

**SPECIAL TOWN COUNCIL MEETING**  
**Town Hall – Council Chambers & Facebook Live**  
**Tuesday, May 27, 2025, at 5:00pm**



**AGENDA:**

- 1. CALL TO ORDER**
  
- 2. APPROVAL OF THE AGENDA**
  
- 3. NEW BUSINESS**
  - 3.1. RFD 025-2025 Noise Bylaw Exemption – CAO
  
- 4. ADJOURNMENT**

**REQUEST FOR DECISION**  
**Noise Bylaw Exemption Request**  
**438 Main Street**  
**RFD#: 025-2025**



---

**To:** Town Council  
**From:** Ashley Crocker, CAO  
**Date:** May 27, 2025  
**Subject:** Noise Bylaw Exemption Request – 438 Main Street

---

**Guiding Principles for Decision-Making**

**Accountability   Transportation   Diversity   Sustainability   Engaged   Informed**

**References/Attachments**

- Noise Bylaw Exemption Application
- Council Resolution

**Legislation**

- Noise Bylaw, Section 9: “Notwithstanding anything contained in this Bylaw, any person may make application to Council to be granted an exemption from any of the provisions of this Bylaw with respect to any emission of noise from which that person might be prosecuted for a period of no more than six (6) months. Council, by resolution, may grant an exemption or refuse the request. Refer to Appendix C for more information.”

**Recommendation**

That Council approve a Noise Bylaw Exemption for the purpose of pouring the concrete foundation at 438 Main Street on Tuesday June 3, 2025, or if weather does not cooperate, on any other day in June, with notice to the Town of any date change.

**Background**

Staff received a request from Nick McArthur, who is developing the apartment complex at 438 Main Street. Part of their apartment complex includes an underground parking garage. Their foundation slab is 18-26" thick and was structurally required given the softness of the clay below. Future slab pours are only 8" thick and shouldn't require an exemption, but they request an early start with this one given the volume. It's a large pour and should be done all in one day. As a result, work needs to be started by 5:00am. See attached application.

**REQUEST FOR DECISION**  
**Noise Bylaw Exemption Request**  
**438 Main Street**  
**RFD#: 025-2025**



Financial Implications

N/A

Strategic Plan/Operating Plan Alignment

Check Applicable	Strategic Priority Area	Comments
	Environment	
	Infrastructure	
	Economy	
	Community	
X	Governance	Noise Bylaw stipulates that Council must approve Noise Bylaw Exemptions
	Council Strategic Initiative	

Alternatives

N/A

Community Engagement/Communication

N/A

CAO Comments

The CAO supports the recommendation of staff.

CAO Initials: AC

Target Decision Date: 27 May 2025



**Appendix C**

**Application for a Grant of Exemption by Council**

**\*Town Council may grant an exemption to the Noise Bylaw with respect to any emission of noise from which that person might be prosecuted for a period of no more than six (6) months.**

**Name:** Nicholas MacArthur (c/o 438 Main Developments)

**Civic Address:** 438 Main Street

**Phone Number:** 902.809.9377

**Email:** nickamacarthur@gmail.com

**Reason for Request:** Volume of concrete being poured in structural slab requires an early start so that

finishing can be completed at a reasonable hour. The volume of this slab/pour is much greater than any of the subsequent pours and should be an exception for the early start required. Nature of noise will consist primarily of cement truck traffic, concrete pumps and crews

**Location of Event:** 438 Main Street Middleton

**Time of Event:** 5:00AM June 3rd (weather pending)

**Requirements:**

- **Abide by any Terms and Conditions set forth by Town Council**
- **Background material for Council review**

**Rights of Council:**

In deciding whether or not to grant an exemption under section 9 or in determining terms or conditions of the exemption, Council shall give consideration to:

- a) the social or economic benefit of the proposed activity to the Town, the views of any residents of the Town;
- b) volume, nature and consistency of noise emission associated with the proposed activity;
- c) the proximity and nature of abutting or adjacent land uses;
- d) the hours of operation of the proposed activity;
- e) any other factor relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.

Any contravention of the terms or conditions of an exemption shall constitute a contravention of this Bylaw. In addition to any other available remedies for such contravention, the Bylaw Enforcement may on reasonable and probable grounds, without a hearing, suspend an exemption for a period of up to 30 days pending Council review of the exemption or issue a summary of offence ticket.

Any exemption pursuant shall be reviewable by Council at any time upon 10 days' notice to the person exempted, and Council is free to revoke, suspend or restrict the exemption with or without cause having regard to the criteria set forth in this application form.

**Public Input:**

Applications for an exemption for an activity of less than 14 days duration do not require a public hearing pursuant to this application or notice by the Town, but all other exemptions, renewals of exemptions, or amendments expanding the scope of an exemption shall only be granted after a public hearing at which Council shall give the applicant and any person interested in the application an opportunity to be heard. It is advisable that applicants speak to adjacent property owners prior to application.

For applications that are longer than 14 days, ten (10) days' notice of time, date and purpose of a public hearing shall be mailed by the applicant to the assessed owner or owners, as shown in the records of the Town Office, of each property which contains a building located within 150 meters (492 feet) of the property which will be the subject of the hearing, except that where the exemption is sought for an outdoor event not conducted at a fixed location.

**TOWN OF MIDDLETON**  
**NOISE BYLAW EXEMPTION**

**IT WAS MOVED AND SECONDED** that Council approve a Noise Bylaw Exemption for the purposes of pouring the concrete foundation at 438 Main Street on Tuesday June 3, 2025, or if weather does not cooperate, on any other day in June, with notice to the Town of any date change. **Motion carried.**

THIS IS TO CERTIFY that the amendments of which the foregoing are true copies, was passed by majority of the whole council at a duly called council meeting of the Town of Middleton held on the 27<sup>th</sup> day of May 2025.

Given under the hand of the Clerk and under the corporate seal of the Town of Middleton, this 27<sup>th</sup> day of May 2025.

---

Sara Marceau  
Town Clerk