

Item No. 9.1.3

Harbour East-Marine Drive Community Council
February 6, 2014

TO: Chair and Members of Harbour East-Marine Drive Community Council

Original signed

SUBMITTED BY: Brad Anguish, Director of Community and Recreation Services

DATE: January 13, 2014

SUBJECT: **Case 18675: Telecommunication Tower - 26 Cherry Brook Road,
Cherry Brook**

ORIGIN

Application by Bell Mobility

LEGISLATIVE AUTHORITY

The Federal Radiocommunication Act; HRM has no jurisdiction to regulate telecommunications towers, however, Industry Canada requires that proponents consult with local land use authorities to address reasonable and relevant concerns on any proposed antenna system.

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council:

1. Inform Industry Canada that they have no policy-based objection to the proposal by Bell Mobility to erect a new, 40 metre (131 feet) self-supporting telecommunication tower at 26 Cherry Brook Road, Cherry Brook, as shown on Attachment A of this report; and
2. Forward a copy of this report to Industry Canada for background purposes.

BACKGROUND

Bell Mobility has submitted an application to locate a new 40 metre (131 feet) free standing self-supporting telecommunications tower at 26 Cherry Brook Road in Cherry Brook. The tower is proposed on the 1st New Beginnings Church lands within their parking lot, as shown on Maps 1 and 2 and Attachments A and B.

The proposed tower:

- is located on the western side of the subject property, approximately 80 metres (262.5 feet) from the church structure (Attachments A and B);
- will be free standing, self-supporting and 40 metres (131 feet) in height measured from ground level (Attachment C);
- is not required by Transport Canada to have lighting and painting at this location;
- will be located approximately 195 metres (639.8 feet) from Cherry Brook Road;
- will be located within the existing parking lot, within a fenced compound with secure gated access; and
- will be equipped with anti-climb apparatus.

Site Features and Surrounding Land Use

The subject property is:

- approximately 2.6 hectares (6.42 acres) in area and contains the 1st New Beginnings Church;
- located on the west side of Cherry Brook Road and is adjacent residentially developed areas;
- designated R (Residential) under the North Preston, Lake Loon, Cherry Brook and East Preston (Lake Major) Municipal Planning Strategy (MPS) (Map 1);
- zoned C-4 (Highway Commercial), P-2 (Community Facility) and RA (Residential) Zone under the Lake Major Land Use By-law (LUB) (Map 2); and
- bound by lands zoned P-2 (Community Facility) to the northeast and C-4 to the south, and some lands zoned R-1 (Single Unit Dwelling) to the north and west.

Municipal Process

The federal government has jurisdiction over all forms of radiocommunication (radio and television broadcasting, microwave communication, private radio transmissions, etc.).

Provincial and Municipal governments have little jurisdiction to interfere with or impair communication facilities licensed under federal law. Industry Canada, under the *Department of Industry Act*, is the federal agency which licenses and regulates these facilities under the provisions of the *Radiocommunication Act* (R.S.C. 1985, c.R-2) and the *Radiocommunication Regulations* with due regard to the *Telecommunications Act*.

The federal government, however, has recognized that municipal authorities may have an interest in the location of antenna structures and this should be considered in the exercise of its authority. A consultation policy has therefore been instituted and this process is followed by HRM. The policy requires that an applicant notify the appropriate municipality of its intentions and the municipality is then given an opportunity to review the proposal and provide comment. If any objections arise, the municipality is to provide written notice to the local office of Industry Canada. The submissions will be reviewed by Industry Canada, who will then determine whether or not a license is to be granted and/or upon what conditions such license is granted.

Telecommunications Tower Functional Plan

The Regional Municipal Planning Strategy (RMPS) acknowledges the federal policy encouraging municipal consultation when dealing with antenna towers and associated structures and recognizes that the means of consultation is to be determined by the Municipality. Policy SU-31 of the Regional MPS directs HRM, in cooperation with Industry Canada and industry stakeholders, to prepare a functional plan to address community concerns regarding aesthetic and environmental impacts of telecommunication structures and facilities. Staff are currently working toward a proposed functional plan for Regional Council's consideration, however, until such time as a functional plan is adopted, the interim approach, as described above will be followed.

DISCUSSION

The Lake Major Municipal Planning Strategy (MPS) does not contain specific policies regarding the siting of telecommunications facilities. Staff instead utilizes the general evaluative criteria for development proposals of the MPS (IM-9) (Attachment I) when reviewing such facilities and these criteria provide relevant guidance to Council and staff. Of the criteria outlined, staff has identified the following matters for specific discussion.

Physical Proximity

As there is no formal policy in the MPS to guide the location of telecommunication towers to ensure adequate separation from adjacent properties, it is prudent to review past practices which indicate that incompatibility between uses can be addressed through screening or separation of uses. Minimum separation distances between towers and residential properties have often been established based on the measured height of a proposed tower. This separation distance, which is equal to the tower height, is founded on a precautionary principle to minimize risk in the unlikely event of structural failure. The tower is located approximately 150 metres (492 feet) and 130 metres (426 feet) from the nearest two residential dwellings. The tower is approximately 80 metres (262.5 feet) from the nearest point of the church structure. As proposed, the tower has a total height of 40 metres (131 feet). Therefore, in the event of tower collapse or falling ice from the tower, there are separation distances between the residential dwellings and the tower that are in excess of three times the height of the tower, exceeding the standard of one times the height. The church structure is separated a distance of two times the height of the antenna tower, also exceeding this standard.

