



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.1
Halifax and West Community Council
April 22, 2014

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original Signed

Brad Anguish, Director of Community and Recreation Services

DATE: March 20, 2014

SUBJECT: **Case 18762: Telecommunication Tower - 290 Purcells Cove Road,
Halifax**

ORIGIN

- Application by Eastlink
- January 14, 2014 petition to Regional Council containing 63 signatures in opposition to Case No. 18762 – Application by Eastlink for a 30 metre communication monopole
- January 28, 2014 petition to Regional Council containing 78 signatures in opposition to Case No. 18762 – Application by Eastlink for a 30 metre communications monopole

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 Halifax and West Community Council:

1. Inform Industry Canada that they object to the proposal by Eastlink to erect a new, 30 metre monopole telecommunication tower at 290 Purcells Cove Road, as shown on Attachment A of this report; and
2. Forward a copy of this report to Industry Canada for background purposes.

BACKGROUND

As part of their growing network, Eastlink is proposing to locate a telecommunication tower in the vicinity of the community of Boulderwood to ensure reliable service coverage for residents and businesses in the area. Eastlink has chosen 290 Purcells Cove Road for a 30 meter monopole telecommunication tower and associated equipment. The applicant's submission is provided in attachments A to E of this report.

Site Features and Surrounding Land Use

The subject property:

- is approximately 2,554.73 square metres in area and contains St. Augustine Church;
- is located on the north side of Purcells Cove Road and is adjacent to low density residentially developed areas, including the new residential development Boscobel on the Arm;
- abuts a parcel of land that is to be dedicated to HRM as parkland (Map 2);
- is designated Low Density Residential under the Mainland South Secondary Plan of the Halifax Municipal Planning Strategy (MPS) (Map 1);
- is zoned R-1 (Single Family Dwelling) under the Halifax Mainland Land Use By-law (LUB) (Map 2).

Proposal

The proposed tower:

- is proposed to be located on the northern side of the subject property, approximately 35 metres from the church structure (Attachments A and B);
- will be free standing, self-supporting and 30 metres 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 70 metres from Purcells Cove Road; and
- will be located within an existing wooded area at the rear of the property, within a fenced compound.

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.

Policy 7.2.2 (Section II – Halifax Municipal Planning Strategy)

Within the Halifax Plan Area, the siting and design of telecommunication equipment is evaluated in accordance with Section II, Policy 7.2.2 of the Halifax Municipal Planning Strategy (Attachment F). This policy, along with Section II, policy 7.2.2.1, enables public uses which are industrial or service commercial in nature, including utility stations for telephone service, to be considered outside areas designated "Industrial" (Attachment F). The former City of Halifax would have considered telecommunication towers through the development agreement process, but HRM no longer uses this approach. The change recognized that the federal government has jurisdiction over all forms of radio communication. Following municipal amalgamation, HRM adopted specific consultation procedures in accordance with Industry Canada's process and jurisdiction. However, plan policy associated with this former development agreement process continues to provide relevant guidance to staff and Council when evaluating telecommunications proposals.

Alternative Sites

As noted above, the federal government, through Industry Canada, has the jurisdiction over the locating of telecommunication towers, however, they seek comment from the municipality before making their determination. Industry Canada has determined that some telecommunication proposals are more minor in nature and can be exempt from consultation with the municipality. These exemptions include such installations as co-locating on other towers, locating on top of tall buildings, or smaller towers below 15 metres. The exemptions are outlined in Industry Canada's Client Procedures Circular (CPC-2-0-03 Volume 4).

As such, HRM will often request that the applicant demonstrate that these less intensive options have been investigated before making a formal application with for a telecommunication tower. The applicant has indicated that they had investigated co-locating with the existing telecommunication towers in the area but would be unable to adequately serve their customers in doing so. Further, the applicant has expressed that there are no tall buildings in the area which would adequately accommodate their telecommunication equipment.

The applicant investigated the opportunity to install smaller towers below 15 metres in height. They had determined 4 towers would be required to achieve the same coverage as the proposed 30 metre tower. The applicant maintains the proposed 30 metre tower is the best option to

provide service for the coverage area. As such, staff have only completed their review on the proposed 30 metre tower.

DISCUSSION

Policy 7.2.2 in Section II of the Municipal Planning Strategy for Halifax includes four guidelines to be considered when evaluating a proposal of this nature. They are as follows:

i) Compatibility

This guideline speaks to a proposal's compatibility with respect to adjacent uses. Staff advise there are issues related to land use compatibility as the proposed tower is located in close proximity to an established residential neighbourhood. The proposed tower will be slightly buffered from these uses by trees; however, due to the size of the tower and grade of the property, only the lower portion of the proposed tower will be buffered by them.

Further, the proposed tower is located adjacent to land that is in the process of being acquired by HRM for parkland purposes. Staff have concerns regarding the siting of a telecommunication tower in this area. The parkland was identified as it is at a high elevation in the area that was historically used since the mid 19th century to watch for fishing boats that were returning to the community of Jollimore. Locating the tower at the proposed location would have a negative visual impact on this future parkland.

ii) Design

This guideline speaks to architectural and site design considerations. In this case, the applicant has proposed to construct a monopole, which is more slender and uniform compared to metal lattice-work type towers, that are similar in design to electrical transmission towers. As such, the proposed tower's design does attempt to address some of the attributes of the surrounding area, although further design considerations could be investigated.

iii) Appropriateness of Site

This guideline is intended to address the appropriateness of the site in respect to performing the particular function proposed. The applicant has indicated the proposed site satisfies technical criteria required to provide mobile telephone service.

iv) Compliance with Industrial Policy 4.6

The applicable guidelines of Policy 4.6 are detailed in Attachment F. These guidelines address the building envelope, landscaping, setbacks, buffering, and environmental concerns. As the proposed location of the monopole abuts residential properties, the opportunity to provide appropriate buffering and setbacks is extremely limited. The proposal does not offend the other applicable guidelines identified in Policy 4.6.

Physical Proximity

Although the MPS does not 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. The 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 between 28 and 50 metres from neighbouring residential properties and is approximately 3.5 metres from the proposed parkland. The tower is approximately 40 metres from the nearest point of the church structure. As proposed, the tower has a total height of 30 metres. In the event of tower collapse or ice falling from the tower, the separation distances between the residential properties and the tower may not be adequate as they do not exceed the height of the tower in all instances.

Visual Impact

As communicated by Transport Canada, the proposed telecommunications tower will not require lighting or painting (Attachment D). However, from a community perspective, it is anticipated that the proposed tower will generate visual impact, due to the higher elevation that the tower will be located upon and due to the proximity of the land to be dedicated as HRM Parkland.

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 E).

Resident Submissions

On January 14, 2014, a petition, containing 63 names, was submitted to Regional Council requesting that the construction of the proposed telecommunications tower be prevented. Another petition, containing 78 names, was also submitted to Regional Council on January 28, 2014. This petition was also not in favour of the proposed telecommunications tower. A copy of the preamble of each petition is provided as Attachments G and H. A response to the petitions was submitted by the applicant (see Attachment I).

In addition to the petitions, there have been several written submissions from residents expressing concerns or objections to the proposal.

Summary

Staff has reviewed the proposal and anticipate adverse visual effects and incompatibility with the community. The physical separation of the proposed tower from residential development and

land to be used as HRM parkland is insufficient. Staff recommends that Halifax and West Community Council inform Industry Canada that they object to the proposal by Eastlink.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed 2014/15 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 November 13, 2013. Approximately 33 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 J contains a copy of the minutes from the meeting.

