

Appendix 1

Departmental & Agency Comments

File: 751-6/22-011

RE: Application for Rezoning – Chris Lamarche & Ashley Urban
PIN 73569-0049, Parcel 34555 S.E.S., Parts 4 to 6, Plan 53R-14324 in Lot 10,
Concession 5, Township of Neelon (0 Falconbridge Road, Sudbury)

Development Engineering

The site is not currently serviced with water and sewer, but services are available within the Falconbridge Road road allowance. All costs associated with servicing the site will be borne entirely by the owner. It appears that the proposed driveway is in direct conflict with the location of the existing fire hydrant. The driveway location will need to be relocated to avoid this infrastructure.

Infrastructure Capital Planning Services

No concerns.

Building Services

Based on the information provided, Building Services has no concerns with this application.

Greater Sudbury Transit

No concerns.

CNR

It is noted that the subject site is located in proximity to CN's Main Line. CN has concerns of developing/densifying residential uses abutting our railway right-of-way. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its

operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

2. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
3. The implementation of the following mitigation measures in the dwelling design and construction:
 - Forced air ventilation systems with central air conditioning;
 - The exterior wall siding of buildings closest to the railway line to be brick or a masonry equivalent for the exposed facades;
 - Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms;
 - Locating noise sensitive rooms away from the railway side;
 - Noise barrier fence providing a maximum 55 dBA limit for outdoor living areas;
 - Lining the outside of the foundation walls with a resilient layer;
 - Isolating the upper floors from the foundation wall and any internal column supports using rubber pads designed to deflect 5 to 20mm under load.