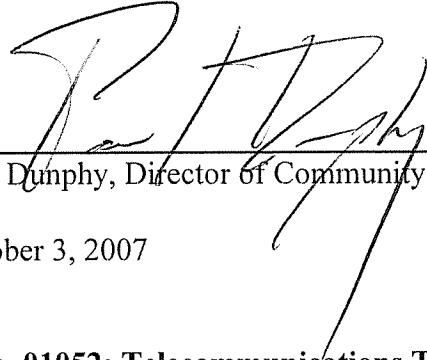


TO: Chair and Members of Chebucto Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: October 3, 2007

SUBJECT: **Case 01052: Telecommunications Tower 295 Lacewood Drive,
Halifax**

ORIGIN

Application by Bell Aliant Regional Communications to install a 23 metre high telecommunications tower on land adjacent to 295 Lacewood Drive, Halifax.

RECOMMENDATION

It is recommended that Chebucto Community Council forward a positive recommendation to Industry Canada supporting the proposal by Bell Aliant Regional Communications, thereby allowing for the construction of a new 23 metre (75 feet) high self supported (monopole) telecommunications tower on land adjacent to 295 Lacewood Drive, (PID 40582439) Halifax, as shown on Map 2 attached to this report.

BACKGROUND

295 Lacewood Drive is a 5 acre parcel currently occupied by an 80 unit rental apartment building. Bell Aliant proposes to install a 23 metre (75 feet) high cellular telecommunications monopole and related 187 square foot steel accessory building on lands located between 287 Lacewood Drive and 295 Lacewood Drive. A photo rendering of the proposed monopole is included in Attachment "B".

The subject property and neighbouring residential properties are currently zoned Schedule K (Comprehensive Development District) under the Halifax Mainland Land Use By-law. The property also abuts a shopping plaza at 287 Lacewood Drive that is zoned C-2 (General Business). (see Map 1).

The purpose of the tower is to improve signal coverage in the cellular telephone network, especially in the Clayton Park Shopping Centre area. A plan illustrating the overall site layout is attached as Map 2.

The proposed tower will be:

- located on leased land at the front and side yard area of a Schedule K (CDD) zoned property (see Map 1);
- approximately 23 metres (75 feet) in height;
- accompanied by a 187 square foot steel accessory building equipment shelter located at the base of the tower;
- secured by a 1.8 metre (6 foot) high chain link fence, with appropriate warning signs, located around the new equipment building and the tower (see Map 3); and
- located within a wooded area which provides some screening.

DISCUSSION

In accordance with constitutional law, the federal government has jurisdiction over all forms of telecommunication and, accordingly, municipal regulations or by-laws have little force or effect over such installations. However, as a matter of policy, Industry Canada, the federal licensing authority, has recognized that municipal authorities may have an interest in the location of antenna structures, particularly from the perspective of aesthetics. An opportunity is therefore provided for municipalities to review proposals and provide comment which may be taken into consideration in determining whether to issue a license, or upon what conditions a license may be granted.

Notwithstanding the federal jurisdiction over telecommunication licensing, HRM's Regional Plan anticipates the preparation of a "Communication Tower/Antenna Functional Plan" to address community concerns regarding aesthetic and environmental impacts of

telecommunication structures and facilities. The functional plan would include specific siting and design guidelines for the various types of structures, however, the plan preparation process has not yet begun.

There is no specific guidance with respect to communication towers in the Halifax Municipal Planning Strategy. Regarding the aesthetics of the proposed tower, there is some support in the Schedule "K" policies that provide for the conservation of natural environment features including mature trees. As a general site planning principle, visual incompatibility between land uses can be mitigated through screening or physical separation of uses. Bell Aliant has made an effort to find and locate on a property that has mature trees and have agreed in principle to retaining as much mature vegetation as possible. The site does contain a large number of downed trees. Most of the vegetation to be removed will be dead fall and any mature trees that are removed, would be as a result of the trees being directly in the area of the tower. Clearing of the lot will reflect what Bell Aliant requires for construction and operational access.

It is staff's opinion that the proposal to erect a 23 meter high monopole cell tower, subject to the retention of mature trees where possible, does not pose undue aesthetic or visual concerns. It is therefore recommended that no objections be raised by this proposal.

Public Information Meeting

In accordance with this consultation policy, the Bell Aliant proposal was discussed at a Public Information Meeting held in the community on September 6, 2007. One member of the public attended this meeting, and raised issued regarding the loss of trees. Staff agree in principle that the retention of mature trees is desirable with regard to the mitigation of aesthetic or visual concerns. Minutes of the meeting are appended as Attachment "A".

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

ALTERNATIVES

1. Inform Industry Canada that Chebucto Community Council has no objection to the proposal by Bell Aliant Regional Communications to erect a 23 metre (75 foot) self supported telecommunication tower and an accessory building at 295 Lacewood Drive, Halifax. This is the recommended course of action.
2. Identify 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. Identify that the Community Council is not in favour of the proposal. This is not recommended due to reasons outlined in this report.