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

1. 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.
2. Inform Industry Canada that Community Council has no objection with the proposal. In this event, 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 and Photo Renderings
Attachment C	Tower Elevation
Attachment D	Aeronautical Assessment Form
Attachment E	Safety Code 6 Attestation

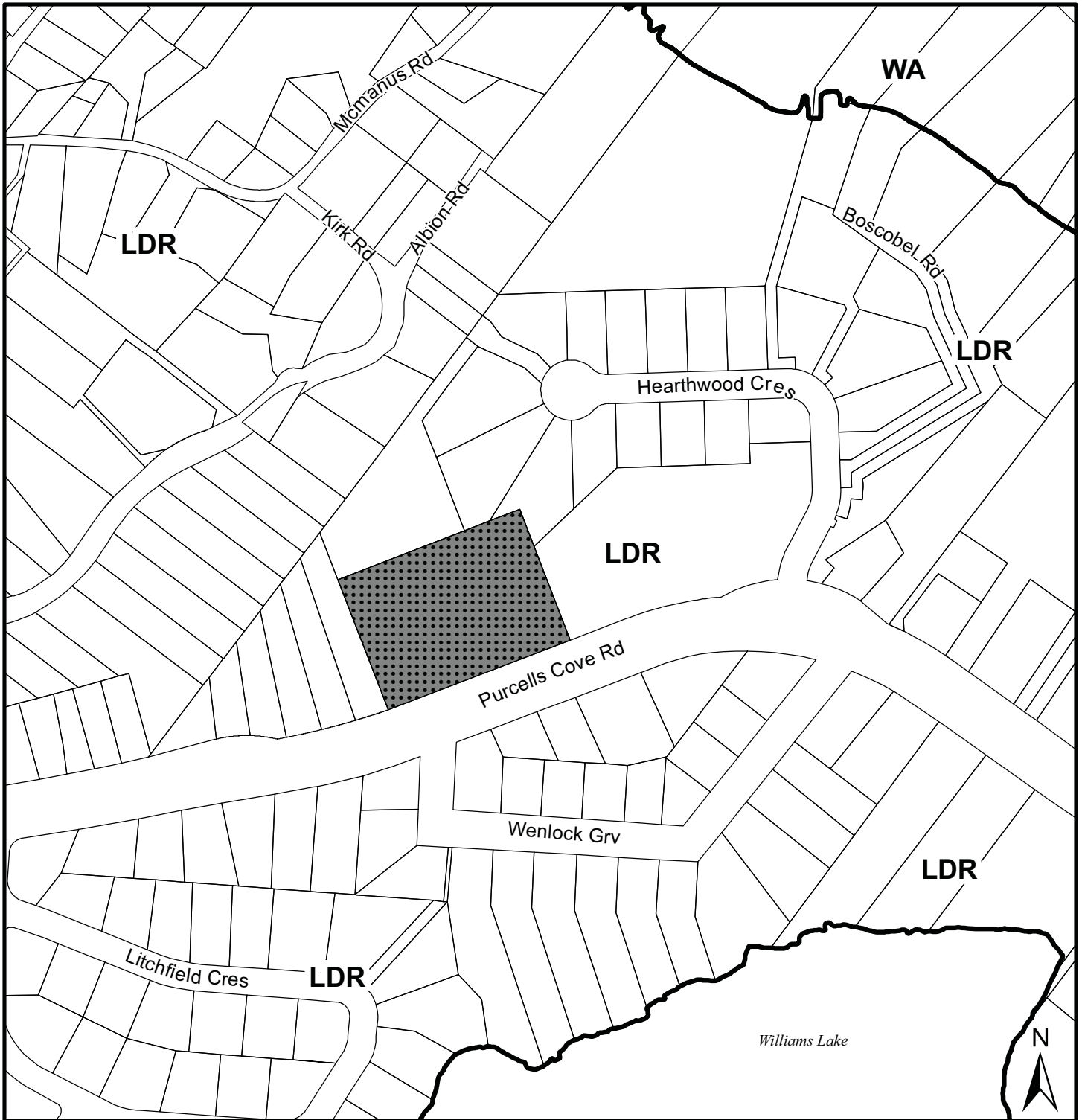
Attachment F	Excerpts from the Halifax MPS
Attachment G	Resident Petition Preamble - submitted January 14, 2014
Attachment H	Resident Petition Preamble - submitted January 28, 2014
Attachment I	Response from Eastlink Regarding Resident Petition
Attachment J	Public Information Meeting Minutes

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: Jillian MacLellan, Planner, Development Approvals, 490-4423


Original Signed 

Report Approved by: 
Kelly Denty, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

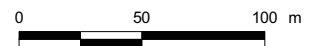
290 Purcell's Cove Road
Halifax

 Subject property

Halifax Plan Area
Mainland South Secondary Plan Area

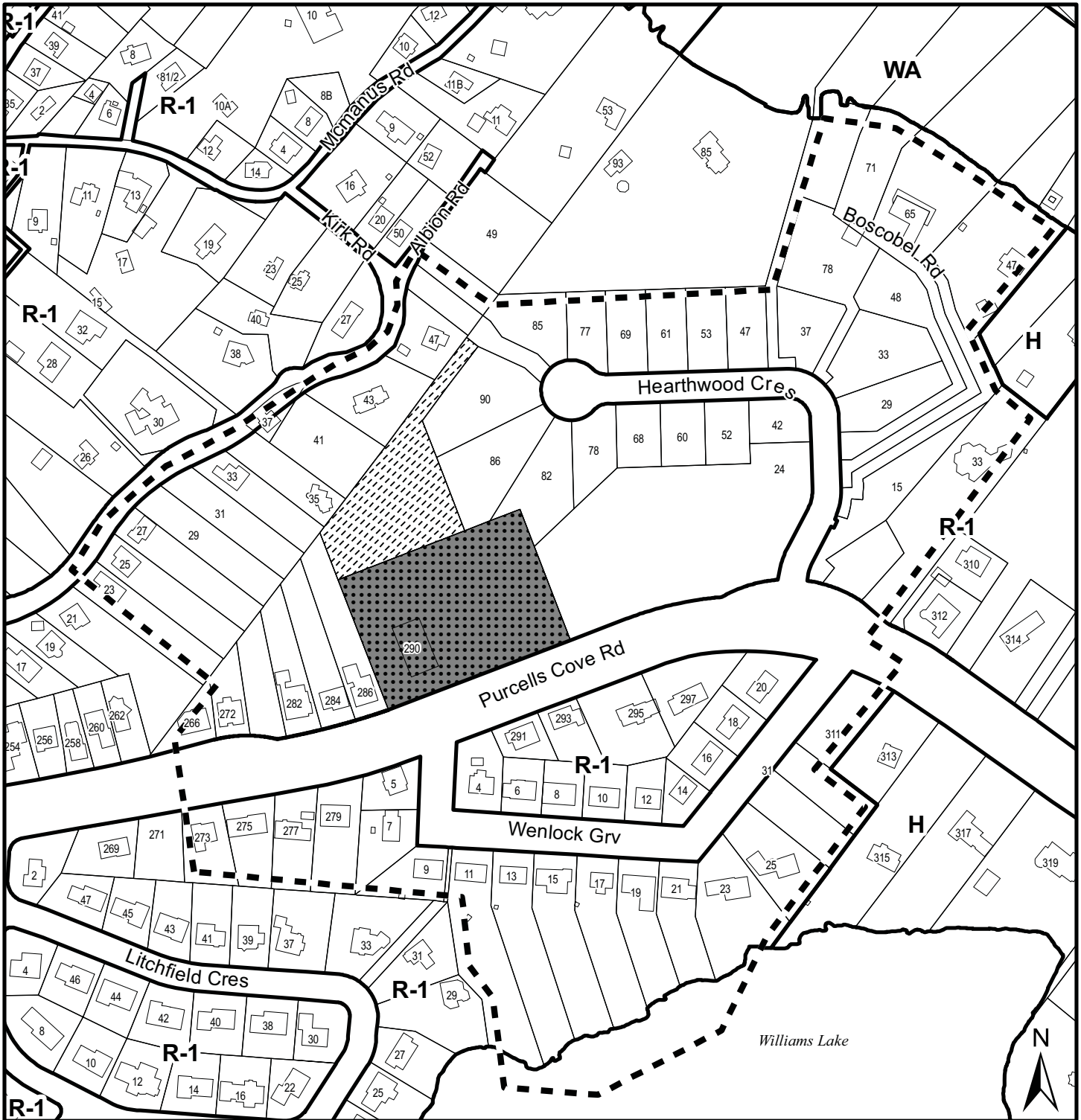
Designation

LDR Low Density Residential
WA Water Access




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.




