



Staff Report

Operations – Capital Projects Division

Report To: COW-Operations, Planning and Development Services
Meeting Date: April 25, 2023
Report Number: CSOPS.23.014
Title: Relief of Noise By-Law for Rehabilitation of the Victoria Street Water Tower
Prepared by: Kevin Verkindt, Senior Infrastructure Capital Project Coordinator

A. Recommendations

THAT Council receive Staff Report CSOPS.23.014, entitled “Relief of Noise By-Law for Rehabilitation of the Victoria Street Water Tower” for information purposes.

B. Overview

The purpose of this report is to inform Council of an authorized exemption for relief of By-Law 2002-09 (Noise By-Law) to allow the Town’s contractor to work all day Saturdays and Sundays, 07:00 to 19:00, from May 1, 2023, to November 1, 2023, to rehabilitate the water tower at 81 Victoria Street South, Thornbury.

C. Background

The Noise By-Law prohibits or regulates noises within the municipality. Section 2(C) of the Noise By-Law prohibits the operation of construction vehicles or the act of construction between the hours of 19:00 hours of any weekday to 07:00 hours of the next weekday save and except Saturday from 8:00 to 13:00 hours which is likely to disturb the peace, quiet, comfort or repose of any other inhabitant within or having quiet enjoyment of the lands upon which is located any dwelling unit, apartment building, hotel, motel or any other type of residence unless written permission to specifically extend or alter the herein before mentioned periods has been given in writing by Council. However, the Town’s By-Law 2002-60 amends By-Law 2002-09 to allow noises and sounds authorized by the municipality; therefore, the Town has the authority to grant an exemption for construction vehicles and the act of construction outside of the identified hours in Section 2(C) of the Noise By-Law without requiring Council approval.

On March 8, 2023, the Town awarded the contract for the construction of the rehabilitation of the water tower to BGL Contractors Corporation (BGL Contractors Corp.). At this time, BGL Contractors Corp. informed the Town that weekend work will be required during the specialized coating application work. Weekend work will allow the coating subcontractor to

continue with the coating application on a daily basis during the blasting and priming stage of the project. Continuous progress will prevent potential loss of production work due to the inability to protect blasted areas by applying the zinc primer. Allowing weekend work will minimize rework and potential schedule delays due to loss of production, thus minimizing the risk to the Town. Furthermore, extending the working hours will reduce the total number of days the water tower is offline.

D. Analysis

Staff are informing Council that the potential noise impacts are authorized and approved by the Town as per By-Law 2002-60. The exemption for relief from the Noise By-Law to allow the contractor to be able to extend their work hours on Saturdays and Sundays from May 1, 2023, to November 1, 2023 from the permitted work hours of 08:00 to 13:00 to 07:00 to 19:00 is authorized and approved by the Town. This is an additional seven hours every Saturday and twelve hours every Sunday. While the contractor is requesting relief from the By-law for this full period of time, it is anticipated that they will only need to utilize weekend work sporadically over a period of 6-8 weeks while specialty tasks including blasting, priming and coating are being completed. Based on the contractor's preliminary construction schedule, this work is expected to be completed between July and October. By-Law 2002-60 amends By-Law 2002-09 to allow for relief of noise or sounds authorized by the municipality.

Notices and Frequently Asked Questions (FAQ) were sent to all residents living in a 120 m radius of the water tower to inform them of this relief. The notice and FAQ, as seen in Attachment 1, were delivered via mail on March 24, 2023. An application for relief of the Noise By-Law was approved on March 31, 2023. The letter of approval is found in Attachment 2. A notice of the relief from the Noise By-Law, FAQ, letter of approval for relief and the construction rehabilitation of the water tower is posted on the Town's project website.

During the rehabilitation of the water tower, the removal of the existing paint coating and the application of the new paint coating must be completed with minimal delay in order to ensure conformity and to reduce the risk of any deficiencies in the paint application. Also, the increased working hours will reduce the total number of days the water tower is offline. Staff are concerned that this is a significant challenge in light of the restrictions of the workday on Saturdays and if required the contractor may need to complete special tasks on Sundays. The Town has authorized relief to allow the contractor to start work at 07:00 and work until 19:00 hours instead of 08:00 to 13:00 hours on Saturdays and Sundays.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

F. Financial Impacts

Allowing the Contractor to work from 07:00 to 19:00 hours on Saturdays and 07:00 to 19:00 on Sundays will allow the contractor to meet the substantial performance date of September 22, 2023 and 100% completion of October 27, 2023.

G. In Consultation With

Shawn Everitt, Chief Administrative Officer

Wayne DeWitt, Municipal Law Enforcement/Prosecutor

Jason Petznick, Communications Coordinator, Capital Projects

Allison Kershaw, Manager of Water and Wastewater Services

H. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Kevin Verkindt, Senior Infrastructure Capital Project Coordinator icpc@thebluemountains.ca.