ATTACHMENTS

Map 1 - Location Map

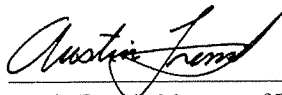
Map 2 - Bell Aliant Concept Plan

Attachment A - Minutes of the Public Information Meeting - September, 2007

Attachment B - Photo Representation of the Proposed Monopole

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 : Brian White, Planner 1, 490-4793



Report Approved by: Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

295 Lacewood Drive
Halifax



Subject area

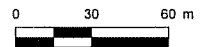


Area of notification

Halifax Mainland
Land Use By-Law Area

Zone

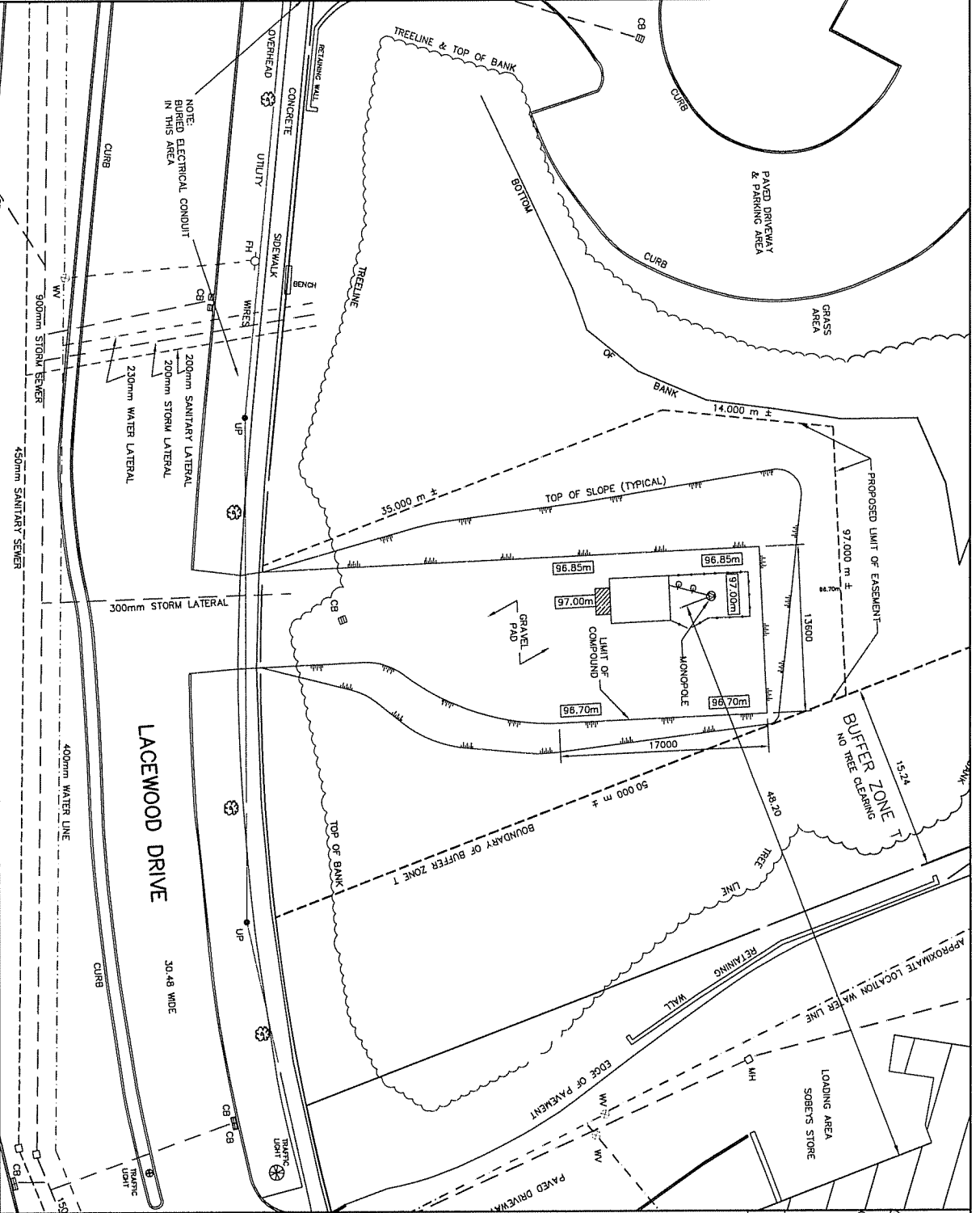
- R-4 Multiple Dwelling
- C-2 General Business
- K Schedule K



HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

This is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law area

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



KEY PLAN

NOTES:

MAP 2 - CONCEPT PLAN

Task: **Clayton Park Cellular**
Lacewood Drive
Halifax, Halifax County
Nova Scotia

Project: **Bell Aliant**

Address: Maritime Centre, 11 North, Suite 1102
Maritime Centre
P.O. Box 680
Halifax, NS B3J 2W8

Building Services
Tel: (902)486-5523
Fax: (902)256-7317

Drawn By: STAFF
Approved By: GB

Date: APRIL, 2007
Scale: 1:300
Sheet No: 1

Attachment A

Public Information Meeting Case 01052 September 6, 2007

In attendance: Councillor Wile
Brian White, Planner, Planning Applications
Sharlene Seaman, Admin Support, Planning Applications
Gail Harnish, Planning Services
Rod Winters, Bell Aliant Regional Communications
2 members of the public

Opening remarks, introductions, purpose of meeting

Mr. Brian White called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Keshen Goodman Library. We are here to discuss an application by Bell Aliant to construct a new telecommunication tower at 295 Lacewood Drive (Case 01052).

