

Will Thomson
Director, Legal Services
Town of the Blue Mountains
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April 4, 2023

Re: Noise By-Law – Astec Noise Exemption Issue

Dear Will, Town Staff, and Members of Council,

The one-year temporary exemption to the Town's Noise By-law that the former Council granted Astec/BTI will expire May 10. It is the view of the residents who live near the manufacturing facility that this exemption should not be extended.

First and foremost, this By-law is common across many municipalities in Ontario and exists for a reason – to protect residents from unreasonable, disruptive noise outside normal work hours that undermines any ability to enjoy a quiet environment during evenings and early mornings.

What Astec was supposed to do as part of the conditions for their temporary exemption and our experience:

#1 That Astec 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.

Over the past year, there has been little positive change for residents and instead increased periods of now permissible construction type noises in the community.

Astec did establish a committee, but it has not been a satisfactory experience for residents and does not align with the spirit of community engagement. The company has restricted the ability to participate in these meetings and only a handful of residents have been able to attend. The meetings are scheduled at 4 pm on Tuesdays every other month, requiring anyone working to take time away from their job to attend. Despite repeated requests, the company has refused to make these meetings available for online participation. Furthermore, the company has also not acted on the urging of these residents to establish other ways to communicate with the greater group of residents impacted. As a result, a handful of residents have been involved, leaving the majority outside the process.

The meeting minutes have been closely controlled by Astec, with little or no opportunity for the residents in attendance to review and request changes. The narrative forwarded to the Town reflects Astec's perspective only, creating the inaccurate impression that things are proceeding in a productive, positive way. Rather than more accurately reflecting differences of opinion and

perspective as well as the often ignored or limited and slow progress on the issues raised. Meeting minutes were a key stipulation from Council and Astec has ignored multiple requests to establish a transparent and collaborative review and approval process, which is common practice when recording minutes on behalf of a group. While Astec finally agreed to trial this after the last meeting in March, their resistance to do so sooner compromised this committee and process. In essence, the voices of residents are not reflected in these minutes.

#2 That Astec 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.

A single noise monitoring device was installed on the roof of the company's building. It is not clear if there was a review and report prepared by an engineer. In any event, installing multiple measuring noise devices at the property line of neighbouring residences would have been more useful and appropriate.

In addition, there is no information available measuring noise on an ongoing basis, to provide baseline data. There are provincial guidelines for acceptable decibel levels, but there is no way of knowing how Astec's routine noise levels compare to those guidelines. Under the existing By-law, residents are already exposed to a variety of permissible construction type noises from the company's operations for 12 hours of the weekday and part of the weekend, and what is already experienced should be better understood and considered when deciding to reduce the relief period for residents from these noises. Furthermore, submitting noise complaint after noise complaint when there has been little recourse and an exemption in Astec's favour has been a disheartening and negative process for residents and does not align with the promotion of quality of life and wellbeing within our community.

At one of the first committee meetings, Astec representatives advised that the company was looking at noise abatement or mitigation measures that could help reduce the impact of the company's operations, including solid walls similar to those used to reduce the impact of highway traffic noise.

After several meetings transpired with little progress on this top issue, the company presented their preferred option, on the advice of an engineer whose report has not been shared, to maintain a row of storage containers along parts of the property line and to close key gaps that currently exist. Months later those gaps remain, including right at the loading dock area, and at a height of a single row, their value is limited. While a tall solid sound barrier wall would be a significant change within a residential community, this option combined with requests from residents to consider adding trees to improve the aesthetics and greenspace were not seriously considered by Astec.

The company has posted signs internally instructing employees to be respectful of neighbours, which is appreciated but again, of limited value compared to the noise associated with the company's operations.

Despite benefitting from the temporary exemption over the past year, Astec appears to be just going through the motions to achieve their interests with no real science or investment to truly make a meaningful difference in noise mitigation.

#3 That Astec be invited to present to Council through a deputation when the above conditions have been met.

This was the final condition stipulated by Council and, to our knowledge, did not occur.

The neighbourhood has changed significantly since 1958. Where Bay Street East once was a street of mostly seasonal or weekend homes, today an increasing number of the homes on Bay and Bayview Streets, Huron, McAuley, and Mill Streets and Cottage Avenue are occupied by full-time, permanent residents. Regardless of full or part time status, they all pay taxes, and all have a reasonable expectation that the Town and its leadership will make decisions that protect their quality of life and balance the interests of residents and corporations.

The pressure for residential development is only going to increase. Currently, there is work beginning on a new development of forty townhomes directly across the street from Astec. With each passing year, the presence of an industrial manufacturing plant in the middle of a growing residential community makes less and less sense. The two are incompatible.

There is no justification for the Town permitting increased hours of intrusive noise to disturb a residential neighbourhood when there is a longstanding By-law to prevent that very thing. It is perplexing that Council granted Astec a temporary exemption to the Noise By-law last year and we respectfully and strongly request that this exemption is not renewed as the By-law is in place for good reason. The Town and Council have a responsibility to protect the quality of life and well-being of residents in its community and extending this exemption would be a breach of that responsibility.

Sincerely,

The residents who participated in the Community Engagement Committee

Cim Nunn
Alexandra Hall
Cathy Genge
John Edwards
Judy Fields
Peggy Nunn

Online Petition: Oppose Astec (BTI)'s Noise By-Law Exemption in the Town of the Blue Mountains

Live Link: <https://chnng.it/D7d64h6y75>

This petition was created on April 31, 2023, and the following information is as of the morning of May 4, 2023.

Oppose Astec (BTI)'s Noise By-Law Exemption in the Town of the Blue Mountains



[Alexandra Hall](#) started this petition

Please help us to keep the original, longstanding Noise By-Law in place. If you are a resident of the Town of the Blue Mountains and oppose Astec's permanent exemption or temporary exemption to this by-law, please sign this petition and raise awareness on this important issue. Thank you!

In May 2022, Astec (formerly Breaker Technology Inc.) was granted a one-year temporary exemption to the longstanding Noise By-Law in place in the Town of the Blue Mountains, despite opposition by residents. This exemption allows the company to generate noise from their heavy industrial manufacturing facility between Monday to Friday from 7 pm to 11 pm (this is in addition to hours already allowed under the Noise By-Law: 7 am to 7 pm on weekdays and part of Saturdays).

It is anticipated that in early May 2023 - which is the one-year mark - Astec will seek either a permanent exemption from Town Council or a continuation of this temporary exemption.

Astec is adjacent to a growing residential community in Thornbury. The Noise By-Law is important within any municipality as it prohibits or regulates noises likely to disturb the inhabitants. Any extension of these hours directly impacts the quality of life of residents and is deeply disturbing and precedent setting, and should only be allowed under short-term, necessary circumstances that are typically project-based (not for operations). This type of by-law exists to ensure that residents have periods of time at home when they can expect relief from intrusive noises that would impact enjoyment of their property, particularly over dinner time and bedtime.

62 have signed. Let's get to 100!



At 100 signatures, this petition is more likely to be featured in recommendations!



Candace Oosterveld signed 13 hours ago



Rob Groh signed 20 hours ago



Oppose Astec (BTI)'s Noise By-Law Exemption in the Town of the Blue...

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62 signatures