By-law to permit the reconstruction of Highway 9 between Harriston and Clifford to continue overnight. The project did not start as anticipated, and MTO is retendering the project this fall with a revised construction period of May 1<sup>st</sup> to October 31<sup>st</sup> of 2019.

The Town of Minto has a Noise By-law in effect that prohibits certain noise emissions during specific periods of time. With respect to construction activities, the by-law prohibits construction activity from 9:00pm on one day to 7:00am on the following day (9:00am on Sundays). The By-law contains exemption provisions that gives Council the authority to vary the provisions contained within the By-law if a person applies for an exemption. Council has 3 options to address an exemption: To approve the exemption as proposed; to approve the exemption with conditions; or to refuse the exemption request.

The exemption request and the cover letter (attached to this report) submitted was to permit the road reconstruction to take place at night, in an effort to minimize the construction duration and to minimize traffic disruptions. The one item that is different in this request, is that the Highway will be closed entirely from Monday at 5:00 am to Friday at 5:00 pm.

**COMMENTS:**

Staff looked at the location of the dwelling units along Highway 9, and many of them are located close to the highway, as little as 7.3m (24') from the edge of the asphalt. Road construct equipment can be very loud, from the exhausts, to safety equipment (back-up beepers), to the vibrations of the compaction equipment.



Staff and Council are very aware of how busy Highway 9 can be during the summer time, and the shorter time the reconstruction takes is ideal. The exemption request, if approved as proposed, could cause serious disruptions to our citizens at night, based on the location of their housing.

Staff looked at some options regarding distance separation between the Highway and the houses may be acceptable for both sides: to mitigate the noise at the dwelling units; and to allow the construction work to proceed through the night. It was felt that a 50m (164') buffer between the construction equipment and the dwelling units would be a fair compromise. This would mean that no construction activity, including the idling of construction vehicles or equipment, could occur within this 50m (164') buffer. This would mean that of the 48 dwelling units along Highway 9, the 50m buffer would impact construction activities in front of 27 homes. Staff also felt that if written permission was obtained from the dwelling occupant, clearly indicating the occupiers consent to allow for the after hour construction activity to occur during specific days, this would also be acceptable.



#### **FINANCIAL CONSIDERATIONS:**

There are no financial considerations.

#### **RECOMMENDATION:**

That Council receives the Chief Building Official's report dated July 16, 2018 report titled MTO Noise By-law Exemption Request, and grant the contractors working on behalf of the Ministry of Transportation a conditional exemption between May 01, 2019 to October 31, 2019, with the following conditions:

- No construction activities are to take place between the hours of 9:00pm on one day to 7:00am on the next (9:00 on Sundays) within 50m of a dwelling unit unless specific written permission is granted by the occupier of the dwelling unit, agreeing to allowing the after hour construction activity to take place on specific calendar days. Written permission obtained is to be submitted to the Town of Minto. This exemption will be re-evaluated based on any complaints received.

Terry Kuipers, C.B.C.O