Visual Impact

From a community perspective, it is anticipated that the proposed tower will generate limited visual impact. As communicated by Transport Canada, the proposed telecommunications tower will not require lighting or painting (Attachment E).

From a more localized perspective, there are several locations where the proposed antenna tower may be visible from portions of Cherry Brook Road and Highway 7. Staff advise that the proposed tower should not dominate the landscape nor have significant adverse visual effects on the residents located in these specific areas. Because the tower is setback approximately 140 metres (459 feet) perpendicular from Highway 7 and 195 metres (639.8 feet) perpendicular from Cherry Brook Road, and because of the limited frequency and duration of views towards the

tower location, the local visual impact of the tower is anticipated to be minimal (Attachment F and G).

Health and Safety

Aside from land use issues, there are often concerns about potential health risks from the placement of telecommunication towers. Industry Canada requires that such systems are operated in accordance with the safety guidelines established by Health Canada in their document entitled *Limits of Human Exposure to Radiofrequency Electromagnetic fields in the Frequency Range from 3kHz to 300GHz*, commonly referred to as *Safety Code 6*. This document specifies the maximum recommended human exposure levels to radiofrequency energy from radiation emitting devices. The safety of wireless communication devices such as Wi-Fi equipment, cell phones, smart phones and their infrastructures, including base stations, is an area of ongoing study for Health Canada.

Prior to receiving a licence from Industry Canada, the operator must submit the calculations on the intensity of the radiofrequency fields to ensure that this installation does not exceed the maximum levels contained in *Safety Code 6* requirements. Information submitted in support of this proposal indicates no concerns in relation to *Safety Code 6* (Attachment D).

Summary

Staff has reviewed this application and found it to be consistent with local plan policy. Staff recommends that Harbour East - Marine Drive Community Council inform Industry Canada that they have no policy-based objection to the proposal by Bell Mobility.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting (PIM) held on July 25, 2013. Approximately 9 members of the community attended the meeting. Notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 2. Attachment H contains a copy of the minutes from the meeting. Community members attending the PIM were generally in favour of the antenna tower being located on the church lands as no concerns or issues were raised beyond consideration of the time and duration of the tower installation.

A Public Hearing is not included in the telecommunication tower application process, Community Council simply forwards a recommendation to Industry Canada.

The location of the proposed tower would potentially impact the following stakeholders: local residents and property owners.

ENVIRONMENTAL IMPLICATIONS

No implications have been identified.

ALTERNATIVES

Community Council may choose to:

1. Inform Industry Canada that they have no policy-based objection to the proposal by Bell Mobility to erect a new 40 metre (131 foot), self-supporting telecommunication tower at 26 Cherry Brook Road, Lake Loon, as shown on Attachment A of this report. This is the staff recommendation.
2. Inform Industry Canada that they have additional comments or recommendations with respect to the proposed tower. In this event, staff will notify the local office of Industry Canada of Council's recommendations.
3. Inform Industry Canada that they object to the proposal by Bell Mobility. Staff will notify the local office of Industry Canada of Council's recommendation.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Site Plan
Attachment B	Aerial Photograph – Site Plan
Attachment C	Tower Elevation
Attachment D	Safety Code 6 Attestation
Attachment E	Aeronautical Assessment Form
Attachment F	Photo Renderings A, B
Attachment G	Photo Renderings C, D
Attachment H	Public Information Meeting Minutes
Attachment I	Excerpts from the North Preston, Lake Loon, Cherry Brook and East Preston MPS

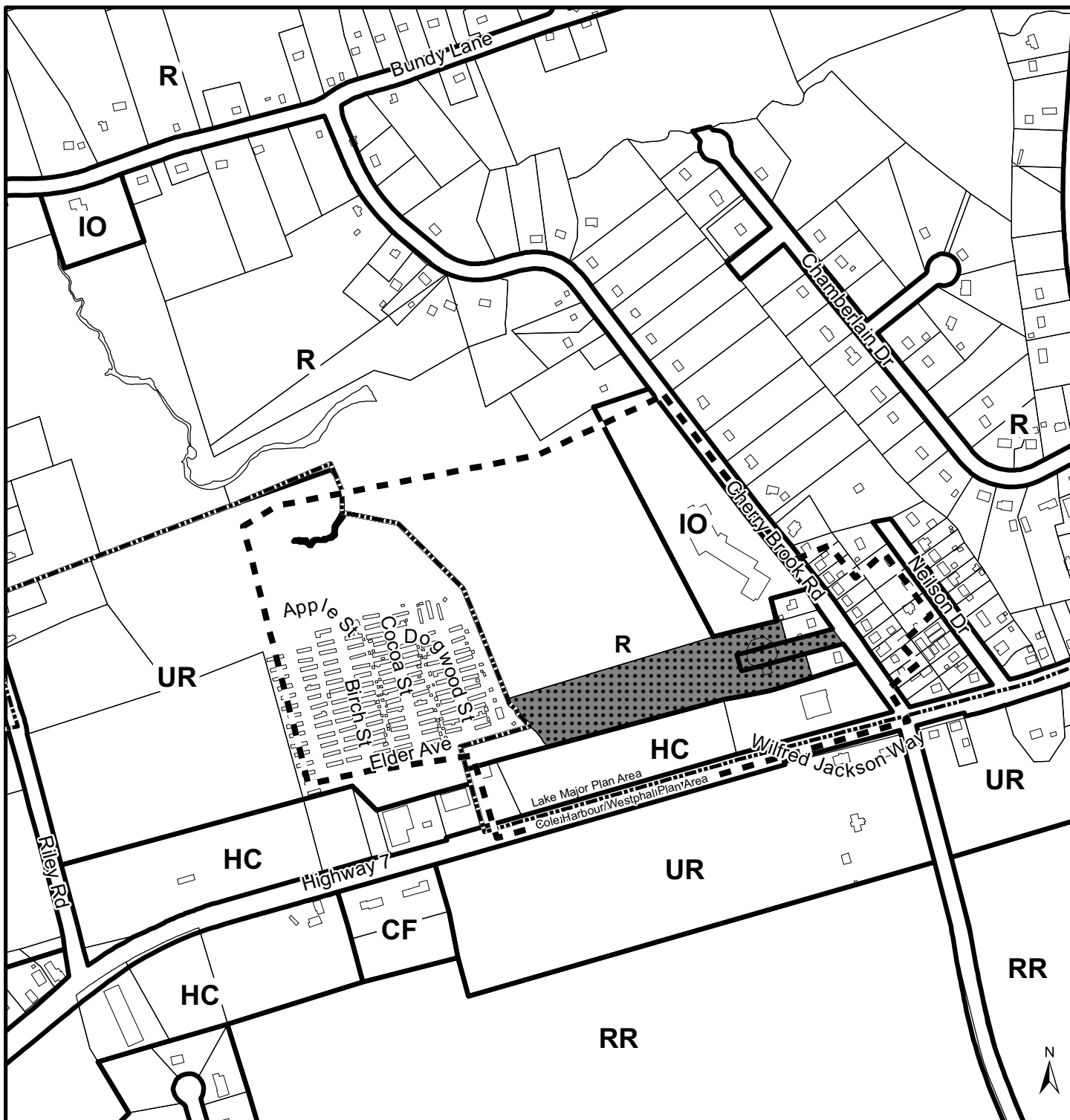
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Darrell Joudrey, Planner, Development Approvals, 490-4181