Map 2 - Zoning and Notification

290 Purcell's Cove Road
Halifax

 Area of notification

 Subject property

 Parcel to be dedicated as HRM parkland

Halifax Mainland
Land Use By-Law Area

Zone

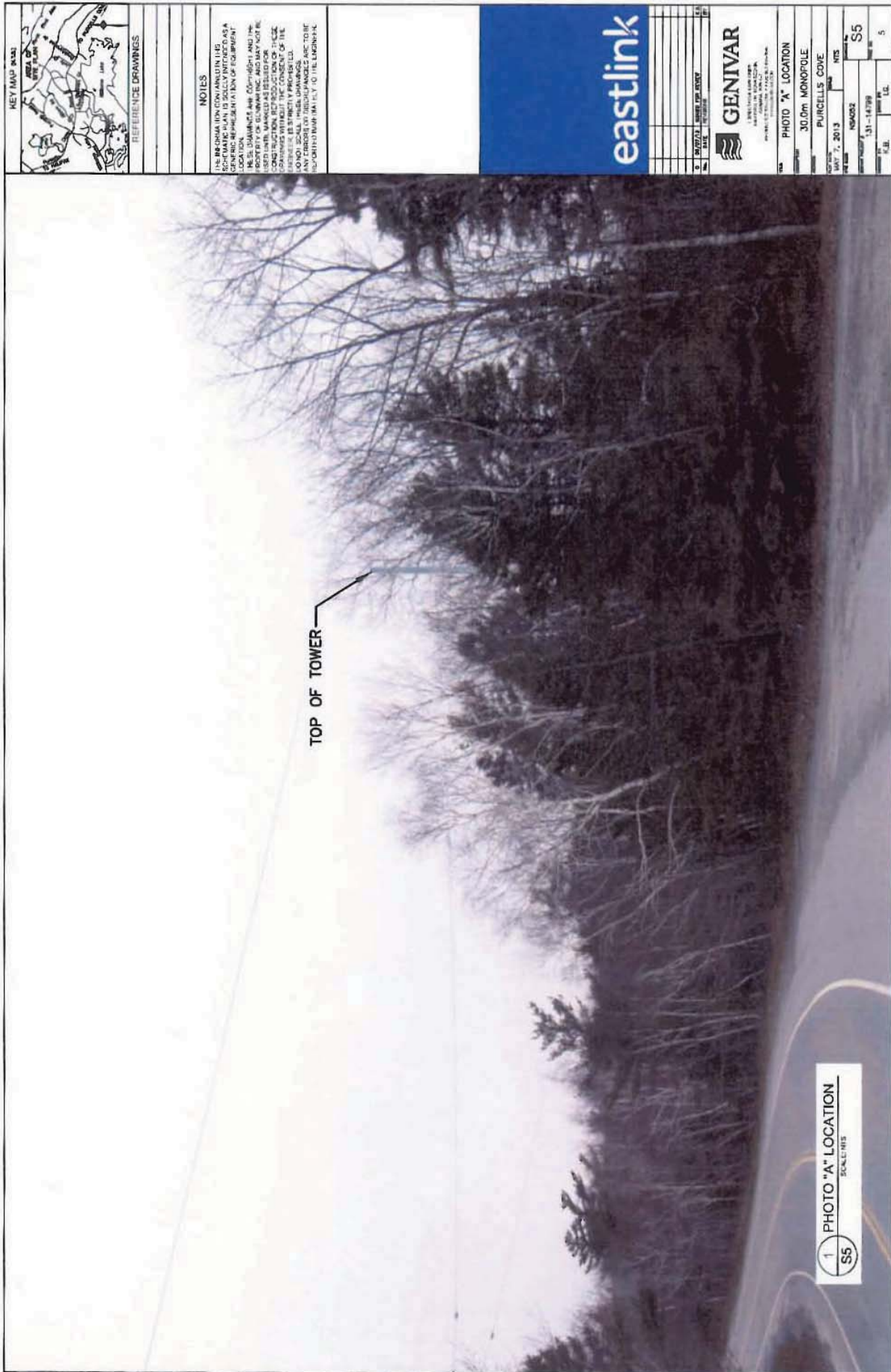
- R-1 Single Family Dwelling
- H Holding
- WA Water Access



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.





REFERENCE DRAWINGS

NOTES

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NO.	DATE	DESCRIPTION
1	2013.07.07	ISSUE FOR REVIEW
2		
3		
4		
5		

GENIVAR
 13801 South Main Street
 Suite 200
 Portland, Oregon 97206
 Phone: 503.253.1100
 Fax: 503.253.1101
 Email: info@genivar.com

PHOTO "A" LOCATION
 30.0m MONOPOLE
 PURCELLS COVE
 DATE: 07/07/2013
 SCALE: N/A
 DRAWN BY: S5
 CHECKED BY: S5
 PROJECT NO.: 131-14789
 SHEET NO.: 5
 TOTAL SHEETS: 5

1 PHOTO "A" LOCATION
 SCALE: N/A
 S5

KEY MAP (S-6)

AREA OF THE PLAN

REFERENCE DRAWINGS

NOTES

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NO.	DATE	DESCRIPTION

GENIVAR

1000 UNIVERSITY AVENUE
 SUITE 1000
 OAKLAND, CA 94612
 TEL: (415) 778-1000
 FAX: (415) 778-1001

PROJECT: PHOTO "B" LOCATION
 30.0m MONROPOLE
 PURCELLS COVE

DATE: MAY 7, 2013
 DRAWN BY: JN
 CHECKED BY: S6

SCALE: 1:14798

SHEET NO. 6 OF 6

1 PHOTO "B" LOCATION
 SCALE: 1:14798
 S6

KEY MAP (Scale 1:1000)

REFERENCE DRAWINGS

1. SITE PLAN
2. CONSTRUCTION PLAN
3. CONSTRUCTION PLAN
4. CONSTRUCTION PLAN
5. CONSTRUCTION PLAN
6. CONSTRUCTION PLAN
7. CONSTRUCTION PLAN
8. CONSTRUCTION PLAN
9. CONSTRUCTION PLAN
10. CONSTRUCTION PLAN

NOTES

1. THE INFORMATION CONTAINED IN THIS DOCUMENT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

2. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.

3. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.

4. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.

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9. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.

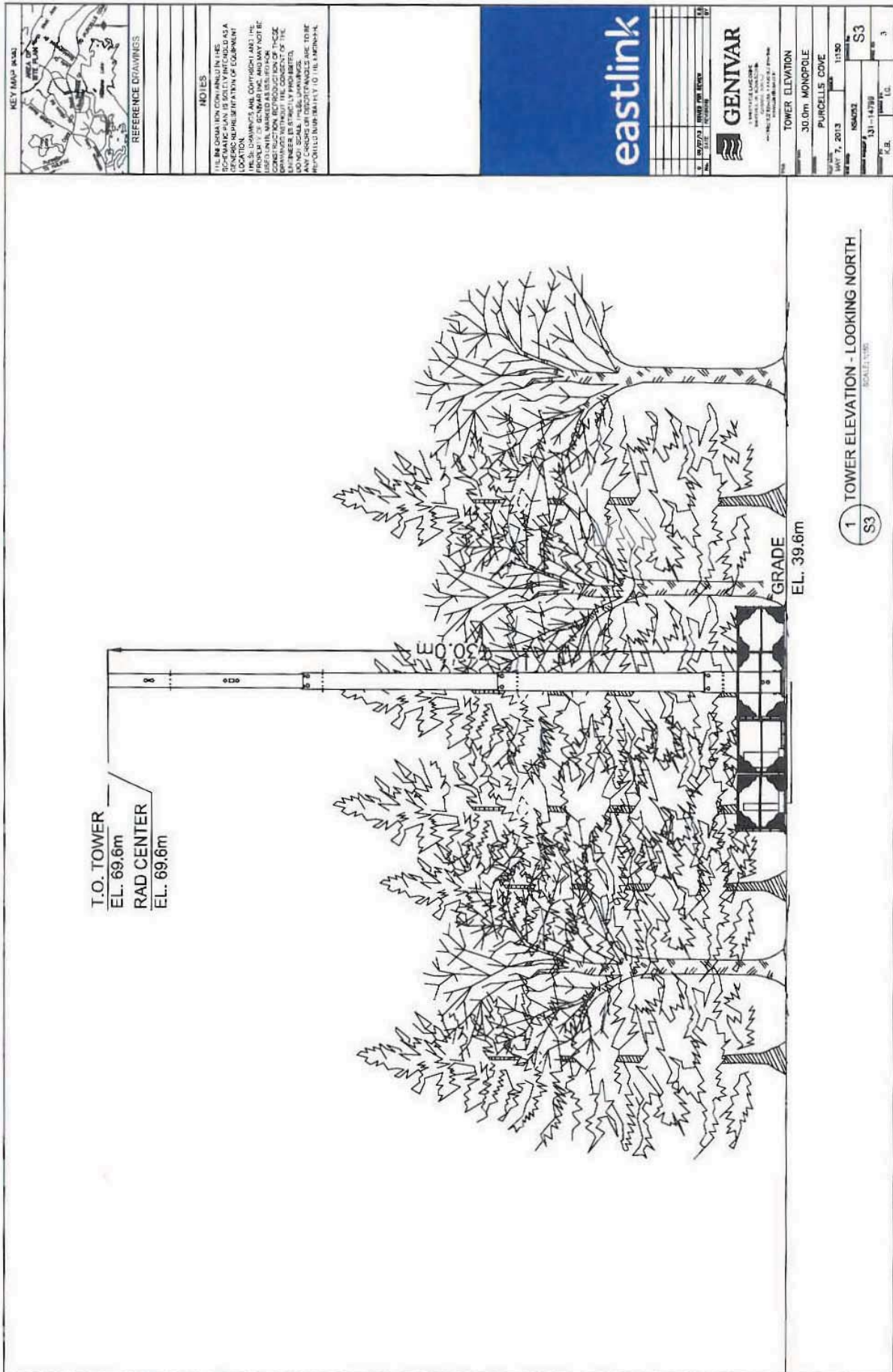
10. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.

