

Alexandra Hall  
[REDACTED]  
Town of the Blue Mountains

Council, Town of the Blue Mountains  
Council Meeting on May 8<sup>th</sup>, 2023

May 4<sup>th</sup>, 2023

**Re: Opposition to Astec's Request for Relief from the Provisions of the Noise By-Law**

Dear Council,

Thank you for the opportunity to make this deputation and share my opinion on this issue.

My name is Alexandra Hall, and I am a resident of the Town of the Blue Mountains. My husband and I purchased our home of Bay Street East almost 3 years ago and the back of our property is adjacent to Astec's property.

On April 4<sup>th</sup>, 2023, a joint letter was submitted to Town and Council by myself and all the residents who have been able to participate in this Committee and it provides important feedback on our experience.

I also have significant concerns and questions that I respectfully urge Council to consider.

**Motion and Conditions**

Astec's deputation cites the wrong motion and conditions in their deputation. The company's deputation is built on the assertion that they have fulfilled their obligations as outlined in the temporary by-law amendment.

The actual motion from the May 10<sup>th</sup>, 2022, Special Meeting of Council was granted subject to the following conditions being fulfilled:

1. That Astec (BTI) install noise detection equipment, and to establish a noise baseline, and retain the records of same, that can be provided to the Town on request;
2. That Astec (BTI) establish a Community Engagement Committee that includes a Town staff person as an observer, with the founding meeting before the amendment to the By-law is permitted, to resolve issues, and that minutes of the Community Engagement Committee, are provided to Council, through correspondence;
3. That Astec (BTI) be invited to present to Council through a deputation, when the above conditions have been met.

(Note: Please note that I have highlighted the sections that were not included in Astec's deputation.)

It's Astec's responsibility to understand the final motion and its conditions. To my knowledge, these conditions have not been fully met and, therefore, Astec has been using a temporary exemption they were not yet entitled to.

I have taken the time to rewatch the recording of the May 10<sup>th</sup>, 2022, Special Meeting of Council, which is publicly available on the Town's website along with the meeting minutes. The questions and

considerations raised, including from some Staff and Council members who are here today, were essential in the development of the final motion and its conditions, and to ignore them undermines that process.

### **Condition #1**

- Why has a noise baseline not been established? This was a significant part of the discussion at last year's Council meeting, including being able to differentiate from ambient noise.
- Why has a noise baseline not been compared against the Ministry of the Environment's guidelines, which was suggested at last year's Council meeting?
- Why was only one noise monitoring equipment installed? Why was it installed on the roof of the building? Why weren't multiple monitors installed along the yard and property line, which was suggested at last year's Committee of the Whole meeting?
- In past deputations and this one, Astec states that noise is generated outside their plant from "time to time". Unfortunately, this is far from my experience and many who live near the plant.
  - What is the impact of the noise levels that residents experience on a regular basis, and what is the impact of the additional hours 7 pm to 11 pm – and effectively no relief for a total of 16 hours – on the health of residents, including their ability to sleep? The noise on weekends also needs to be considered.
- If Astec's assertion that it's only from "time to time" is accurate, then what is the justification for their permanent exemption to the Noise By-Law?

### **Condition #2**

- I am disappointed that Astec characterizes the concerns raised by residents about the Community Engagement Committee as "procedural issues".
  - Despite repeated requests from residents, they resisted having a shared review and approval process for meeting minutes (up until the last meeting a couple of days ago in May which is a year in), and they continue to deny a virtual option and requests from other residents who have had no ability to attend in-person.
  - If they presented slide decks during the meetings, they do not share them before or after meetings.
  - The Tuesday 4 pm meeting schedule cut a lot of people out of the process and Astec made no effort to adjust, or establish any other type of engagement with more of their neighbours.
  - These are basic practices that you would expect if you are on a committee – especially one with opposing interests – and unfortunately, their continued resistance to these requests created an environment where there was a lack of trust and detracted from the intent of this Committee.
- What I described above all could have been remedied early on in the process by Astec. There is a clear control and an imbalance of power in how the Committee was organized and managed, and

unfortunately that compromised the process and made the discussions more challenging than they needed to be.