Original signed


Report Approved by:

 Kelly Denty, Manager of Development Approvals 490-4800



Map 1 - Generalized Future Land Use

26 Cherry Brook Road,
Cherry Brook

 Subject Lands

North Preston, Lake Major, Lake Loon,
Cherry Brook and East Preston Plan Area &
Cole Harbour/Westphal
Plan Area

NP, LM, LL, CB, & EP

Cole Harbour/Westphal

Designation

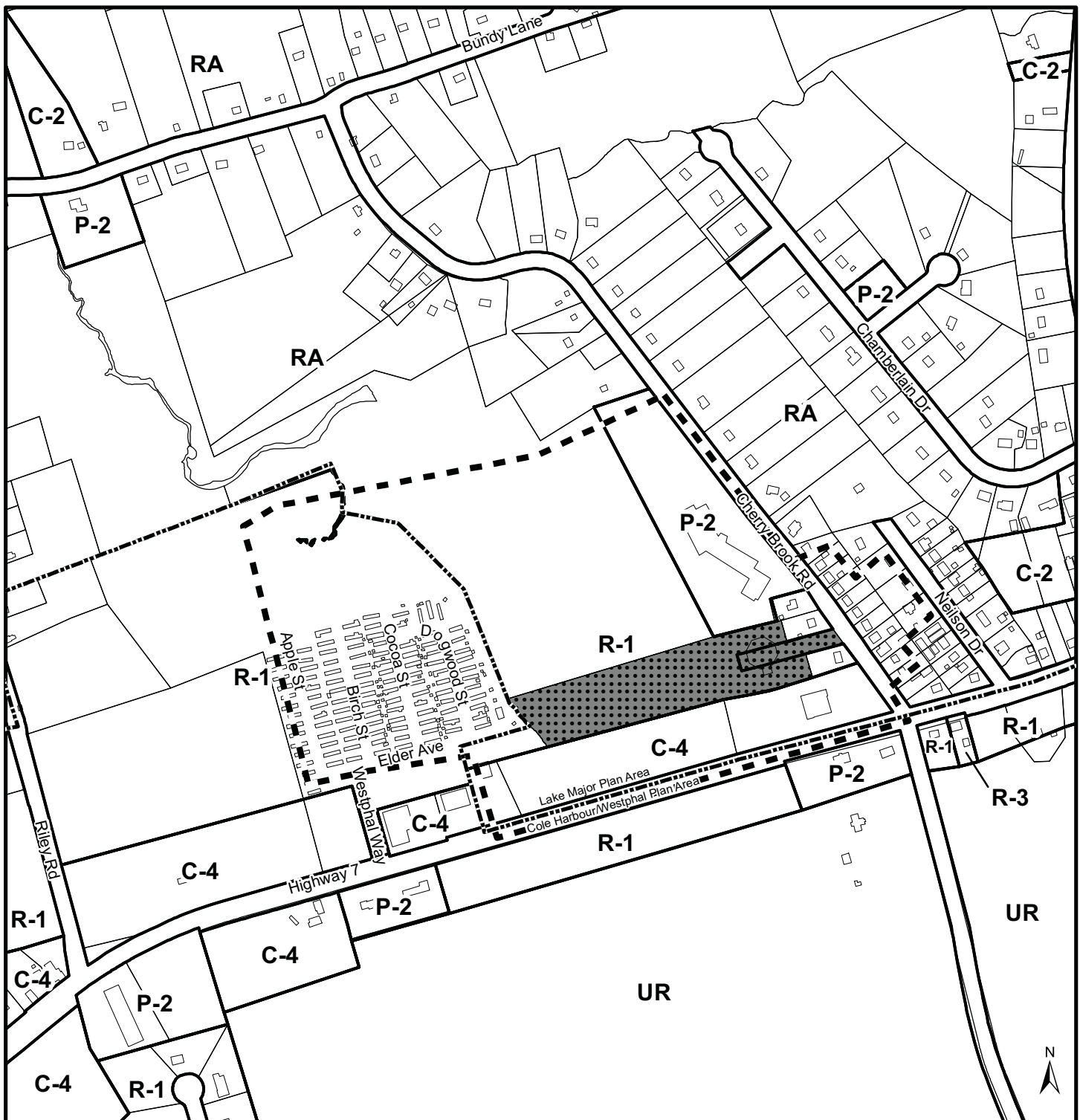
R	Residential
IO	Institutional-Open Space
HC	Highway Commercial
RR	Urban Reseve
UR	Rural Residential
HC	Highway Commercial
CF	Community Facility

