



Public Hearing Town Council Meeting
Monday, November 6th, 2017 at 1:00 p.m.
Council Chambers – Town Hall

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A Public Hearing of Truro Town Council was held on Monday, November 6th, 2017 at 1:00 p.m. in the Council Chambers of the Truro Town Hall.

Present: Mayor W.R. (Bill) Mills, Deputy Mayor C. Fritz, Councillors D. Joseph, B. Kinsman, T. Chisholm, W. Talbot and C. Hinton

In Attendance: Director of Corporate Services A. Currie, Director of Planning J. Fox, Fire Chief B. Currie, Senior Engineer C. Roberts, Assistant Director of Parks, Recreation & Culture A. Simms, Deputy Police Chief J. Flemming, Town Solicitor J. Rafferty and CAO M. Dolter

a) Public Hearing – DAR Street Closure

The CAO advised that as per the information presented during the October 2017 Council meeting, this Right of Way has been identified as surplus to the Town and closure of this Right of Way is beneficial to overall traffic safety. The Right of Way comprises a portion of the former Dominion Atlantic Railway Right of Way that runs between Willow Street and Kaulback Street just to the north of the old hospital site. The Cobequid Trail runs across this parcel and the Town will be retaining 30 feet of the approximately 100 foot right of way to maintain ownership of the trail route. In order to sell the remaining portion, the Town is required to hold a public hearing before permanently closing the right of way to vehicular traffic. The CAO stated that this public hearing had been advertised, and some correspondence had been received with the majority of the correspondence being against the closure.

The Senior Engineer advised that the decision to close the right of way is based on the fact that the right of way was never considered a road, has never been treated as a roadway by the Town, although vehicles do utilize it. He stated that maintenance by the Town has been minimal and the right of way does not meet the Town standards for a street. The Senior Engineer noted that the new development encroaches upon that 100 foot right of way as well.

The CAO noted that given the current width of the right of way, it does not meet municipal standards and there is not space available to upgrade the right of way and make it a street.

The Senior Engineer also noted that there would be a significant cost involved to try to widen the right of way and the upgrades required for a proper street.

Councillor W. Talbot asked how the right of way became used as a roadway.

The CAO stated that he believed the area purchased from the Dominion Atlantic Railway was purchased with the intent of it being part of a larger project. However, the second part of the project did not occur and the right of way was paved unofficially with leftover asphalt years ago.

The Mayor agreed with the CAO's comments and stated that the Council of the day determined that the cost for the planned project was too high, at approximately \$56 million.

The CAO noted that there have been few reported accidents at the intersection, but numerous parking tickets have been issued as there is no parking permitted on the right of way.

Winston Weir, a local resident, stated that he called the Director of Public Works and was told that the reason for the closure of the right of way was because the Town could not afford the upgrades to create a street. He advised that he heard from someone else who also spoke with the Director and was told the Town was selling part of the land to Mr. Meech, the adjacent property owner, because Mr. Meech needed the land for his development and there was already an agreement in place.

The Director of Planning advised that the three 6 unit buildings that have been constructed by Mr. Meech are entirely on the Meech property. The buildings have driveway access that has been developed onto the right of way, and some of their pavement may be on the right of way, but the buildings are entirely on their own property.

The CAO advised that there is no agreement in place with Mr. Meech. A discussion has taken place to see if Mr. Meech would be interested in purchasing a portion of the land if the Town chooses to close the right of way. He stated that from the Town's perspective, the right of way is not a public road and was declared surplus property.

Councillor B. Kinsman noted that staff identified the land as surplus and believed there was not a need for a public street in that area. He asked Mr. Weir why he believed it was important to retain the right of way for vehicular use.

Mr. Weir stated that he uses the right of way four to five times a day, and knew many others who used it frequently. He noted that he believed his property value would drop if the right of way was closed.

Ronald Penny, a local resident, advised that he built his house on Kaulback Street approximately 10 years ago on the assumption that the right of way was a street and he uses it daily.

Councillor W. Talbot suggested that Council should have more information as to the cost and traffic usage before deciding to close the right of way.

Judy Ettinger, a local resident, stated that she was concerned about emergency vehicles being able to get through that area because sometimes traffic is so heavy that they cannot get through and they have used the right of way.

Adjournment

There being no further questions, the Public Hearing was adjourned at approximately 1:50 p.m.

W. R. (Bill) Mills
Mayor

M.W. Dolter
CAO