eastlink

GENIVAR
1. ENGINEERING & ARCHITECTURE
2. CONSULTING & DESIGN
3. PROJECT MANAGEMENT

PHOTO "C" LOCATION
30.0m MONOPOLE
PURCELLS CODE
MAY 7, 2013
NO. 0092
1.31-1.4798
S7
7

1 PHOTO "C" LOCATION
SCALE: 1/13
S6





Transport Canada / Transports Canada

APPENDIX C TO CAR 621.19 - ANNEXE C RAC 621.19

AERONAUTICAL OBSTRUCTION CLEARANCE FORM

FORMULAIRE D'AUTORISATION D'OBSTACLE AÉRIEN

TC File No./Ref No. - TC n° du dossier/n° de réf.
RECEIVED / REÇU

TO BE COMPLETED BY APPLICANT - À REMPLIR PAR LE REQUÉRANT

Operator's Name - Nom de l'opérateur Bragg Communications	MAR 05 2013
Operator's Address - Adresse de l'opérateur 6080 Young St	+C 2013-087
Operator's Contact - Agent de liaison de l'opérateur Logan McDaid	MAM

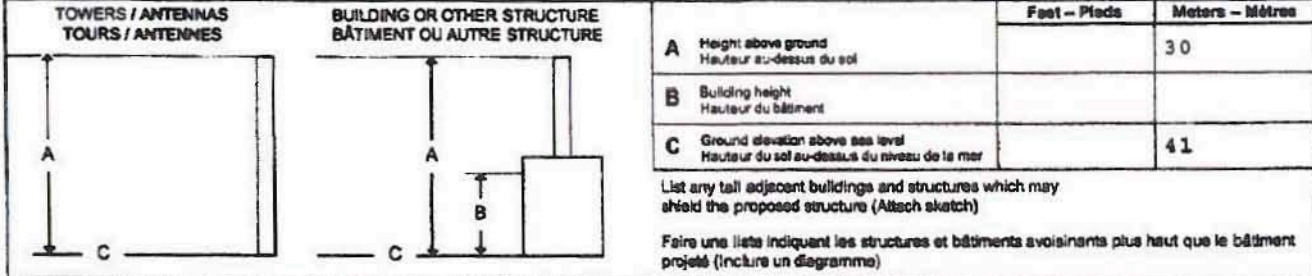
Contact's Telephone No. - N° de téléphone de liaison 902-406-3616	Contact's FAX No. - N° de télécopieur de liaison 902-407-3485	Contact's Email Address - Adresse électronique de liaison logan.mcdaid@corp.eastlink.ca
---	---	---

Applicant's Name - Nom du requérant NSA052 - St Augustines, 00271700	Address - Adresse
--	-------------------

City - Ville Halifax	Province/Territory - Province/Territoire NS	Postal - Code - postal
--------------------------------	---	------------------------

Applicant's Telephone No. - N° de téléphone du requérant	Applicant's FAX No. - N° de télécopieur du requérant	Applicant's Email Address - Adresse électronique du requérant
--	--	---

Nearest city / town to proposed facility Ville la plus proche de la structure proposée Halifax	Geographic coordinates of structure - coordonnées géographiques de la structure <table border="1"> <tr> <td>44</td> <td>37</td> <td>27</td> <td>N Latitude Latitude N</td> <td>63</td> <td>35</td> <td>43</td> <td>W Longitude Longitude O</td> </tr> </table>	44	37	27	N Latitude Latitude N	63	35	43	W Longitude Longitude O	<input type="checkbox"/> NAD27 <input checked="" type="checkbox"/> NAD83 <input type="checkbox"/> WGS84
44	37	27	N Latitude Latitude N	63	35	43	W Longitude Longitude O			



New struc. - Nouv. struc. <input checked="" type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non	Add. to exist. struc. incl. total hght. - Ajout à un bdt. exis. Incl. hauteur total	Proposed Construction - Date - de construction proposée 2013-05-31
--	---	--

TYPE OF STRUCTURE (narrative description and function) - GENRE DE STRUCTURE (description narrative et fonction)
NSA052 - St Augustines, PID# 00271700, 30m monopole

Signature (of applicant) (du requérant) **Original signed** Date (yyyy-mm-dd / aaaa-mm-jj) **2013-3-05**

TRANSPORT CANADA USE ONLY - À L'USAGE DE TRANSPORTS CANADA

AERONAUTICAL ASSESSMENT - ÉVALUATION AÉRONAUTIQUE

Site acceptable - Emplacement acceptable
 Yes / Oui No / Non (if no, reason) / (si non, pourquoi)

Lighting as per (TP382) required - Balisage lumineux tel que demandé au (TP382)
 Yes / Oui No / Non or

Painting as per (TP382) required - Balisage peint tel que demandé au (TP382)
 Yes / Oui No / Non or

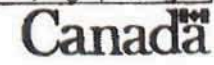
Temporary lighting required - Nécessité d'un balisage lumineux temporaire
 Yes / Oui No / Non (if yes, type) / (si oui, de quel genre)

Advise Transport Canada in writing 90 days before construction
 Avertir Transports Canada par écrit 90 jours avant la construction when construction starts / au commencement de la construction and on completion / et à la fin des travaux Valid to / Valide jusqu'au

Civil Aviation Inspector (as required) - Inspecteur Aviation Civile (si nécessaire)
 Comments - Commentaires

Original signed (yyyy-mm-dd / aaaa-mm-jj) **2013-04-05**

Regional Manager Aerodrome Safety / Gestionnaire Régional Sécurité des aéroports **Original signed** Date (yyyy-mm-dd / aaaa-mm-jj) **2013-04-05**





Halifax, Dec 11, 2013

Safety Code 6 Attestation for NSA052 (revised)

Site General Information	
Site Name	NSA052 – EL - St Augustine
Community	Halifax
44.624422	44-37-27.92N
Longitude	63-35-42.88W
Tower Height	30m
Tower Type	Monopole
Number of antennas	6

It is the responsibility of operators of radio-communication and broadcasting installations to ensure that their facilities comply with Health Canada's Safety Code 6 at all times, taking into consideration the local radio environment. Compliance with Safety Code 6 is an ongoing obligation. EastLink acknowledges this obligation and its entire site design and operational processes reflect this.

To ensure compliance at the design stage, Eastlink uses engineering best practices. These practices include preventing any access in front of the antenna, installing antennas to ensure at least a minimal distance from any windows, designing the site in a way that the public cannot come close to the antenna and never installing antennas near balconies. At all time and anywhere the general public can have access, emissions from Eastlink's wireless installations are well below the established limits.

Once the site is built, Eastlink continuously monitors the power of its equipment remotely and ensures Safety Code 6 compliance even in the event that equipment is changed or added to the site. Upon request by Industry Canada or other public authorities, Eastlink can engage a third Party firm to perform live measurements to demonstrate compliance with the Safety Code 6.

ORIGINAL SIGNED

Babar A. Siddiqui
Radio Network Designer
EastLink

Case 18762: Attachment F
Excerpt from the Halifax MPS

PART II

7. COMMUNITY FACILITIES

Objective: The provision and improvement of recreation and community lands, facilities, and services for all ages that are deemed appropriate to the creation, maintenance, and preservation of healthy neighbourhoods and to the City.