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 50 100 200 Meters


This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.


HRM does not guarantee the accuracy
of any representation on this plan.



Map 2 - Zoning and Notification

26 Cherry Brook Road,
Cherry Brook

 Subject Lands

 Notification Area

North Preston, Lake Major, Lake Loon,
Cherry Brook and East Preston Plan Area &
Cole Harbour/Westphal
Plan Area

NP, LM, LL, CB, & EP

Cole Harbour/Westphal

Zone

RA	Residential
C-2	General Commercial
C-4	Highway Commercial
P-2	Community Facility
R-1	Single Unit Dwelling
R-3	Mobile Dwelling
C-4	Highway Commercial
P-2	Community Facility
UR	Urban Reserve

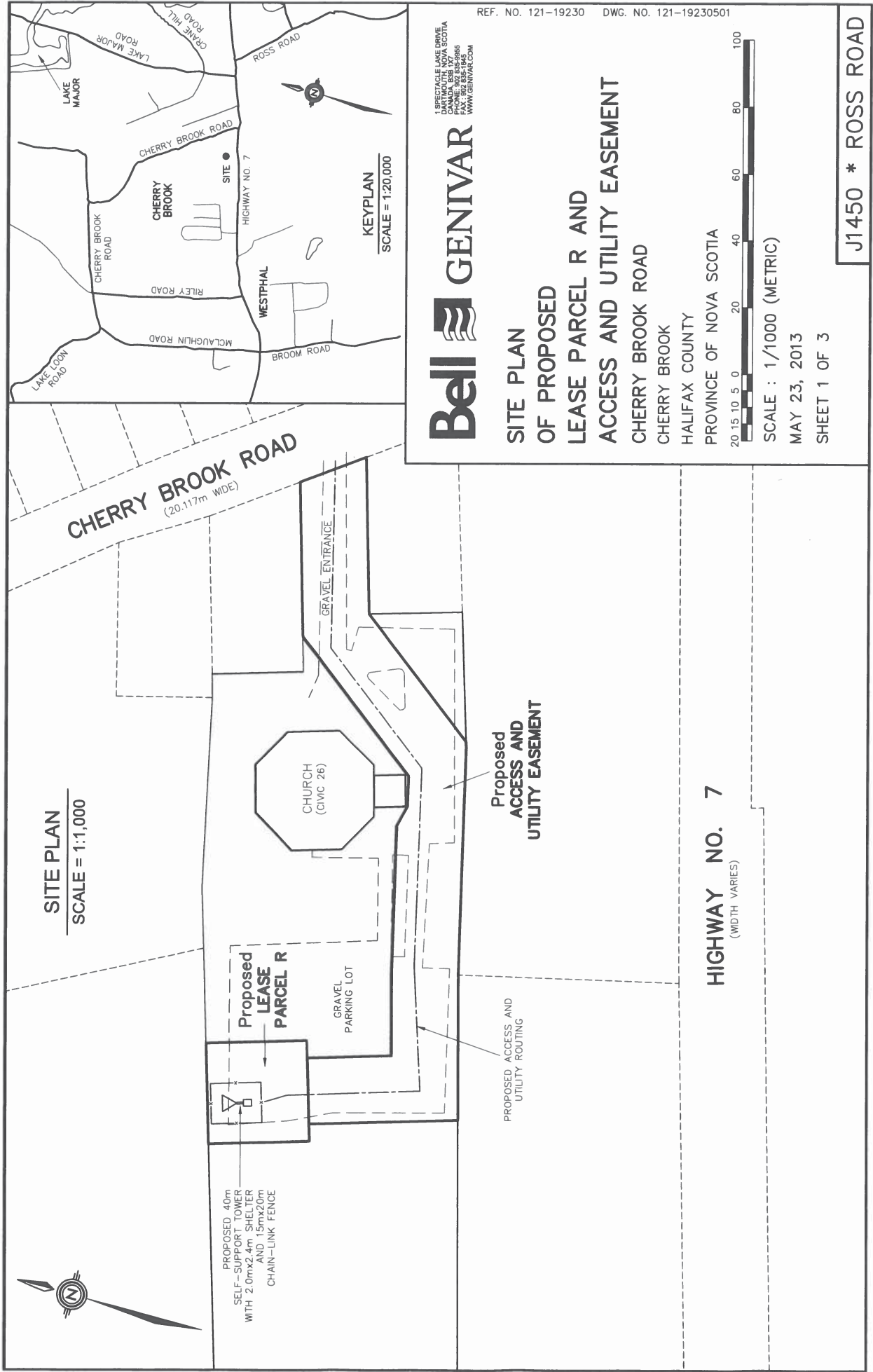
HALIFAX
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DEVELOPMENT APPROVALS

0 50 100 200
Meters

This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

HRM does not guarantee the accuracy
of any representation on this plan.

