

STAFF REPORT: Planning & Building Services Department



REPORT TO: Council
MEETING DATE: May 27, 2013
REPORT NO.: B.13.16
SUBJECT: Miller Paving Ltd. Noise By-law Relief Request
PREPARED BY: Sharon Long, Administrative Assistant, Planning & Building Services

A. Recommendations

THAT Council receive Staff Report B.13.16 with respect to Miller Paving Ltd. Noise By-law Relief Request and provide direction with respect to the request.

B. Background

On April 15, 2013 Council received staff report B.13.11 "Miller Paving Ltd. Noise By-law Relief Request" (copy attached as G.1) and Council passed the following resolution with respect to the request:

Moved by: Joe Halos Seconded by: R.J. Gamble

THAT Council receive Staff Report B.13.11 with respect to Miller Paving Ltd. Noise Bylaw Relief Request; and

THAT Council grant the request for relief from the Noise By-law to accommodate operating the Clarksburg Plant located at Sadler's Haulage & Excavating from 6:00 a.m. each day, for the period of April 22, 2013 to May 10, 2013, Carried.

The Town is now in receipt of a request (copy attached as G.2) to change the date from April 22 to May 10 to June 20 to July 4 with the times remaining the same.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Environmental Impacts

N/A

E. Financial Impact

N/A

F. In Consultation With

N/A

G. Attached

- G.1 Copy of Staff Report B.13.11 dated April 25, 2013.
- G.2 Copy of e-mail from Miller Paving Ltd. dated April 30, 2013.

Prepared by:

Respectfully submitted:

Sharon Long
Administrative Assistant
Planning & Building
Services

Greg Miller
Manager Building & By-law/
CBO

David Finbow
Director Planning &
Building Services

STAFF REPORT: Planning & Building Services Department



REPORT TO: Council
MEETING DATE: April 15, 2013
REPORT NO.: B.13.11
SUBJECT: Miller Paving Ltd. Noise By-law Relief Request
PREPARED BY: Sharon Long, Administrative Assistant, Planning & Building Services

A. Recommendations

THAT Council receive Staff Report B.13.11 with respect to Miller Paving Ltd. Noise By-law Relief Request and provide direction with respect to the request.

B. Background

The Town is in receipt of a request received April 5, 2013 from Miller Paving Ltd. for relief from the provisions of the Noise By-law (Attachment 1) to accommodate working at 6:00 a.m. each morning from April 22, 2013 to May 10, 2013.

The subject request was received on April 5, 2013 which has not allowed for the canvassing of neighbours to allow them to comment on this request as set out in the Town's Policy and Procedures related to Noise By-law Relief Requests.

Should Council grant this request, staff will provide notice to residents in the area.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Environmental Impacts

N/A

E. Financial Impact

N/A

F. In Consultation With

N/A

G. Attached

Copy of letter from Miller Paving Ltd.
Aerial photo of the property
Copy of the Policy & Procedures in dealing with Noise By-law Relief Requests.

Prepared by:

Respectfully submitted:

Sharon Long
Administrative Assistant
Planning & Building
Services

Greg Miller
Manager Building & By-law/
CBO

David Finbow
Director Planning &
Building Services



E.C. KING CONTRACTING
DIVISION OF MILLER PAVING LIMITED
2125 20th Avenue East
P.O. Box 457
Owen Sound, Ontario N4K 5P7

RECEIVED

APR 5 2013

Tel: (519) 376-6140

Fax: (519) 371-2783

April 4, 2013

Town of the Blue Mountains
Corrina Giles, Clerk
32 Mill Street
Thornbury Ontario
NOH-2P0
1-519-599-3131 ext 232
cgiles@thebluemountains.ca

Dear Ms. Giles

Re: Miller Concrete Plant (E.C. King Contracting), Clarksburg (FN 788271 and 788273)

Our company, Miller Concrete (also operating in the Georgian Bay area as E.C. King Contracting - Ready Mix), operates ready mixed concrete plants in Clarksburg and Collingwood in addition to other plants in Grey and Bruce Counties. Our Collingwood operation has scheduled a shutdown from April 22, 2013 to May 10th, 2013 to perform major plant repairs. During this period we will be producing concrete from our Clarksburg plant located at Sadler's Haulage & Excavating to service our Collingwood and Wasaga Beach customers. Deliveries from our Clarksburg plant to the eastern areas of this market will require additional delivery times of up to an hour. Therefore, we are requesting permission to start operating the plant at 6:00 a.m. instead of the normal 7:00 a.m. start for a period of three weeks during the Collingwood plant shutdown.

The noise at the plant would not be different from that during normal operation – typically truck engine and loader engine noise as well as backing up signals from mixer trucks and loaders.

If you require further information pertaining to this request please contact me directly or feel free to call our local manager, Mr. Rick Foy at (705) 441-6809.