Objective: Stable residential communities in Peninsula North that offer a variety of housing types to meet the needs of a range of income and age groups.

7.2.2 The City should encourage public uses which are industrial or service commercial in character to locate within areas designated "Industrial." For those public uses which need to be located in other than these designations in order to effectively and efficiently carry out their community support function to part or all of the City or Region, the City may consider developments in alternative locations through the contract development provisions of the Planning Act, or by rezoning.

7.2.2.1 Pursuant to Policy 7.2 and 7.2.2, Council may consider the development of public uses which are industrial or service commercial in nature such as, but not limited to utility stations for water, electricity and telephone, fire and police stations, and centres for the upkeep and maintenance of City infrastructure. In considering such developments, Council shall have regard for:

- (i) the compatibility of the development in respect to adjacent and neighbouring uses;
- (ii) where possible and appropriate, an overall architectural and landscape design which reflects adjacent and neighbouring uses;
- (iii) the appropriateness of the site in respect to performing the particular community support function; and
- (iv) the provisions of Industrial Policy 4.6, Part II, Section II, clauses (ii) to (xi) inclusive.

4.6 In considering applications pursuant to Implementation Policy 3.10 Council shall have regard for the guidelines set out below:

- (i) that uses permitted be restricted to industrial or commercial uses;
- (ii) that entrances and exits be arranged in such a way so as to minimize the impact of additional traffic on any adjacent residential area;
- (iii) that the proposed use does not entail unacceptable nuisances, such as traffic, smoke, toxic or noxious effluents, and noise;
- (iv) that storage areas be enclosed or be visually screened from the abutting street by such means as planting materials or well-designed fences;
- (v) that service areas for trucks and other vehicles be located in areas other than the front yards;

- (vi) that front yards of an appropriate size be provided, well landscaped and including provision for tree planting;
- (vii) that drainage from large paved areas be required to be treated in cases where such drainage will result in unacceptable pollution of watercourses or water bodies;
- (viii) that appropriate measures be taken to prevent erosion or deposit of sediments away from the development site during construction and afterwards;
- (ix) that the building envelope be located in such a manner as to provide a sufficient area for landscaped open space in both front and side yards;
- (x) that areas of significant natural, aesthetic and amenity value be protected as part of the site design in accordance with Policy Sets 7 and 8 of this Plan as appropriate;
- (xi) that there be an appropriate setback of any building from abutting residential properties and that a portion of such setback be landscaped; and
- (xii) that the applicant provide a statement of the environmental impacts of the proposed development on and off the site and identify the ways and means to mitigate any negative effects, particularly as they relate to such aforementioned matters as air and water pollution, erosion and sediment control, and protection of significant natural, aesthetic, and amenity value;
- (xiii) such other land use considerations as Council may from time to time deem necessary, based on guidance provided by the policies of this Plan.

January 1, 2014

To: **Linda Mosher, Clr. District 9, Chair, Halifax & West Community Council**
Jillian MacLellan, Planner, Comm. & Rec. Development: Approvals
Brendan McGuire, MLA Halifax Atlantic
Megan Leslie, MP, District of Halifax
Gwen Arthurs, Industry Canada

Re: **Case No. 18762 - Eastlink application for 30 metre communications
monopole.**

On November 13, a public information meeting was held to field a proposal by Eastlink to construct a 30 metre communications tower, and to hear community responses to this proposal. This monopole structure with equipment shelter is planned for forested lands owned by St. Augustine's Church some 50 metres from Purcell's Cove Road. The site is adjacent to new lots within the new Boscobel development, a designated parkland site between the Church and Albion road (locally named Misery Mountain), and is immediately across the street from housing on Purcell's Cove Road and Wenlock Grove.

Some 40 people attended the meeting which took place between 7 and 9pm. A half-hour presentation by Eastlink was followed by questions and robust opposition from residents of the area. No resident spoke in favour of Eastlink's proposal.

Opposition to the proposal may be categorised as follows:

1. **Proximity Issues:** Too close to the small parkland area ("Misery Mountain") to the north of the proposed tower. Too close to lots 5 to 10 of the *Boscobel-on-the-Arm* development to the northeast of the proposed structure. Too close to buildings adjacent to and opposite from the proposed tower, particularly from 266 Purcell's Cove Rd. to Boscobel Road on the north side and from 277 Purcell's Cove Road and the Wenlock Grove community on the South side.

2. **Health:** Potential adverse impact on health and safety of residents in the immediate vicinity of the proposed tower. Eastlink could not assure us that the pole could not have further equipment added (including 5G) at a later date, by them or another company. Such additions would exacerbate the safety concerns already expressed in relation to the 4G installation that Eastlink is proposing.
3. **Property:** House values in the immediate vicinity of the proposed tower will be adversely affected as will the market potential of those properties closest to the tower.
4. **Aesthetics:** commercial structure in an R1 zone and the concomitant damage to what is recognised as an aesthetically valuable part of the city.

Health & Safety:

It does not seem reasonable to expect any resident to know intimately the details of hundreds of research projects that have been completed on the effects of cell-phone use or the installations that permit this use. Studies across the globe have been inconclusive. This is as much an argument that further studies need to be done as an argument that we should ignore potential safety hazards.

Property Values:

Although studies like that carried out in Auckland, NZ demonstrate how complex research needs to render convincing conclusions, it seems incontrovertible that the market value of properties in close proximity to cell phone towers are negatively affected. Whereas NZ results showed that values could be expected to dip by between 5 and 20%, it was also clear that many simply would not purchase properties that were particularly close to cell phone installations. Moreover, these results reflected not just often contradictory scientific data, but the values of a community whether generated by strong personal conviction, the media, or by science. In short, house values are negatively affected.

Three random calls made to real estate agents in HRM suggested similar results - some buyers would expect price reductions of between 10 and 15% and some would simply not consider purchasing at all. For HRM to assume that such prejudicial affects on house values should be borne by those who already pay high property taxes should be seen as unjust.

Aesthetic Considerations:

It is difficult to formulate substantive arguments based on the aesthetics of a neighbourhood. How for example would we go about asserting and measuring the aesthetic value of the Waterfront? But there is much in the HRM *Municipal Planning Strategy* that notes the importance of *scale* in contributing to the character of neighbourhoods, and many references to the need to protect the individuality of varying types of neighbourhood - 90 foot poles would seem to do little for either criterion. Although common sense would suggest that a commercial installation 90 ft. high in an R1 zone is aesthetically intrusive, local residents are cognisant of the exception granted to cell phone companies. At the same time, we assume that the exception cannot be automatic - i.e. there must be situations in which it would be aesthetically unacceptable to place a tower - perhaps Citadel Hill or Point Pleasant Park.

It seems to us that *Misery Mountain* with its incomparable views of the city, the lanes of Jollimore, the Boscobel waterfront would seem to us to warrant very serious consideration as areas of aesthetic value that the City should protect from damage.

Postscript:

Eastlink began their public presentation with a list of social goods to which the company contributes ranging from hockey sponsorships to charitable donations. Whereas no-one doubts that Eastlink engages in this kind of activity, this does not evidence the company's concern for this environmentally sensitive area and the concerns of its residents. It is worth noting that whereas Eastlink suggested that the proposed installation would prevent "dropped calls", no resident

reported experiencing dropped calls, or even weak signals - calling into question the need for an expanded tower network.

The observations and opinions expressed here are shared by the following residents all of whom reside in close proximity to the proposed site.

Oppose the Eastlink telecommunication tower at 290 Purcell's Cove Road

Petition published by K Schoffer on Nov 27, 2013

Background (Preamble):

There has been a proposal for a 100 ft cell phone tower at 290 Purcell's Cove Road, the St. Augustine Anglican church, in Halifax, NS.

This location is surrounded on all sides by houses and is zoned as a residential area. It is popular destination for biking and hiking in the summers, and William's Lake is nearby.

The proposed tower would stand high above the tree line and be easily visible from the road. The health risks being so close to residents is unknown, and there are many children in the area. It is certain that erection of the tower will lead to a loss in property values of nearby land and homes:

There are industrial areas nearby that could be used instead, and existing towers from other companies that could be rented. Halifax Regional Municipality will be voting on this in early 2014. Please, help us put a stop to this proposal. The link to the proposal can be found at <http://www.halifax.ca/planning/Case18762Details.html> (Case 18762: Application by Eastlink to construct a 30 metre telecommunication monopole structure with equipment shelter at 290 Purcell's Cove Road, Halifax).