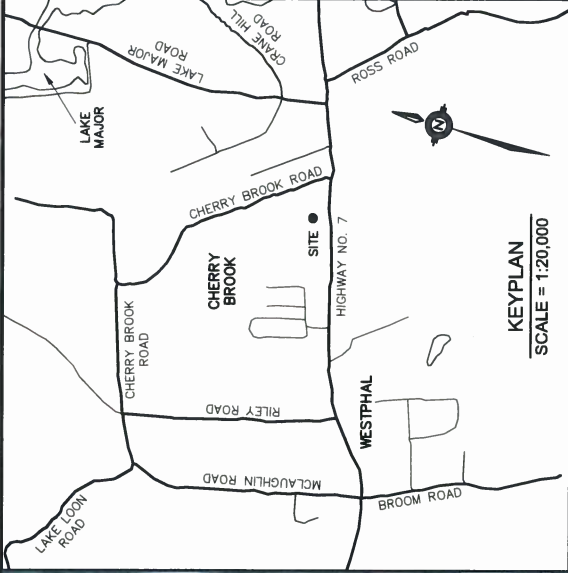
Attachment A - Site Plan



Attachment B - Aerial Photograph - Site Plan



AERIAL PHOTOGRAPH - PLAN VIEW
SCALE = 1:1,500



KEYPLAN
SCALE = 1:20,000

Bell GENIVAR

1 STREET LEVEL LANE
DARTMOUTH, NOVA SCOTIA
CANADA B5B 1Y7
TEL: 1-902-885-1945
FAX: 1-902-885-1946
WWW.GENIVAR.COM

REF. NO. 121-19230

DWG. NO. 121-19230501

AERIAL PHOTOGRAPH - PLAN VIEW OF PROPOSED LEASE PARCEL R AND ACCESS AND UTILITY EASEMENT

CHERRY BROOK ROAD
CHERRY BROOK
HALIFAX COUNTY
PROVINCE OF NOVA SCOTIA



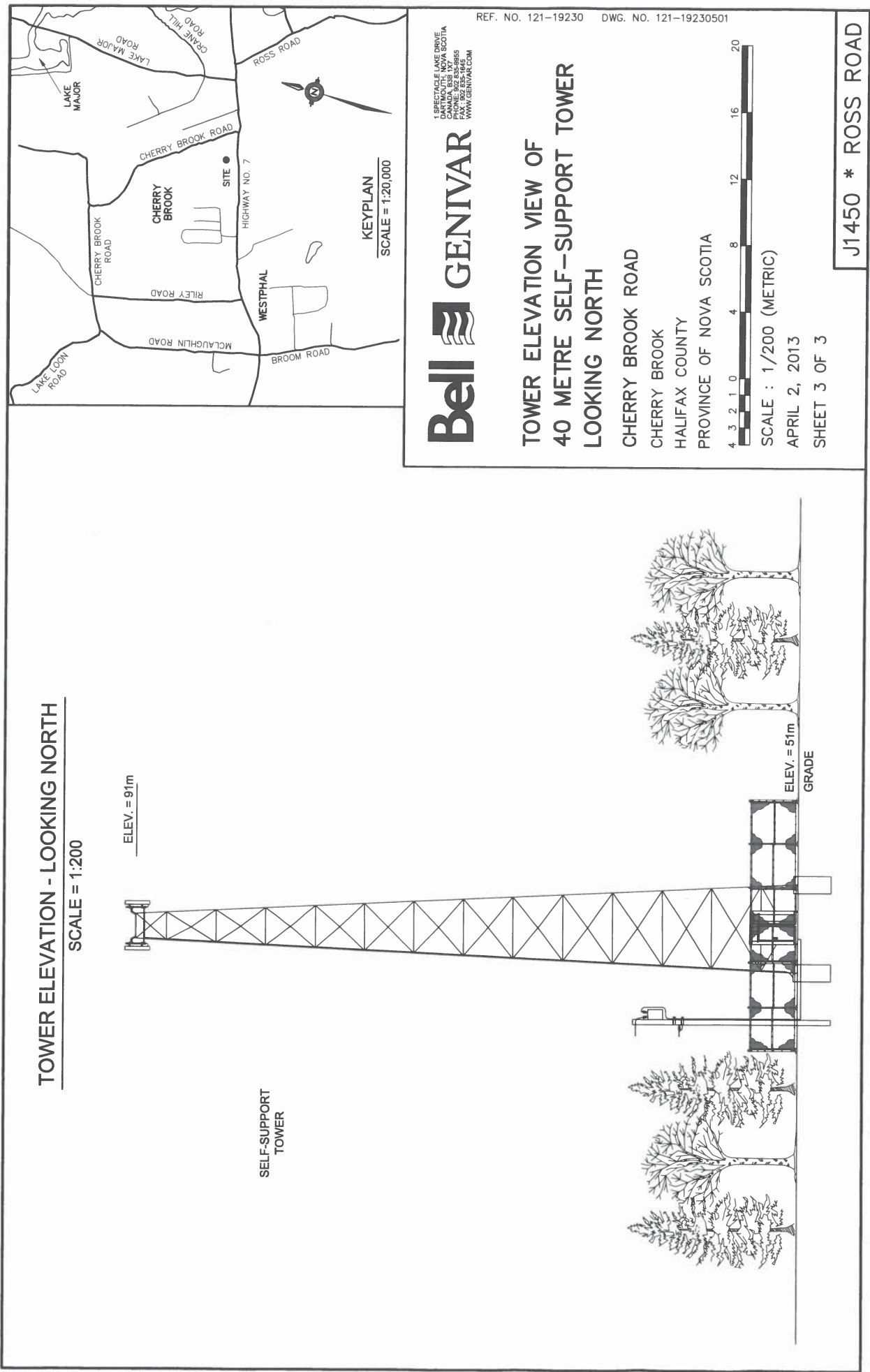
SCALE : 1/1500 (METRIC)

