

September 16, 2015

**CORPORATE SERVICES REPORT –  
LEGISLATIVE SERVICES 2015-13**

TO: Committee of the Whole

SUBJECT: *VivaNext D1 Project (Noise By-law Exemption)*

ORIGIN: Director, Legislative Services/Town Clerk & Supervisor, By-law Enforcement

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**RECOMMENDATIONS**

**THAT Corporate Services Report – Legislative Services 2015-13 dated September 16, 2015 regarding vivaNext D1 Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:**

- 1. THAT the request from Kiewit EllisDon for a noise exemption to perform necessary works for the vivaNext D1 project between the hours of 10:00 pm to 7:00 am from December 25, 2015 until December 25, 2016 be approved;**
- 2. AND THAT this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council.**

**COMMENTS**

This report is to seek Council's approval of request for an exemption from the Noise By-law (By-law 2004-94) from Kiewit EllisDon in regarding to the vivaNext D1 project located at various locations on Davis Drive. Appendix A includes a letter of request from Anthony Fanelli, Civil Field Engineer, Kiewit EllisDon. The request relates to various works to be performed for the vivaNext project. The work is to take place from December 25, 2015 to December 25, 2016.

Attachment "A" outlines details to the request.

**Corporate Services Department**

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The Region's request is to undertake the work at non-peak hours being (10 p.m. through 7a.m.) when the traffic is less congested so as to minimize disruption to businesses and residents

The Noise By-law restricts the operation of construction equipment or the conduct of any alteration or repair of any building between the 8 p.m. and 7 a.m. Monday through Friday and 8 p.m. to 9 p.m. on Saturdays, Sundays and holidays.

The York Region Rapid transit Corporation's Liaison Specialists will coordinate advanced communication and notification with the public.

Similar noise exemption requests have been granted by Council since January 2013.

Given the context for the process required to be undertaken, staff recommends approval of the exemption request to the Noise By-law during the hours requested.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report relates to the "Well Equipped and Managed" link of the Town's community vision implementing policy and processes that reflect sound, accountable governance.

### **CONSULTATION**

There was no consultation required in regard to this report.

### **HUMAN RESOURCE CONSIDERATION**

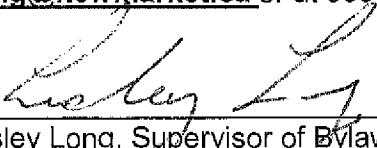

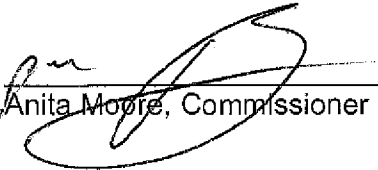
There are no human resources considerations related to this report.

### **BUDGET IMPACT (CURRENT AND FUTURE)**

There are no budget impacts related to this report.

### **CONTACT**

For more information on this report, please contact Lesley Long, Supervisor of Bylaws at [llong@newmarket.ca](mailto:llong@newmarket.ca) or at 905 953-5300, ext. 2222

  
\_\_\_\_\_  
Lesley Long, Supervisor of Bylaw Enforcement  
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Andrew Brouwer, Director, Legislative Services /Town Clerk  
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Anita Moore, Commissioner of Corporate Services



2015-August-7

Attention: Ms. Janice Bondi

**Subject: 2016 vivaNext Noise By-Law Exemption**

Dear Ms. Janice Bondi,

Please include the following "Noise By-Law Exemption Request" in the addendum report for the next Committee of the Whole meeting:

Kiewit-EllisDon, A Partnership (KED) is respectfully requesting an exemption from the Town's Noise By-Law to perform the following work during irregular working hours:

- Construction lane closures to create temporary work areas
- Boulevard & Median construction
- Planting of trees and shrubs
- Warranty repairs

This work will be done as part of the vivaNext D1 project. The project is scheduled for completion in December 2015, and the following work will be part of our two year handover and warranty obligation. This work will take place between December 25, 2015 and December 25, 2016. A portion or all of the operations listed above are required to be performed between the hours of 10pm and 7am in order to reduce traffic congestion, minimize business and public disturbance and allow uninterrupted vivaNext Bus service. York Region Rapid Transit Corporation's Community Liaison Specialists will coordinate advanced communication and notification to the public.

Please let me know if any additional information is required for the Committee of the Whole and the agenda.

Sincerely,

Anthony Fanelli  
vivaNext | D1 Project  
647-539-3031  
afanelli@ellisdon.com

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