Please note that you can ask for your signature to be kept private. It will not appear on the website and only in the final document to the HRM.

MOST IMPORTANTLY, PLEASE SEND A LETTER TO HRM via Jillian MacLellan, Planner (maclelj@halifax.ca) copying the Clerk's Office (clerks@halifax.ca), EXPRESSING YOUR CONCERNS. A RESPECTFUL LETTER TO THE ANGLICAN CHURCH CAN ALSO BE SENT TO 290 PURCELL'S COVE ROAD.

Petition Text:

We, the undersigned, call on the HRM and Industry Canada to reject the proposal by Eastlink to erect a telecommunication tower at 290 Purcell's Cove Road.

* Signatures from Nova Scotia only please.

Total signatures 78 (Signature comments can be viewed in the Appendix of this document)



January 30, 2014

Dear [REDACTED]

St. Augustine's Church forwarded a copy of your petition to me earlier this month. I would like to take the opportunity to comment on the points raised in the petition regarding Eastlink's proposed 30 metre monopole on the Purcells Cove Road. Before doing so I would like to emphasize that Eastlink's objective with this site is to provide high quality wireless service to our customers with a structure that minimizes the visual impact on the community.

Proximity

From a network coverage perspective, the growth in the use of devices such as smart phones and smart tablets has driven a sharp increase in demand for data and mobile services. This increase in demand requires wireless carriers to locate wireless or cell sites closer to the areas where the demand exists. Given this reality, it is important for wireless carriers to take into account the nature of the communities they are trying to cover when determining the design of their installations. Eastlink attempted to do this when looking at the proposed location. As discussed in the public meeting, Eastlink chose the stealth monopole design for this site to minimize the visual impact on the community. Compared with other wireless structure designs, the stealth monopole is the least visually intrusive.

Health

Health Canada regulates the health and safety standards of wireless installations. As stated in the brochure mailed to local residents and presented at the public meeting, it is Health Canada's position, backed by scientific and medical research, that there is no scientific reason to consider cell phone towers dangerous to the public and precautions to limit exposure to RF energy from cell towers are not necessary.

The petition states that "studies across the globe have been inconclusive" about potential health impacts. In reality, credible science-based studies have found no link between wireless installations and adverse health conditions. Because a study might suggest that research should continue does not equate to the study being "inconclusive."

Regarding the possibility of future collocations, Eastlink is required by Industry Canada to consider requests from other carriers to collocate on its structures. Any possible future collocations would be required to operate within Health Canada's regulations. To date we have not received any collocation requests from other carriers.

Property values

The issue of property values is difficult to quantify because so many variables go in to determining the value of a property or properties. Most studies on the subject have come to this conclusion. With respect to the study from Auckland, NZ, referenced in the petition, the authors concluded that, based on sales transactions, single monopoles like the one proposed for this location did not impact on property values.

Regarding the comments made by the three real estate agents you contacted, I cannot respond as I do not know what information was provided to them or what their conclusions were based on.

Aesthetics

As stated earlier, Eastlink took into account the local surrounding when determining the height and design of the structure proposed for this location. A height of 30 metres was the lowest possible height that would allow Eastlink to provide coverage to the area. The stealth monopole was chosen because Eastlink felt it was the design best suited for the surroundings.

Eastlink did investigate the possibility of collocation. Unfortunately there are no towers close enough that would allow us to provide service to our customers. Given that we are required to build our own structure in the area, we have tried to strike a balance between providing coverage while respecting the local surroundings.

I would be more than happy to discuss our proposal with you in more detail should you be interested.

Sincerely,

Original signed

Allan Sullivan
Government and Community Relations Advisor

c. St Augustine's Church

Case 18762: Attachment J
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 18762

Wednesday, November 13, 2013
7:00 p.m.
Captain William Spry Centre

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, HRM Planning Applications
Alden Thurston, Planning Technician, HRM Planning Applications
Cara McFarlane, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE: Councillor Linda Mosher, District 8
Allan Sullivan, Government & Community Relations Advisory,
Eastlink
Bob Warren, Site Acquisition Specialist, Eastlink
Babar Siddiqui, Radio Network Designer, Eastlink

PUBLIC IN

ATTENDANCE: Approximately 33

The meeting commenced at approximately 7:05 P.M.

1. Call to Order, Purpose of Meeting – Jillian MacLellan

Ms. MacLellan introduced herself as the planner facilitating the application through the planning process; Alden Thurston and Cara McFarlane, HRM Planning Applications; Allan Sullivan, Bob Warren and Babar Siddiqui, Eastlink; and Councillor Linda Mosher, District 8.

The Public Information Meeting (PIM) is to discuss Case No. 18762 which is an application by Eastlink for a proposed 30 metre telecommunication tower at 290 Purcells Cove Road.

The purpose of the PIM is to identify the scope of the proposal and to receive feedback on any issues concerning land use compatibility. It is important to note that no decisions are made at the PIM.

The PIM agenda was reviewed.

Staff are currently undertaking a review of the applicable Policy and how it relates to this application. Most of HRM's Municipal Planning Strategies (MPSs) do not discuss telecommunication towers specifically; therefore, the Policy in the Plan is reviewed. In the Halifax MPS, there is Policy about the locating of industrial or certain commercial uses in areas that don't have those designations. They can be considered through a development agreement or

rezoning of a property. However, because telecommunication towers would not be subject to a development agreement or rezoning a property, Industry Canada makes the final decision. HRM Staff look at the Policy for compatibility to existing uses on surrounding sites and appropriateness for the site.

The Federal government, through Industry Canada, has jurisdiction over telecommunication towers. They are the body that licenses and regulates telecommunication towers. Industry Canada recognizes that municipalities do have interests in telecommunication towers; therefore, applicants are required to notify municipalities. Through this, the municipality has the opportunity to review the proposal and consult the public, and make recommendation to Industry Canada who has the final decision concerning the locating of telecommunication towers.

HRM can only comment on land use. Any concerns regarding health safety is to be addressed by Health Canada. Health Canada has established a standard referred to as Safety Code 6. This consists of a specific range of human exposure to Radiofrequency Electromagnetic Fields. All telecommunication applicants are required to submit an attestation that the proposed installation or tower is within the range of Safety Code 6. It is important to note that Industry Canada will not approve any installation that does not meet those standards.

2. Overview of Planning Process – Jillian MacLellan

HRM's current practice for reviewing telecommunication applications is similar to our regular planning application process. Staff will receive the application, do an initial review, hold a PIM to get feedback from the public as to whether or not the site is appropriate, discuss the application further with other HRM Staff, gather all public and HRM Department feedback and create a Staff Report providing recommendation to Council as to whether or not Staff feel that it is appropriate to the site. That recommendation will be based on the Policy within the MPS. Through that Staff Report, Council will make a decision regarding the location of the tower and whether or not they want to make any suggestions to change the aspects of the tower. Council's recommendation would be forwarded to Industry Canada. If Council recommends the proposed tower, and all other requirements of Industry Canada are met, Industry Canada will most likely grant the approval. However, Council can request modifications (shortened or color changed), if Council does not concur with the proposal. The Applicant can request that Industry Canada intervene to resolve the differences between Council's issues with the proposed tower and with the Applicant's request. If the parties are unable to reach a solution, Industry Canada will make the final decision. It is important to note that in all cases, Industry Canada is the decision maker regarding telecommunication towers.

3. Presentation of Proposal – Jillian MacLellan

Eastlink is proposing a 30 metre telecommunication monopole structure with an equipment shelter to be located at 290 Purcells Cove Road (St. Augustine Church), Jollimore. The property is within the Halifax Mainland plan area, within the Mainland South Secondary Plan and is designated low density residential. The property and surrounding properties are all R-1 Zone. The R-1 Zone permits single unit dwellings, home office uses and community uses (churches, recreational uses and special care homes).

An aerial view of the property was shown. It is adjacent to a new subdivision, Boscobel development, in the area and the proposed parkland that is to be part of that new development.

A couple of renderings provided by the Applicant were shown.