MAY 23, 2013

SHEET 2 OF 3

J1450 * ROSS ROAD

Attachment C - Tower Elevation



Attachment D - Safety Code 6 Attestation



2 April 2013

To all interested parties;

Regarding the proposed cell site located at:

J1450 Ross Road

Cherry Brook Road

Westphal, NS

44 42 11.2 N

63 28 26.8 W

I, Jeff Prevost, attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public including any combined effects of nearby installations within the local radio environment.

Should you have any questions, comments or concerns, feel free to contact the undersigned.

Original signed

Jeff Prevost, P.Eng., MBA

Manager

RF Engineering & Network Performance

Atlantic Region

1505 Barrington Street

Halifax, NS B3J 2W3

Attachment E - Aeronautical Assessment Form



Transport Canada Transports Canada

RECEIVED / REÇU

FEB 25 2013

MAM

TC File No/Ref No / N° du Dossier/No de réf.

TC 2013-073

Applicant File No/Ref No / N° du dossier/No de réf.

AERONAUTICAL ASSESSMENT FORM FOR OBSTRUCTION MARKING AND LIGHTING FORMULAIRE D'ÉVALUATION AÉRONAUTIQUE POUR LE BALISAGE ET L'ÉCLAIRAGE D'UN OBSTACLE

General Information Renseignements personnels

1.	Owner's Name / Nom du propriétaire Bell Mobility Inc. J1450		Contact Person / Personne ressource Pamela Kennedy	
	Address / Adresse PO Box 880			
	City / Ville Halifax	Prov Nova Scotia	Postal Code / Code postal B3J 2W3	
	Telephone No. / N° de téléphone 902-486-5514		Fax No. / N° de télécopieur 902-422-7215	
	Email Address / Courriel pamela.kennedy1@bell.ca			
2.	Applicant's Name / Nom du requérant Varcon Inc.		Contact Person / Personne ressource Charlene McCurdy	
	Address / Adresse 56 Avonlea Court, Suite 100			
	City / Ville Fredericton	Prov New Brunswick	Postal Code / Code postal E3C 1N8	
	Telephone No. / N° de téléphone 506-454-3233		Fax No. / N° de télécopieur 506-454-4647	
	Email Address / Courriel charlene.mccurdy@varcon.ca			
3.	Description of Proposal (or as attached) / Description de la proposition (ou pièce jointe) 40m Self Support tower			
4.	Geographic Coordinates / Coordonnées géographiques <input checked="" type="checkbox"/> NAD83 <input type="checkbox"/> NAD27 <input type="checkbox"/> WGS84			
	N Latitude Latitude N deg 44 min 42 sec 11.2 W Latitude Latitude O deg 63 min 28 sec 26.8			
5.	Nearest / Plus proche Community / Collectivité Cherry Brook (Site Name: Ross Road - J1450)		Province Nova Scotia	
6.	Nearest Aerodrome / Plus proche aéroport Halifax Shearwater Airport			
7.	Have you contacted the aerodrome? / Avez-vous contacté l'aéroport? <input type="checkbox"/> Yes / Oui <input checked="" type="checkbox"/> No / Non			
8.	Notice of / Avis de <input checked="" type="checkbox"/> New Construction / Nouvelle construction <input type="checkbox"/> Change to existing structure / modification à une structure existante			
9.	Duration / Durée <input checked="" type="checkbox"/> Permanent / Permanente <input type="checkbox"/> Temporary / Temporaire			
10.	Proposed Construction Date Beginning (yyyy-mm-dd) / Date de construction proposée à partir de (aaaa-mm-jj) 2013-03-30			
11.	Temporary Structure / Structure temporaire From (yyyy-mm-dd) / Du (aaaa-mm-jj) To (yyyy-mm-dd) / Au (aaaa-mm-jj)			

12. Marking and Lighting Proposed (refer to Standard 621) / Balisage et éclairage proposés (voir Norme 621)

- ☐ Red lights and paint
Feux et peinture rouges
 ☐ Red and M.I. white lights
Feux rouges et blancs à M.I.
 ☐ White M.I. lights
Feux blancs à M.I.
- ☐ Red and H.I. white lights
Feux rouges et blancs à H.I.
 ☐ White H.I. lights
Feux blancs à H.I.
 ☒ No painting
Aucun peinture
- ☒ No lighting
Aucun éclairage
 ☐ Paint marking only
Balisage peinture seulement
 ☐ Other (provide description)
Autre (fournir une description)

13. Category/Cable Crossing / Filles/câbles caténaires

- ☐ Paint supporting structures
Structure portante peinte
 ☐ Cable marker spheres
Balises sphériques de fils/câbles
 ☐ Shore markers
Balises côtières
- ☐ Support structure lighting
Structure portante éclairée
 ☐ Cable marker lights
Balises lumineuses de fils/câbles