- It did not help that the Town only sent a representative to witness the first meeting, and no one attended again till March only after it was requested multiple times by residents.
  - This was an important part of the condition added by members of Council at last year's meeting so why was this not followed by the Town?
- I do appreciate that Astec has made some improvements, including some changes in their protocols to make more of an effort to reduce noise after 7 pm. However, a lot of this was long overdue. The Noise By-Law has been in place for decades and it's clear that Astec has long operated in a manner as if it does not apply to them.
  - In their deputation, Astec states that in addition to the temporary exemption, "Section 3 allows us to work outside between 7:00 a.m. and 7:00 p.m. Monday to Saturday and Sunday 9:00 a.m. to 7:00 p.m."
  - These time periods do not align with what is in the By-Law. Furthermore, this would mean that residents can only expect 8 hours of relief on weekdays, 12 hours on Saturday, and 14 hours on Sunday. Another resident put it to me this way: That means that, except for the early hours on Sunday morning, residents would not be able to expect relief from Astec's noises during daylight hours. I am utterly shocked by Astec's understanding of our By-Law and beyond concerned.
  - The recent Sunday April 9<sup>th</sup> and Sunday April 16<sup>th</sup> noise complaints are examples where Astec confirmed that they were operating forklifts and making noise in their yard for industrial purposes and yet no actions were taken. This allowance is not found in the By-Law and, although these complaints occurred in early to mid-April, Astec's deputation continues to assert they are allowed to make noise at these times.
- A noise barrier along Astec's outdoor yard was one of the first discussion points at the Committee. Many months later, Astec presented options at the Committee, and they recommended that filling the gaps in the existing row of shipping containers was the most practical and economical choice for them. Those gaps were filled a couple of weeks ago and it has improved privacy, which is appreciated, but unfortunately does not make a big difference in noise from my experience.

### **Condition #3**

- Finally, with regards to the third condition, to my knowledge Astec never made another deputation to Council to present that all the conditions were met.

### **The Noise By-Law and Town Planning**

- There is no doubt that Astec is an important business and employer in our community, but that's not the issue here. Astec is in the business of heavy industrial manufacturing and their primary goal is to manufacture and ship their products. Naturally, Astec's interests are very different than those of residents who are looking for peace and quiet to be able to enjoy their property, particularly over dinner time, bedtime, and on the weekends. That's why the Noise By-Law is so important.

- On the Town’s website, the By-law Enforcement Division’s goal is “to serve, protect, and provide a desired quality of life for residents and visitors to the Town of The Blue Mountains.”
- Astec’s deputation describes the outdoor noise generated from their heavy industrial manufacturing facility as moving and assembling steel sheets and parts using lift trucks and power tools as well as testing heavy equipment on their test pad. I think it’s clear that noise generated from these activities would reasonably be deemed likely to disturb inhabitants and, therefore, it must be properly regulated and enforced by the Town.
  - Being able to be subject to this type of noise for 16 hours a day on any weekday while at your home in a residential area is far from a desired quality of life for any resident.
- Allowing any form of exemption or accommodation to the Noise By-Law for ongoing operations is precedent setting for the entire municipality.
  - Typically, longer-term exemptions beyond a couple of hours or evening are only occasionally allowed on a time-limited, project basis after careful consideration, understanding of the impact of the noise, and efforts made not to minimize use of these additional hours. An example that comes to mind is the Victoria Street Water Tower Rehabilitation. There must be the same application and care taken with this Noise By-Law no matter where you live in the municipality.
  - What happens when other industrial companies that generate noise likely to disturb inhabitants start applying for their own temporary or permanent exemptions?
  - What happens if Astec decides that they want further operational flexibility and come back with another request for an exemption till 2 am and that starts at 5:30 am, which are already long-standing shifts that they run?
- How does allowing Astec this exemption align with the Town’s Official Plan and what impact does it have on increasing residential densification in our community, including the 42 residential units under way right across from Astec and the application before Town for another 48 residential units and a 69-room hotel on the other side of Astec’s property?
- I have also submitted an [online petition](#) that was started a couple of days ago that is raising awareness on this community issue and already has 62 signatures and counting from residents who oppose Astec’ Noise By-Law exemption.
- I respectfully request that Astec is not granted any exemption or any special accommodation to the Noise By-Law from 7 pm to 11 pm, and that the weekend hours under the Noise By-Law are adhered to and enforced. The periods of relief for residents under the Noise By-Law deserve to be protected.

Thank you for your time and your consideration.

Sincerely,

Alexandra Hall