



Peter FRANKLYN

Deputation re Georgian Hills Vineyard (GHV) noise issue- Nov 20/23

1 message

Peter FRANKLYN <[REDACTED]>

Fri, Nov 10, 2023 at 8:51 AM

Bcc: Peter FRANKLYN <[REDACTED]>

- My name is Peter Franklyn. I live and have owned a property near the Georgian Hill Vineyard for almost 20 years
- I appreciate this opportunity to address Council regarding this important issue
- in May 2023 Council granted GHV's request for exemptions from TBM noise bylaw for 22 events to be held every weekend from mid June through mid Sept
- despite legitimate concerns that were raised by local residents, every one of the requested exemptions was granted without any meaningful conditions being impose to address residents' concerns.
- to their credit, GHV installed noise measuring equipment to monitor noise levels and liaised with some of the affected residents before and during the course of the summer
- unfortunately those steps have been effective in addressing the problem
- despite their efforts to mitigate the noise the GHV events (both live bands as well as DJ events) caused significant disturbances /noise levels throughout the summer (not every weekend, but on numerous occasions throughout the summer). I and other residents made GHV aware of this on several occasions over the course of the summer
- after the events were completed TBM staff were directed by Council to liaise with GHV and residents regarding this issue
- staff's report was presented to Council at the Nov 6 meeting. The report outlined in considerable detail the various steps GHV took to control the noise caused by their events. However, with respect, it did not fully capture the seriousness or how widespread the concerns of affected residents were
- I am aware of at least 9 households that have commented on the disturbance caused by these events (either in writing in response to staff's request for feedback or otherwise). There may be others I am not aware of. Some of the affected residents live well over a km from the GHV vineyard. This represents a very substantial percentage of households in the area. I estimate close to 50%!
- I have summarized those comments below:

"we will have been here for twenty five years....what used to be a quiet clean space has been altered every weekend from late spring to early autumn by what can only be described as noise pollution. What was once a traditional vineyard, which is more than acceptable in this agricultural community, has become what one neighbour has described as a 'dance hall'. The Georgian Hill winery refer to their events as 'dancing under the stars', a weak attempt to glamorize what is essentially open air pounding and blasting 'music'.

"Why then, we ask, have our concerns been totally ignored by this council. Does the council find the winery disco more important than those living nearby? We would like to suggest that the members of council use their imagination and picture themselves in our situation when someone arrives in their neighbourhood and blasts noise at them every weekend for weeks and this assault is admired and sanctioned by the people that are supposed to be serving its citizens. We hope that council takes the time to consider what would be healthy and fair for those living here".

"I would like to add my voice to the concern over excess noise coming from the Georgian vineyard. On several occasions this summer the noise level has been such that I could make out what the DJ or MC were saying".

"The situation is still a concernThe ultimate objective here from my point of view is to find a way for Georgian Hills to develop this new business opportunity while neighbours enjoy the pleasures of their rural properties and protection under the towns bylaws".

"A significant number of my neighbours (some of whom live a considerable distance further from GHV than I do) have also complained of the disruption these events have caused (eg interfering with their peaceful enjoyment of their property, disrupting their sleep etc). These concerns were raised with the applicants by me as well as by other neighbours in real time on a number of occasions. Although the applicants may have taken certain steps in response to these concerns (eg I understand that they requested that one DJ and/or band reduce the volume and asked them not to return in future), such actions were not effective. The disturbances continued. This is not an

acceptable state of affairs. Council's failure to effectively address this issue and to enforce its own bylaw has resulted in this unfortunate and unsustainable situation. It is beyond time that Council dealt with this issue and enforced its own bylaw in a responsible manner."

"Council's continuing failure to enforce the bylaw not only favours the interests of this commercial operation over those of its neighbours but also sets an unfortunate precedent that may encourage other similar activities elsewhere in TBM".

"It seems to now have become the norm and not an exception as there is loud music coming from there almost every Friday and Saturday throughout the summer. This seems to me to be an unreasonable expectation for people living in the area to accept. There is a reason why bylaws were created in the first place. Why is the noise law now being essentially dismissed in this case? I do not think it is right to essentially give them carte blanche to host a party with loud noise every weekend throughout the summer".

I and I believe other residents acknowledge and support GHV's right to conduct its business in a responsible manner.

However it is not acceptable or compatible with TBM's laws, which it is Council's obligation to enforce, for this to be allowed to continue in a manner which is detrimental to GHV's neighbours, many of whom have resided at their properties since before GHV even existed.

If these events are to be permitted to continue in the future it is Council's duty to ensure that effective steps are taken to ensure that they comply with the law and do not interfere with the neighbours' right to the peaceful enjoyment of their properties. Noise level monitoring at the venue alone is not adequate as was noted by GHV in the staff report ("we were at 50db at the property line yet I could hear ...music and laughter in the distance. Somehow being higher ...allows sound to travel free and clear of trees and any encumbrances").

In order to effectively contain the noise at a minimum the following steps must be taken:

(a) establish and enforce acceptable maximum sound levels that are appropriate for a rural, night time setting to be measured at the point of reception and be adhered to at all time

(eg 40-45 dBA as set out in Ontario's Environmental Noise Guideline- <https://www.ontario.ca/page/environmental-noise-guideline-stationary-and-transportation-sources-approval-and-planning>)

AND

(b) require the use at all times of sound containing measures such as an enclosed structure and/or sound deadening baffles which are tested in advance and proven to be effective at ensuring that the maximum acceptable sound levels are not exceeded

The time for experimenting with ineffective solutions while area residents are forced to sacrifice their right to the peaceful enjoyment of their properties has passed.

Council and GHV have both an opportunity and an obligation to ensure that if these events are to continue in the future they comply with the law and not to transfer the cost (ie the adverse effects) to local residents.