14. A	Ground Elevation (AMSL) Hauteur du sol (AMSL)	Feet / Pieds 183.7	Meters / Mètres 56	Towers/Antennas Tours/Antennes	Building or other structure Bâtiment ou autre structure
15. B	Height of an addition to an existing structure Hauteur d'un ajout à une structure existante				
16. C	Total structure height including #15 (AGL) Hauteur totale de la structure y compris n°15 (AGL)	131.2	40		
17.	Overall height (#14 plus #16) (AMSL) Hauteur hors tout (n°14 plus n°16) (AMSL)	314.9	96		

18. Does the proposal comply with Airport Zoning Regulations?

La proposition est-elle conforme aux Règlements de zonage aux aéroports?

☐ Yes

Oui

☐ No

Non

☒ N/A

S/O

I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge. Also, I agree to mark and/or light and maintain the structure with established marking and lighting standards as necessary.

J'atteste par la présente que tous les renseignements que j'ai fournis ci-dessus sont exhaustifs et exacts au meilleur de mes connaissances. De plus, j'accepte de baliser et/ou d'éclairer la structure et de l'entretenir conformément aux normes de balisage et d'éclairage, au besoin.

Date (yyyy-mm-dd)

Date (aaaa-mm-jj)

2013-02-25

Name of person filing notice

Nom de la personne qui dépose l'avis

Charlene McCurdy

Signature

Original signed

Transport Canada Assessment
Évaluation de Transports Canada

Marking and lighting required (as per Standard 621) / Balisage et éclairage requis (conf. à la Norme 621)

- ☐ Lighting Required
Balisage lumineux requis
 ☐ Paint Required
Balisage peinture requis
 ☐ Temporary Lighting Required
Balisage lumineux temporaire requis
 ☒ No Lighting or Painting required
Aucun éclairage ou peinture requis

Comments (Transport Canada use Only) / Commentaires (à l'usage de Transports Canada)

Civil Aviation Inspector / inspecteur de l'Aviation civile

Signature

Original signed

Date (yyyy-mm-dd) / Date (aaaa-mm-jj)

2013 03 06

Note 1: This assessment is only valid for one year from the date of assessment and applicable to the proposal as submitted.

Remarque 1: Cette évaluation n'est valide que pour une année seulement à compter de la date de l'évaluation, et ne s'applique qu'à la proposition telle qu'elle a été soumise.

Note 2: If there is a change to the intended installation, a new submittal is required.

Remarque 2: En cas de changement, il faut présenter une nouvelle demande.

Attachment F – Photo Renderings A and B

Photo Rendering A – Shot from Cherrybrook Road



Photo Rendering B - Shot from Highway 7



Attachment G – Photo Renderings C and D

Photo Rendering C – Shot from Elder Avenue



Photo Rendering D - Shot from Cherry Brook Road



Attachment H

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 18675 TELECOMMUNICATION TOWER APPLICATION
26 CHERRY BROOK ROAD, CHERRY BROOK**

**7:00 p.m.
Thursday, September 26, 2013
Royal Canadian Legion
703 Main Street, Dartmouth**

STAFF IN

ATTENDANCE: Tyson Simms, Planning Applications
Holly Kent, Planning Technician
Jennifer Purdy, Planning Controller

ALSO IN Councillor Lorelei Nicoll
ATTENDANCE: Pam Kennedy, Bell Mobility

PUBLIC IN
ATTENDANCE: 9

The meeting commenced at approximately 7:03 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Tyson Simms introduced himself as the planner guiding this application through the process; he introduced Holly Kent, Planning Technician, HRM Planning Applications and Jennifer Purdy, Planning Controller, HRM Planning Applications. Councillor Lorelei Nicoll, District 4.

The purpose of this public meeting is to identify to the community early in the process that a telecommunication tower application has been received and what policies allows it to be considered. This also gives the opportunity for the applicant the opportunity to present their proposal to the community.

Mr. Simms explained that he is filling in for Darrell Joudrey at this meeting however, Mr. Joudrey is the Planner assigned to this specific case and will serve as the main contact should there be any questions following tonight's meeting. Mr. Simms reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood, no decisions are made during this meeting. The application will then be brought forward to Council which will make a recommendation on the proposed telecommunication tower and forward it to Industry Canada. Industry Canada has jurisdiction over the placement and siting of telecommunication towers however, they do recognize that local land use authorities such as HRM have an interest in these applications and therefore seek their feedback as part of their evaluation and decision process.

Presentation on Application

Mr. Simms explained that Bell Mobility has submitted an application for a new telecommunication tower in the North Preston, Lake Major, Lake Loon, Cherry Brooks and East Preston Plan Area. This application is to construct a 40 meter (130 foot) tall telecommunication Tower at 26 Cherry Brook Road, in Cheery Brook (also known as 1st New Beginnings Church Property). He added that Bell has inquired about locating their equipment on the already built tower owned by NS Power but, unfortunately it appears another carrier has already struck an agreement to co-locate on the tower, so Bell is requesting its own tower in this location.

Mr. Simms reviewed a slide of the subject property, explaining that the property measures approximately 6.4 acres in size. The proposal is to locate the proposed tower somewhat at the centre of the property, at the end of the existing parking lot which currently serves the church and is designated a zoned residential. At this time Mr. Simms reviewed a slide of the site plan and an aerial photo view showing the location of the proposed telecommunication tower as well as the existing church and the entrance to the property along Cherry Brook Road. He explained that this tower is located approximately 130 metres (426 feet) from the nearest residential residence located along Cherry Brook Road.