Sincerely,

E. C. King Contracting


Barry Bradley
Vice-Pres. Georgian Bay Group,
Miller Paving Ltd.

C.c. John Olszewski
C.c. Rick Foy

cc: Bylaw



TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: **Criteria & Process - Noise By-law Relief Requests**

Corporate Policy: (Approved by Council) [X] Date Approved: May 26, 2008

Administrative Policy (Approved by CAO) [] By-Law No: 2002-09

Department Policy: (Approved by Mgr.) [] Name of Dept: Building & By-law

Policy Statement

From time to time, requests for relief from the provisions of the Noise By-law are received and, in some instances, are supportable in that they promote charitable, educational, community or other objectives of the Town, or, there is an overwhelming need due to weather and/or significant time constraints. This Policy has been developed to provide direction to stakeholders with respect to process as well as to provide guidelines to stakeholders as to the types of applications for relief that may potentially be considered favourably by the Town.

It is acknowledged that each applicant may consider that their proposal will meet the guidelines contained in this policy however Town Council will continue to have sole discretion as to determining if a request is in the best interests of the community.

Purpose

The purpose of this policy is to provide direction to stakeholders with respect to process as well as provide guidelines to stakeholders as to the types of applications for relief that may potentially be considered favourably by the Town.

Application

This policy applies to all requests for relief to the Town's Noise By-law.

Definitions

N/A

Criteria & Procedures

Criteria

The following types of applications for relief from the Noise By-law will be considered by Council. In addition, Council may consider other requests at its sole discretion.

1. Events promoting charitable, educational or community objectives as determined by Council.
2. Events expected to promote the community provincially, nationally or internationally as determined by Council.
3. Events that promote the community's cultural, natural or artistic heritage as determined by Council.
4. Events financially supported by the Town.
5. Weddings, funerals, family gatherings and religious events.
6. Events associated with declared Statutory Holidays.
7. Public gatherings recognized by way of a permit or approval by the Town.
8. Temporary construction related requests in instances where it is demonstrated that the related noise will not be significantly detrimental to the use of a residential premise.

Procedures

1. Every request must be submitted a minimum of four weeks in advance of the event.
2. Every request must be in writing and be addressed to the Director, Building & By-law, and shall contain:
 - a. The name and address of the applicant;
 - b. The date and time of the event;
 - c. A description of the source of the sound in respect of the exemption being sought;
 - d. The reasons for which, in the applicant's opinion, that the exemption should be granted with same being aligned with the criteria outlined in this Policy; and,

- e. The provisions contemplated to mitigate the impact of the noise on potentially affected residential premise.
 - f. Deleted (*"The application fee (\$100.00)" – This was not approved by Council*)
3. The Administrative Assistant, Building & By-law, will prepare a letter for circulation to residents within 60 metres of the property for which relief is requested identifying the nature of the request and request comments on the requested relief by a specific date. Where possible, letters will be hand delivered.
 4. The Administrative Assistant, Building & By-law, will prepare a Staff Report for Council's consideration outlining the request and enclosing any comments received from neighbouring property owners.
 5. Following the posting of the Council Agenda, the Administrative Assistant, Building & By-law, will forward a copy of the Staff Report to the proponent.

Exclusions

None.

References and Related Policies

1. Noise By-law No. 2002-9 (Office Consolidation).

Consequences of Non-Compliance

N/A

Review Cycle

This policy will be reviewed as needed by the Director, Building & By-law/Chief Building Official.

L:\EMPLOYEE\David\Policies\Noise By-law Relief Requests.doc

Sharon Long

From: Corrina Giles
Sent: May 23, 2013 9:49 AM
To: Sharon Long
Subject: FW:

Corrina Giles
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario
N0H 2P0
Tel: 519-599-3131 ext 232
Toll Free: 1-888-258-6867
Fax: 519-599-7723
cgiles@thebluemountains.ca

From: Barry Bradley [<mailto:Barry.Bradley@millergroup.ca>]
Sent: May-22-13 2:44 PM
To: Corrina Giles
Subject: FW:

Sorry Corrina, I initially misspelled your name.

**Barry Bradley,
Vice-Pres., Georgian Group,
Miller Paving Limited.
519-376-6140**



From: Barry Bradley
Sent: Wednesday, May 22, 2013 9:56 AM
To: 'cgiles@thebluemountains.ca'
Subject:

Good morning Corrina

We are requesting extended hours at our Clarksburg Ready mix concrete plant from June 20-July 4.

Do you require another letter for this request, or will this email do?

**Barry Bradley,
Vice-Pres., Georgian Group,
Miller Paving Limited.
519-376-6140**



This e-mail message is intended only for the person or entity to which it is addressed and is confidential, subject to copyright and may be legally privileged. Any unauthorized review, use or disclosure is prohibited. If you received this in error, please contact the sender and delete all copies of the e-mail together with any attachments.