

March 12, 2019

WSP
610 CARTWELL RD. SUITE 300
OAKVILLE ON L6J 4A5
Ying.hu@ontario.ca

Attention: WSP

Noise Exemption – Hwy 403 at King Rd

This letter is in response to your Noise Exemption Application, for exemption from the *Noise and Nuisance By-law #19-2003* a by-law that regulates noise and public nuisances within the City of Burlington, specifically *Schedule 2 (8) "The operation of any construction equipment in connection with construction before 7am and or after 7pm"*

"Construction Equipment" means any equipment or device designed and intended for use in construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

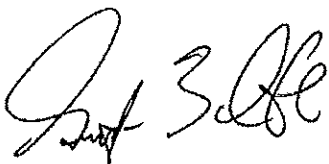
Under authority of the by-law, a noise exemption is hereby granted by the Chief Noise Control Officer to **WSP and authorized contractors** to continue such as work as is necessary using construction equipment before 7am and/or after 7pm.

NOTE: Work is expected to begin on or about Wednesday, March 20, 2019 at 10pm until Friday, February 28, 2020 at 6 am.

It is recognized that due to uncontrollable circumstances such as weather conditions it may be necessary to change the proposed time and or date(s). Should different or additional dates and times be required for this exemption a request must be provided in writing to the City of Burlington prior to commencement.

Condition: Notification to residents within 150m of the project sites must be provided.

Regards,



Grant Ziliotto, CPSO, CBCO
Chief Noise Control Officer Manager of By-Law Enforcement, Licensing and Animal Services.

*Cc. Council, City Manager, Deputy City Manager, Director of City Building, Chief Building Official
Manager By-law Enforcement and Licensing, City Building By-law Enforcement Officers, Supervisor of By-law
Enforcement, Capital Works Department Senior Engineering Technician, Halton Regional Police Services*



February 15, 2019

Chief Noise Control Officer
City of Burlington
426 Brant Street
P.O. Box 5013
Burlington, ON L7R 3Z6

**RE: Upgrades to Twenty (20) Variable Message Signs on Various Highways in Ontario Central & West Region, Detail Design Class Environmental Assessment Study (G.W.P. 2100-18-00)
Request for an Exemption to the City of Burlington's Noise By-law 19-2003**

Dear Sir / Madam,

The Ontario Ministry of Transportation (MTO) has retained WSP to undertake the Detail Design and Class Environmental Assessment Study to upgrade Twenty (20) Variable Message Signs (VMS) on Highways 401, 400, 403, and the Queen Elizabeth Way (QEW) within Ontario Central and West Region. Of the Twenty (20) VMS locations, two (2) VMS are located in the City of Burlington are listed below, and shown in the attached key plan:

1. Highway 403, Toronto bound, at King Road
2. QEW, Fort Erie bound, near Brant Street

This study will follow the approved environmental planning process for Group "C" Projects under MTO's *Class EA for Provincial Transportation Facilities (2000)*.

The proposed work includes the removal of the existing VMS sign case and its replacement with a VMS which has colour and full graphics capabilities in support of the Ministry's signing policies. All existing sign footings, structures, and electrical components (e.g. VMS cabinet pads and cables) will be re-used. The proposed works will remain within the Ministry's existing right-of-way, and will occur in the evening between 10 pm and 6 am to reduce disruption to normal traffic movement, and to minimize the duration of construction. Please note the VMS replacement will require night construction for two (2) non-consecutive nights.

To complete the works, the following light construction equipment will be used: a suitably sized crane, a flat bed trailer / truck, and man-lift equipment to allow manpower access to the upper bolted connections of the sign.

The Ministry is requesting that the City of Burlington grant an exemption to the following clauses within *Noise By-law No. 19-2003* for the night construction work associated with the VMS upgrade at the two (2) aforementioned locations within the City of Burlington:

Prohibitions

5. No person shall emit or cause or permit the emission of sound resulting:
(2) from any act listed in Schedule 2 - Time and Place Prohibitions, if clearly audible at a point of reception located in an area of the municipality specified within a prohibited time shown for such an area.

Schedule 2 – Time and Place Prohibition

8. The operation of any construction equipment in connection with construction. 9:00 pm – 7:00 am*
* (12:00 noon Sundays)



Please note there are no residences within a 150 m radius of the two VMS upgrades located in the City of Burlington. As such, the distribution of a notice of intention to apply for a noise exemption was not completed, as stipulated in *By-law 45-2011*.

The Contractor will be required to apply standard noise mitigation measures, and ensure the idling of construction equipment is kept to a minimum to minimize noise nuisance from construction activities to adjacent businesses and homeowners. If construction noise complaints arise during construction, they will be investigated according to the provisions of MTO's *Environmental Guide for Noise*.

Please note that notice of study commencement for the project was sent to external agencies, local municipalities and emergency service providers, and other potentially interested stakeholder groups on January 4, 2019.

Construction for the replacement of the twenty VMS' is tentatively scheduled to occur between Spring 2019 and Winter 2020. Therefore, the term of the exemption being requested is from May 2019 to December 2020. Start of construction is subject to the completion of this study, obtaining environmental approvals, and availability of funding.

A cheque for payment for the application fee in the amount of \$ 67.63 swill be couriered to your attention, please confirm payment upon receipt.

Given that construction is scheduled to proceed as early as Summer 2019, we respectfully request a timely response. Should you require further information about the project, please contact Bob Lusk, Consultant Project Manager toll-free at 1-877-562-7947 or by email at bob.lusk@wsp.com.

Yours very truly,

WSP

Bob Lusk, P. Eng.
Consultant Project Manager

cc: Ying Hu, MTO
Jiamin Liu, MTO
Graziano Masiello, MTO
Laura Goodman, MTO
Amanda Gao, WSP
Katherine Kung, WSP

Attachments: Key Plan, Application Form