Mr. Simms explained that there is no specific policy within the Municipal Planning Strategy that speaks directly to proposals regarding telecommunication towers. Staff relies upon general implementation policy contained within the plan and through staff's review of visual impact, proximity of the tower and the aesthetics of the proposed tower. HRM is currently working on a functional plan which will provide further policy guidance when reviewing telecommunication applications. Until such time this is brought forward and implemented by Council, staff will continue with the currently evaluation based on best practices.

Pam Kennedy, Bell Mobility Representative thanked the residents for coming to the meeting and explained that HRM is a growing urban municipality and wireless communications structures must progress to support the growing community. She explained that there are Hilly terrain between Waverly Road and Caledonia Road which create coverage holes and poor service quality from existing sites. The popularity and customer demand for data intensive 3G and 4G wireless services which increase traffic load on existing sites. She explained that the existing sites are too far at 2km or greater from the target coverage area making service unreliable and inefficient (e.g. customer complaints, dropped calls). Explaining that half of all phone connections in Canada are now wireless and more than half of all 9-1-1 calls are made from mobile phones, it is very important that Continuous coverage is restored by filling gaps. Bell Mobility has chosen this location based on the following:

- Dense residential population
- Topography
- Available ground space
- Coverage objectives
- Willing landlord
- Land use compatibility (next to utility line)

The alternative locations considered other structures were either not suitable or located outside the search parameters. She explained that they are restricted to an approximate 1km search area. To give an example of other neighboring sites are existing of Bell sharing tower/roof-top structures with other carriers, Dartmouth Crossing, Mic Mac Mall, Forest Hills, Mount Edward Road and Tacoma.

Reviewing slides of the tower location, the coverage plots and photo renderings, Ms. Kennedy explained Bell Mobility commits to ensuring their towers operate and comply with Health Canada's Safety Code 6. She explained that they also must comply with the Canadian Environmental Assessment Act to ensure that there are no wetland concerns. Within this particular application, they are exempt from an Environmental Assessment because the antenna, its supporting structure, or any of its supporting lines has a footprint of no more than 25 m²; the project is not to be carried out within 30 m of a water body; and, the project does not involve the likely release of a polluting substance into a water body. She also added that they have received approval from NAV CANADA and that no marking or lighting is required.

Ms. Kennedy explained that this tower will be kept under lock and key, will be serviced on a regular basis, will have limited activity and will project very little noise.

Ms. Kennedy explained that the Site Acquisition Consultant had written each home owner in the immediate area and invited them to contact her about the proposed site; there has been no phone calls received.

Comments/Questions

A resident asked how far from the tower does the coverage extend.

Mr. Jason Lee, Bell Mobility Representative explained that it depends on the technology however; this tower will cover between 2-4 km circumferences around the tower.

Councillor Nicoll explained that a common concern from the public regarding this type of application is the falling down of the tower and asks what protocol is in place for this.

Ms. Kennedy explained that Bell Mobility tries to locate the tower three times the tower height from a dwelling. It is allowed to go as close as one tower height from a front or back step. She added that their towers are designed to crumple, therefore they do not fall over, they go down. She explained that this has never happened and explained that the engineering requirements have changed in Atlantic Canada, the design used to be based on wind and ice loads of 30 years, however it is now increased to 50; the steel used is now stronger and are designed at a high PSI level.

Ms. Brenda Dunphy, Lake Major asked what the time frame is.

Ms. Kennedy explained that Bell Mobility manages their network by quarter. If they believe they will be successful in getting an ACC (Authorized to Commence Construction) she will let her team know that this will be ready and will arrange for construction in the next quarter. She added that it takes 12 weeks for Bell to receive their steel. She anticipated the tower to be built between June and August 2014. He added that before they can start construction, they will need to receive their 'letter of concurrence' from the Municipal Process. Following this, a survey team stakes the site and prepares a site development plan which includes elevations and a geo technical test which measures the soils which helps them to design the foundation appropriately.

Councillor Nicoll asked if Bell Mobility has ever considered camouflaging the tower or if it would ever be required.

Ms. Kennedy explained that they have camouflaged a tower in Ontario; the residents were very concerned about the visual effects. She explained that the issue with this type of tower is their design is at 200 PSI and this design is 600 PSI. She explained that it is a tower with fake tree branches in it. She explained that after 8 years, this would become a maintenance nightmare. She added that she is not too quick to propose them here. There are lots of different types of tower that can be done with different shrouding opportunities.

Ms. Kennedy explained that by the end of 2013, they will have completed 61 builds in Atlantic Canada and added that the LTE is the best network and is the fastest; faster than the land internet at home.

Closing Comments

Mr. Simms explained that following this evening's meeting, staff will review the proposal by Bell and the comments provided. Staff will then draft a staff report for Community Council along with a recommendation. Once tabled, Harbour East-Marine Drive Community Council will make a recommendation regarding the

proposed tower. They will typically recommend one of three options: concurrence with the proposal; non-concurrence; or concurrence with suggested modifications or conditions.

Mr. Simms thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

Adjournment

The meeting adjourned at approximately 7:40p.m.

Attachment I: Relevant Excerpts from North Preston, Lake Loon, Cherry Brook and East Preston MPS

IM-9 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)**