

From: Helene Fleischer [<mailto:Helene.Fleischer@cn.ca>]
Sent: February-15-16 2:52 PM
To: Meaghen Reid
Cc: Raymond Beshro
Subject: 6939 Wellington Road 124 (File No. ZBA 01/14)

Good afternoon,

Thank you for circulating CN on this application.

We do note that the subject property is in close proximity to CN's railway right-of-way. While non-sensitive uses are more compatible than sensitive uses near railway operations, CN does pursue implementation of our habitual criteria for such developments. I will attach these criteria to this email. At a minimum, our focus for non-sensitive developments in proximity to our operations has been increasingly limited to:

- An adequate setback to build and maintain the structure off of the right-of-way;
- The provision of 1.83 meter chain link security fencing;
- Confirmation that there will be no adverse impacts to the existing drainage pattern on the railway right-of-way and that there will be no additional runoff to CN lands in the event of a 100-yr storm;
- A 30 meter setback of access points to avoid the potential for impacts to traffic safety when located near at-grade railway crossings.

Due to the fact that the subject property is to be rezoned for extraction purposes, we have additional concerns:

- We ask that there be no resource extraction within 75 m of CN's right-of-way, as to avoid adverse impacts on the integrity of the track bed. We note that there has been aggregate piled very high in close proximity to the rail corridor, which could lead to safety and drainage concerns on the right-of-way. If this has not already been resolved, the property owner needs to correct this;
- Extraction and other activities shall not generate vibration exceeding 100 mm/sec, as measured on the edge of the rail right-of-way, again for safety reasons;
- If resource is to be trucked over a nearby grade crossing, impacts of the added truck traffic need to be considered and addressed, subject to review and approval by CN Engineering.

Regards,
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NON-RESIDENTIAL DEVELOPMENT ADJACENT TO THE RAILWAY RIGHT-OF-WAY (Branch Lines)

CN recommends the following protective measures for non-residential uses adjacent Branch Lines (note some are requirements):

- A minimum 15 metre building setback, from the railway right-of-way, in conjunction with a 2.0 metre high earthen berm is recommended for institutional, commercial (ie. office, retail, hotel, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly) and recreational facilities (i.e. parks, outdoor assembly, sports area).
- No specific minimum setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
- A minimum 30 metre setback is **required** for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative.
- A chain link fence of minimum 1.83 metre height is **required** to be installed and maintained along the mutual property line. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
- Any proposed alterations to the existing drainage pattern affecting Railway property **require** prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- While CN has no specific noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property.
- For sensitive land uses such as schools, daycares, hotels etc, the application of CN's residential development criteria is **required**.
- There are no applicable noise, vibration and safety measures for unoccupied buildings, but chain link fencing, access and drainage requirements would still apply.