Presentation of Proposal – Alan Sullivan, Government & Community Relations Advisory, Eastlink

Mr. Sullivan's presentation included:

- a) Who Eastlink is: Leader in communication and entertainment services (residential, business and public); first to create bundles; first to bring local phone competition to Canada; 1,600 employees in Canada (1,200 in Nova Scotia); and privately owned.
- b) Local Support: Support a number of communities and community organizations in HRM and across the Province.
- c) What is Wireless: Building a network for the future. The network is supporting an increase in demand for data and integrated services.
- d) Why is Eastlink Building a Wireless Network: Strong support for competitive wireless service. Wireless in Canada is experiencing explosive growth.
- e) The Future of Wireless – Global: Wireless devices are expected to grow to 50 billion by the year 2020. It is all about the rapid growth of demand for bandwidth.
- f) Our Wireless Network: Fast, reliable wireless network (4G LTE technology – only 100% LTE network in Canada that supports a growing customer demand); highly competitive offering by local company; and launched network in Nova Scotia and PEI in February 2013 and continuing to build that network.
- g) How We Assess a Potential Site: Start by seeking out locations (meet coverage needs, look at collocating, minimal impact on community, need to find available land); full coverage ensure reliability, continuous service and supports the 911 network.
- h) Engaging the Community: Very important to Eastlink; consider location options (meet with municipal officials, public meetings/open houses, respond to inquiries)
- i) Continuous Coverage: A network is a series of sites that are interconnected and provide continuous coverage to avoid dropped calls.
- j) Health and Safety: Health Canada regulates Health and Safety standards: i) “With respect to cell towers, as long as exposures respect the limits set in Health Canada’s guidelines, there is no scientific reason to consider cell phone towers dangerous to the public.”; and ii) “Precautions to limit exposure to RF energy from cell towers area unnecessary because exposure levels are typically well below those specified in health-based exposure standards.” A slide was shown comparing different things that emit radiation in comparison to telecommunication towers. The towers being at the bottom of the spectrum.
- k) Coverage Objectives: Portions of Purcells Cove Road and Williams Lake Road; residences in the Boulderwood area; improve indoor coverage on the opposite side of the Northwest Arm. A slide was shown of areas not covered without this proposed site and then a slide showing how the proposed site would improve the coverage area.
- l) Site Specifics: 30 metre (100 foot) monopole; approximately 75 metres (246 feet) from nearest residence; no lightings or markings required by Transport Canada; fencing around base of the tower and equipment.
- m) A Drawing of the Site by Genivar
- n) Some Renderings: What the tower would look like from different angles in the community.
- o) In Summary: Building a wireless network to meet growing demands; provide competitive service at better value; working with HRM and the community; review and respond to all feedback.

Eastlink did their best to find a structure that would work best for the community. This would be the first one of its kind in their network.

4. Questions and Comments

Malcolm McCurdy, Wenlock Grove – Does the church gain financially from the telecommunication tower being on their property? **Ms. MacLellan** explained that HRM is looking for comments based on whether it is an appropriate land use. **Mr. Sullivan** said that Eastlink and the landowner enter into a long-term lease agreement.

Nick Webb, Purcells Cove Road – He lives opposite the site and is concerned about the health issues. Health Canada's statistics and studies change regularly; therefore, their standards and guidelines are not enough proof for him. Debates are still raging regarding telecommunication towers and cell phone usage. Aesthetically, it will be hard to convince him, although it will not be gigantic or have a flashing light on top. He is not happy that the tower will be servicing the south end on the other side of the Arm. **Mr. Sullivan** explained that when massive increase in data is being used, the carrier has to be closer to the population basis in order to provide the service to that area. Eastlink tries to fit these structures in as best they can.

Elisabeth Gold, Jollimore – She is concerned about the health issues. Health Canada has issued a warning in 2011 that children under the age of 18 years need to limit their use of cell phones. More recently, in January 2012, the World Health Organization (WHO) has a summit of 31 scientists who looked at all the evidence about cell phones and towers. They declared that microwave radiofrequency radiation is a possible cause of cancer. It takes a lot to say that something is a possible cause of cancer. She referred to and gave the website address to a YouTube video about cell phone towers as a possible cause for cancer. Health affects along, with the economic, social and service affects, should be taken into account when reviewing this application. Some people are hypersensitive to the electromagnetic radiation and become very ill from exposure to it. WHO suggests that it is unsafe if you live within 300 to 400 metres of cell towers and antennae (1000 metres if it is 4G LTE). Cell towers have become vertical real estate where some companies erect the towers then they rent the space out to different competitors. **Mr. Sullivan** said that Eastlink follows Health Canada's safety standards and operate well below those standards.

Brian Psooy, Purcells Cove Road - He would be staring at the tower every day. The lines drawn from the tower and proximity to the houses land pretty much on his one year old's bedroom. His house is fairly high and would be closer to the radiation. He is concerned with the way this is being presented to the public. On-line there is a suggestion by the Applicant that a PIM was not needed and the residents should be notified by mail, as it is such a rural area. He does not consider the area to be rural. In terms of how the tower fits into the community, it will stick out quite a lot. **Mr. Sullivan** said Eastlink never requested there not be a PIM held.

Kerri Schoffer, Purcells Cove Road – She lives next door to the site and would be surprised if their house was 75 metres away from the tower. She believes the data is inconclusive at this point and does not feel comfortable having her one year old living that close to a cell tower. Her family will fight this because it is not an appropriate location at all. There are nearby commercial locations that would be much more appropriate. Property values in the neighbourhood would decrease. She understands the need for cell towers, but a residential area is not the right location.

Mr. Psooy, Purcells Cove Road – He has never had a dropped call in the area. A residential neighbourhood does not support this kind of use.

Anne Maltzahn, Wenlock Grove – Why was this location chosen? **Mr. Sullivan** explained that the engineers figure out what areas need coverage. Eastlink looks to collocate or place an antenna on a rooftop. In this case, there wasn't that option so Eastlink sought out landowners.

Ms. Maltzahn – If the other side of the Northwest Arm is being serviced, why not put the tower there? **Mr. Sullivan** mentioned that there is a very small portion of this coverage area that would actually provide coverage on the other side of the Arm. There are antenna on rooftops on Coburg Road that provide coverage to this side of the Arm. Primarily, Purcells Cove Road and the surrounding areas would be provided with better coverage. **Ms. Maltzahn** – She commends Eastlink for the support provided to charities and local activities, but she feels that the profits used to support these charities and activities come from erecting cell towers in areas such as this and the community doesn't want them.

Silvia Apostol, Purcells Cove Road – She lives right across from the site. She believes that development is good; however, it should be done in the proper places. This is a potential danger for her two year old and she is concerned about safety. She is a business owner and does not believe it to be proper for a company to sacrifice the safety of a neighbourhood for better coverage. She will not be forced to move to another location simply because the applicant decides to put a cell tower in a residential area. It should be built in an industrial area. She has never had a call dropped. The public should not be misinformed by saying that this is for better coverage. Why are you putting it in the heart of a residential area? The first concern should be the health and the fact that people came to this area for the quality of life. **Mr. Sullivan** explained that the slides shown were focusing on Eastlink's network. A tower can only be so far away from a community and still provide coverage. Health issues are very important to people and as indicated, Eastlink follows the guidelines and standards of Health Canada.

Renee Forrestall, Purcells Cove Road – She lives across the street. She would like to know if the Applicant is listening and going to work with the community to move the telecommunication tower elsewhere. **Mr. Sullivan** could not answer the question but guaranteed that he was there to listen and collect feedback. **Ms. Forrestall** asked what negative feedback Eastlink has received on cell towers. **Mr. Sullivan** mentioned people's questions on health issues and aesthetics.

Louis Leroux, Albion Road – He sent an e-mail to Ms. MacLellan, Councillor Mosher, and Mr. MacGuire. He read the email regarding his concerns with the proposed telecommunication tower. He commended Mr. Sullivan on his presentation, but doesn't want the tower in his backyard.

Pat Beresford, Wenlock Grove - She works with people who became very ill at the Camp Hill Hospital after Canadian guidelines said the work environment was perfectly safe. She has seen from experience that this Canadian standard has no bearing on what can really happen to people and their health. She lives across the street from the proposed tower, there are a lot of children on that street, pregnant women and wildlife. How does the community counteract and fight this proposal? **Ms. MacLellan** informed her that an e-mail could be an official part of the Staff Report submitted to Council which would eventually go to Industry Canada. People could also contact Industry Canada or Health Canada directly.

