

Negative impacts of residential infill and construction prompt staff to look for solutions

Inconveniences surrounding infill on residential properties has prompted the Town to look at strategies to minimize negative impacts of residential infill and construction; however, further discussion on the staff report has been deferred to next month's meeting.

At the Council meeting of October 24, Ward 3 Councillor Wendy Gaertner said that she has been working on the issue for almost two-and-a-half years, but technical difficulties along with the late hour of the meeting prompted a delay.

"I will stand back on this because I know that I'm not going to have your attention and I think this is really important," she said. "I would like to refer this to the next cycle to be placed on the agenda as the first item."

She added that deferring the report discussion should not cause an issue in the schedule because there are still several months before building season begins next year.

A motion to defer the report to the November 28, 2023, meeting was made.

Minimizing negative impacts of residential infill will ensure that residents' quality of life remains unaffected by construction as much as possible, said Councillor Gaertner.

"I think if we have parameters in place that could prevent that it would be helpful for everybody," she said.

Based on the report prepared by Bill Jean, Manager of Building Division, Council directed staff on May 25, 2021, to review the Town's existing by-laws and provide a report on possible improvements, including penalties, which would benefit affected residents for construction of new builds in older residential areas.

To name a few, nuisance issues during construction included noise, vibrations, and dust.

Residential infill development is an important process which allows the built environment of the Town's existing neighbourhoods to continually evolve. The Town, its residents and builders are all partners in this on-going process. When demolition and construction activity increases, the potential for negative impacts associated with the process increases as well. This is especially the case in existing neighbourhoods.

This results in Town staff having to deal with complaints from the neighbourhood residents. With the increase in construction activity in established neighbourhoods, there is more impact and the Building Division is usually the first point of contact when construction site issues arise.

Over the past five years, 32 dust complaints have been received. Due to the low number of dust complaints, it is recommended in the report that the current complaint process be maintained.

A department procedure has been established to deal with vibration issues for both Planning Act developments (e.g.: residential subdivisions and any other large developments) and non-Planning Act developments (e.g.: driveway repaving, parking lot paving).

The Town currently does not have a Vibration Policy to address vibration issues. It is a civil matter between the complainant and the person allegedly causing the vibration issue.

In the report, there were three options for consideration to address vibration from construction not requiring Planning approval.

The first was to take no action and continue to monitor vibration complaints. As there were only three vibration complaints over the

past two years, staff would take an educational approach to the complaints to achieve voluntary compliance with contractors or property owners directly. In the event that damage is sustained to an adjacent property due to vibration, property owners would need to pursue the matter through courts.

The second consideration was for the Town's Noise By-Law to be amended to include vibration control. If this route is pursued, an updated Noise-ByLaw would be prepared and presented to Council at a future date.

However, due to the low number of vibration complaints, the report recommends that the status quo be continued and that no further action from the Town is necessary at this time.

So far, a pre-screening questionnaire for construction or demolition has been created. Since the implementation of this questionnaire, the number of incidents regarding damaged Town lands have significantly decreased.

A residential infill website has also been created to provide information and further communicate to the public details of the proposed construction and information on the Town's Residential Infill property.

There has also been improved communication with residents with the implementation of a Residential Infill Construction Site Public Notice. The objective of this is to provide the public with a gateway to 'real time' information concerning the Town's approvals and enforcement activities.

The report also noted that reviewing current enforcement and penalties practices for nuisance-related issues is also an option. While the greater use of tickets as an enforcement could be a method to gain compliance, however based on the number of complaints received in the past, staff recommend that the status quo in enforcement be maintained.

Further discussions on the impact of nuisance issues on properties and possible recommendations that could be put in place will be discussed in later meetings.

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