I. Attached

1. CSOPS.23.014 Attachment 1 Notice to Residents for Relief of the Noise By-Law and FAQ
2. CSOPS.23.014 Attachment 2 Approval Letter for the Relief of the Noise By-Law

Respectfully submitted,

Kevin Verkindt
Senior Infrastructure Capital Project Coordinator

Shawn Carey
Director Operations

For more information, please contact:
Kevin Verkindt, Senior Infrastructure Capital Project Coordinator
icpc@thebluemountains.ca
519-599-3131 extension 304

Report Approval Details

Document Title:	CSOPS.23.014 Relief of Noise By-Law for Rehabilitation of the Victoria Street Water Tower.docx
Attachments:	<ul style="list-style-type: none">- CSOPS.23.014 Attachment 1 Notice to Residents for Relief of the Noise By-Law and FAQ.pdf- CSOPS.23.014 Attachment 2 Approval Letter for the Relief of the Noise By-Law.pdf
Final Approval Date:	Apr 6, 2023

This report and all of its attachments were approved and signed as outlined below:

Shawn Carey - Apr 6, 2023 - 10:11 AM



Town of The Blue Mountains

32 Mill Street, Box 310
Thornbury, ON N0H 2P0
Phone: 519-599-3131 Fax: 519-599-7723
www.thebluemountains.ca

March 24, 2023

RE: Application for Relief of Noise By-law for Victoria Street Water Tower Rehabilitation

Dear Property Owner,

The Town has awarded the construction contract for the Victoria Street Water Tower Rehabilitation project to BGL Contractors Corporation (BGL). At the pre-construction meeting, BGL inquired about the possibility of applying for relief from the Town's Noise By-Law. If approved, this application would allow the contractor to complete work outside of approved hours on Saturdays and Sundays.

Town By-Law 2002-09 prohibits the operation of construction vehicles or the act of construction outside of the hours of 7:00 a.m. to 7:00 p.m. on weekdays, and 8:00 a.m. to 1:00 p.m. on Saturdays. On behalf of the contractor, Staff are seeking relief from By-Law 2002-09 to allow the contractor to be able to complete work from 7:00 a.m. to 7:00 p.m. seven days a week from May 1, 2023 to November 1, 2023. While the contractor is requesting relief from the by-law for this full period of time, it is anticipated that they will only need to utilize weekend work sporadically over a period of 6-8 weeks while specialty tasks including the stripping of existing coating, priming and application of new coating are being completed. Based on the contractor's preliminary construction schedule, this work is expected to be completed between July and October. The contractor has advised the Town that it is recommended that this work be completed in a continuous, undisturbed manner to ensure a quality finish. Otherwise, there are risks of deficiencies arising that could possibly delay completion of the project.

The Town's Committee of the Whole is scheduled to receive Staff Report CSOPS.23.014 regarding this request at their meeting on Tuesday, April 25, 2023. This notice is being sent to keep you informed as the Town has identified that your property is in close proximity to the project site.

For more information regarding this project, and to subscribe for email updates, please visit the Town's dedicated project web page at: www.thebluemountains.ca/WaterTowerRehab. The Town will be sending emails to subscribers throughout the project, including when weekend work is about to begin and once it has concluded.

If you have any concerns, please don't hesitate to contact me.

Sincerely,

Town of The Blue Mountains
Kevin Verkindt, C.E.T.
(519) 599-3131 ext. 304
icpc@thebluemountains.ca

Frequently Asked Questions

How loud are peak noise levels expected to be?

Industrial media blasting and vacuuming will be used to remove the tower's existing coating. Noise from these processes can reach levels around 100 decibels at the source, which is similar to the volume of a lawn mower or motorcycle. The shrouding around the scaffolding structure will help to absorb and diffuse some of the noise, but this will still be a loud process.

What other noises are expected?

Additional sources of noise will include generators, compressors, pumps and environmental control equipment used during the coating application process. In comparison to the blasting and vacuuming process, the coating application will be very quiet.

Why is the contractor asking for relief from the By-law for such a long period of time?

The contractor is seeking relief from the by-law to allow them to complete work from 7:00 a.m. to 7:00 p.m. seven days a week from May 1, 2023 to November 1, 2023. While the contractor is requesting relief from the by-law for this full period of time, it is anticipated that they will only need to utilize weekend work sporadically over a period of 6-8 weeks while specialty tasks including media blasting to strip the existing coating, priming and new coating are being completed. The request for by-law relief has been made for a longer period of time to account for potential changes to the overall schedule that could be caused by weather or supply delays.

How long will these specialty tasks take to complete? Will there be work happening every weekend?

Based on the contractor's preliminary construction schedule, the stripping, priming and coating work is expected to be completed between July and October. Work on weekends is only expected to be completed as required during this time period, and the contractor will make their best effort to complete work that creates less noise on the weekends.

What are the risks of not permitting this exemption?

The contractor has advised the Town that it is recommended that this work be completed in a continuous, undisturbed manner to ensure a quality finish. Otherwise, there are risks of deficiencies arising that could possibly delay completion of the project.



Town of The Blue Mountains

32 Mill Street, Box 310
THORNBURY, ON N0H 2P0
<https://www.thebluemountains.ca>

By-law Services

Email: bylawinfo@thebluemountains.ca
Phone: 519-599-3131 Ext 249

Sent via E-mail

scarey@thebluemountains.ca
kverkindt@thebluemountains.ca

March 31, 2023

RE: Noise By-law Relief Request

Your request for relief from the provisions of the Noise By-law for construction noise related to the rehabilitation of the water tower at 81 Victoria Street South, from May 1, 2023 to November 1, 2023, has been approved.

Sincerely,



Will Thomson

Director of Legal Services
Town of The Blue Mountains, ON