Andrew Cameron, Wenlock Road – He has three small children. He uses his cell phone (different network) in the basement and has never had a problem. Why not expand your network to another tower in the area? He works in the mapping industry and noticed that the slide was not

of a very high resolution. It seemed like very small areas that had no coverage. **Mr. Siddiqui** explained that drive testing was done in that area and dropped calls were experienced. Complaints have been received about missing indoor coverage. Collocating the network has been explored. There is a tower more than 1 km away at a lower elevation so the signal wouldn't reach the area because of the terrain. The radius of the coverage from the tower is 700 to 800 metres. **Mr. Cameron** asked if it is the 4G LTE technology that is not allowing them to put it on the other tower. **Mr. Siddiqui** said that it is for 3G and 4G. It also depends on the frequency band. **Mr. Cameron** suggested that a 30 metre resolution modeling in an urban area doesn't seem to be high enough if you are actually looking for pockets.

Michael Apostole, Purcells Cove Road – He is against this project for safety reasons, property values, and he moved to the community for the R-1 Zone. He appreciates HRM's stand on this as applications have to be accepted and considered. However, everyone in this room and community is opposed to this project so it should be pretty simple. Why are we here? He is disappointed in the property owner for selling the property without going to the community first. He too uses his cell phone 24/7 and has never had a dropped call. Why not use an existing tower? It comes down to profits. He is counting on Councillor Mosher to support the community and do everything possible to stop this from happening because of the safety of children. **Mr. Sullivan** said that this is part of the process and it is where feedback is gathered.

Frank Taussig, Parkhill Road – He doesn't agree with the comparison of microwave ovens to cell towers. **Mr. Sullivan** was trying to provide some context from everyday life and what Health Canada says to be a safe level. **Mr. Taussig** said that radiation is cumulative and the environment doesn't need more of the same as people are becoming more sensitive.

Councillor Mosher – There have been a lot of great comments about health issues but Council and HRM Staff can't discuss that. When this comes to Council, health is not relevant. HRM can talk about the aesthetics and the placement of this potential tower in the area. If residents want to stop this proposal, written submission has to be made pertaining to HRM's Policies. The Federal government is responsible for Industry Canada so any submissions sent to Jillian or herself would be part of the official Staff Report.

One resident – The tower is an ugly commercial structure in a residential area. Doesn't HRM have some control over that? **Councillor Mosher** said that can be discussed with Industry Canada. At the end of the day, Industry Canada has the final decision. In order for Ms. MacLellan to write a Staff Report to Council, it is important to talk about the aesthetics and the siting of the tower.

Steve Lane, Wenlock Grove – Will this tower be upgraded to provide a more powerful service and sharing in the future? **Mr. Sullivan** explained that the purpose now is to provide coverage in the area. He couldn't speak to future requirements. Industry Canada requires all carriers to consider collocation options. **Mr. Lane** said that current concerns people have are minimal to what may be experienced in the future.

Brendan Maguire, MLA Halifax Peninsula – Is the tower on the 500 Block of Spryfield Eastlink's? **Mr. Sullivan** said yes. **Mr. Maguire** asked if there will be a maintenance road created with the proposed tower. The one in Spryfield is quite large. Many trees were taken down and the environment disturbed. **Mr. Sullivan** said that tower is much larger and required a larger footprint. **Mr. Maguire** asked how long the lease is for. **Mr. Sullivan** said it generally runs for 10 or 20 years depending on what agreement can be negotiated. **Mr. Warren** mentioned that the landowner actually built the maintenance road at the Spryfield site. **Mr. Maguire** wants

to make sure that the proposed tower doesn't have a huge maintenance road. **Mr. Warren** said the tree buffer will remain in behind and along the side; therefore, it wouldn't be as visible in the community. **Mr. Maguire** asked if Eastlink is able to put the tower in using heavy machinery without doing a lot of destruction to the surrounding area. **Mr. Warren** said they can slide the tower in those locations with minimal disruption.

One resident, Jollimore – She said that most people in the room agree that the site is ugly and they don't want it. That should be enough. Her sister-in-law has sensitivities when she comes into areas polluted with electromagnetic fields and becomes physically ill.

Ms. Forrestall – She feels the illustration used is not to scale and is misinforming. **Mr. Sullivan** said the engineering company's renderings took into account the elevations, vegetation and trees surrounding the site. **Ms. Forrestall** said this tower is going to go well beyond the trees around it. It will be an eyesore. It does not belong in a neighbourhood.

One resident – How tall is the fencing? **Mr. Sullivan** said usually about 8 feet.

Nick Webb, Purcells Cove Road – He is worried about the process and of course safety. Property values are going to decrease if the telecommunication tower is approved.

Greg Booth, Purcells Cove Road – How high is the tower in comparison to the lamp pole in the church parking lot? **Mr. Warren** said probably about 35 feet high.

One resident – Is astounded by the fact that none of the public's concerns about health and safety can be expressed at this meeting. It has boiled down to ugly and a community can't win on that basis. **Ms. MacLellan** reiterated that HRM can only comment on the Policy that is within the MPS.

Ms. Maltzahn – It is not customary to introduce an industrial use into an R-1 Zone. Many of the issues brought up, including safety and aesthetics, have to do with the fact that the residents chose to live and pay the taxes in a R-1 Zone. By the introduction of this tower, an industrial use is being inserted. It is definitely a planning issue and all the talk about aesthetics and health have to do with the values that people hope to have when residing in a R-1 Zone.

Mr. Apostol – Did Eastlink try to find another location? He referred to the container terminal down the road. **Mr. Warren** explained that the process to find a site begins with the radio network engineers picking an area where the coverage is needed. They provide a search area which is a ring with a certain radius. There was a tower at Williams Lake Road but was outside of that area. There were no rooftops high enough in the area. The next step was to look for raw land. The terminals were not in the area that needs coverage. **Mr. Apostol** asked what type of equipment is in the shelter at the bottom of the structure. **Mr. Siddiqui** said it is the size of a refrigerator and houses some backup batteries, paneling for power and digital unit. **Mr. Apostol** is concerned about the aesthetics and truck traffic which is normal for essential services such as power, gas, etc. **Mr. Sullivan** mentioned that once the tower is up, access is needed only once or twice a year by a technician for maintenance.

Mr. Leroux – This is a R-1 Zone, low density residential area. HRM has to stand up for this long-existing community. The residents pay the taxes and they should be defended by the City.

Ms. Forrestall – Where is the site in relation to the hill on the property? **Mr. Sullivan** said it would be approximately just up to the top of the hill. **Ms. Forrestall** said if it includes the hill

and the height of the tower then it makes it visually worse in the community. This is a quiet, forested community and is not raw land as stated. **Mr. Warren** mentioned that “raw land” is the terminology used.

Ms. Gold – Policy 4.6(iii) states “the proposed use does not entail unacceptable nuisances, such as traffic, smoke, toxic or noxious effluents, and noise;” There is evidence of reasonable doubt by WHO that the effluent would be toxic (in the sense of being carcinogenic) to people living within the distance mentioned before (300 to 400 metres and 1,000 metres for 4G LTE radio waves).

Sheila Kindred, Jollimore – It doesn’t seem fitting to put the cell tower adjacent to the piece of proposed parkland from the Boscobel development. It seems that there is a disconnect for parkland which has ancient hemlocks and retains a little bit of what was lost when the lands were cleared for the development.

Mr. Cameron – If you measure from where the tower is proposed to the closest lot of the Boscobel development, it is only 25 metres from the property line. Also, the coordinates that were provided to Industry Canada did not fall on the sited location. There was no distinction in the datum that was used. **Mr. Warren** said that the coordinates were provided and used by GENIVAR. **Mr. Cameron** said there is an error. **Ms. MacLellan** will ask to have that verified.

Regine Maass, Albion Road – Are towers going to be proposed every kilometer? **Mr. Sullivan** said it would depend on capacity and data demand in an area.

Mr. Leroux – Would a neighbourhood petition be of valid assistance to HRM? **Ms. MacLellan** ensured Mr. Leroux that a neighbourhood petition would be forwarded to the Clerk’s office and then to Council. **Councillor Mosher** said it would be better to submit it to Halifax and West Community Council. Petitions normally don’t make a difference but in this case, since Ottawa will be looking at it, a petition would be helpful.

One Resident – What is the deadline for submissions? **Ms. MacLellan** will post a deadline on the website but does not see this application going to Council before early in the New Year.

5. Closing Comments

Ms. MacLellan thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 8:57 p.m.