Overview of planning process

Mr. White noted telecommunication towers are a matter of constitutional law. The Federal government has jurisdiction over all forms of radio and cellular communication. Provincial and Municipal governments have little constitutional jurisdiction to interfere with or impair radio communication facilities licensed under Federal law. Industry Canada is the Federal agency which licenses and regulates these facilities under the provisions of the *Telecommunications Act*.

Mr. White indicated the Federal government has recognized that municipal authorities may have an interest in locating telecommunication towers and a consultation process is now in place. It requires that Bell Aliant notify the 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 Industry Canada. The submissions will be reviewed by Industry Canada, who will then determine if a license will be granted and under what conditions such a license is granted.

Mr. White reviewed the telecommunication process:

- an application was received from Bell Aliant
- staff did a preliminary review of the application
- tonight is the PIM
- staff will do a detailed review of the application
- staff will prepare a staff report with a recommendation which is tabled with Chebucto Community Council
- Community Council will either approve, reject or modify the application

Mr. White advised the approximate location of the tower is located on a parcel of property which is located at civic address 295 Lacewood Drive. The location is a wooded site adjacent to Sobeys on Lacewood Drive. Referencing a photograph taken from across the road, he pointed out the driveway access that would be used to get into the site. They will be clearing out an appropriate piece of land to put the tower. He displayed a photograph of an example in terms of the type of monopole structure. The approximate height is 75'. He then displayed a photograph provided by Bell Aliant which superimposes the proposed cell tower on the site.

Presentation of proposal

Mr. Rod Winters stated the last photograph should be a clearly good presentation of what the tower should look like.

Questions and comments

Ms. Wendy McDonald said she was concerned about the loss of trees. We prize our trees in HRM. This whole area has been losing trees in the last ten years and very little has been done to replace them. In many areas, it is just clear-cutting that happens.

Ms. McDonald questioned the footprint of the full project, not just the shed size. She presumed there will be access for motor vehicles for repair and maintenance. She questioned what plans they might offer to compensate for the loss of trees from this property. She gathered the property was owned by HRM. She questioned whether they would plant trees elsewhere in the neighbourhood to offset the loss of them.

Mr. Winters advised the size of the lot they will be clearing will be approximately 14 m across the back. He pointed out the location of the driveway as well as the approximate location of the tower. It will be an area just large enough to put up the tower and build a 11'x17' shed and a secure compound in front of them. They will need a turn-around area for their vehicles. He referenced a photograph taken from Google. When you look at this photo, all you see is green but if you were to walk the site today, a lot of it is dead fall.

Ms. McDonald said she realized that. It is quite a slope. Perhaps the area they chose is level.

Mr. Winters responded it is. There is one area that is protected by HRM. What is significant about the dead trees in there now is that they will be clearing a lot of them out. For the homes in the area, those dead trees are a fire hazard. A lot of these dead trees have been dead for sometime. It is not a matter of if, but when a fire will catch. They will try and hide their site as much as possible. Just by having their site setback off the road will provide a fair bit of cushion in terms of erosion of trees. It will not be as visible as if it was at street level.

Ms. McDonald questioned whether it would all be fenced.

Mr. Winters advised the compound would be completely fenced and lit. The building will have a light which should deter anybody from wanting to hang out there.

Ms. McDonald asked about the lighting on the tower.

Mr. Winters indicated he doubted they would have a light on the tower. It is not high enough and given the location he thought they would run into some resistance. The final decision rests with Transport Canada. He noted the height of the tower is almost the same as this apartment building (pointed out).

Ms. McDonald said HRM has a policy about fallen trees and they are left where they fall. She knew this because she has been working on trails and they are discouraged even here in the Commons which is full of fallen trees.

Mr. Winters stated they have run into that issue as well.

Ms. McDonald questioned whether Bell Aliant has ever offset trees that have been cut for this project to be planted elsewhere.

Mr. Winters responded they have provided landscaping on the site when it is determined to be required and appropriate.

Ms. McDonald said she was not suggesting that it be here at this site. She was suggesting that it be elsewhere in the neighbourhood. HRM is embarking on a visioning exercise for trees. They have a tree retention policy in place and homeowners and developers will have to pay a lot more attention to the trees they destroy and remediation is a buzz word now. There is quite a significant awareness that trees play a major role in our mental and physical health and calming.

Mr. Winters indicated it is something they would have to look at. They would want to make sure there is as little environmental impact on their site as possible. To plant trees elsewhere in the community is something they probably would not do. If the community raised concerns about the landscaping, they would revisit it.

Ms. McDonald questioned what the relationship was between Bell and Aliant.

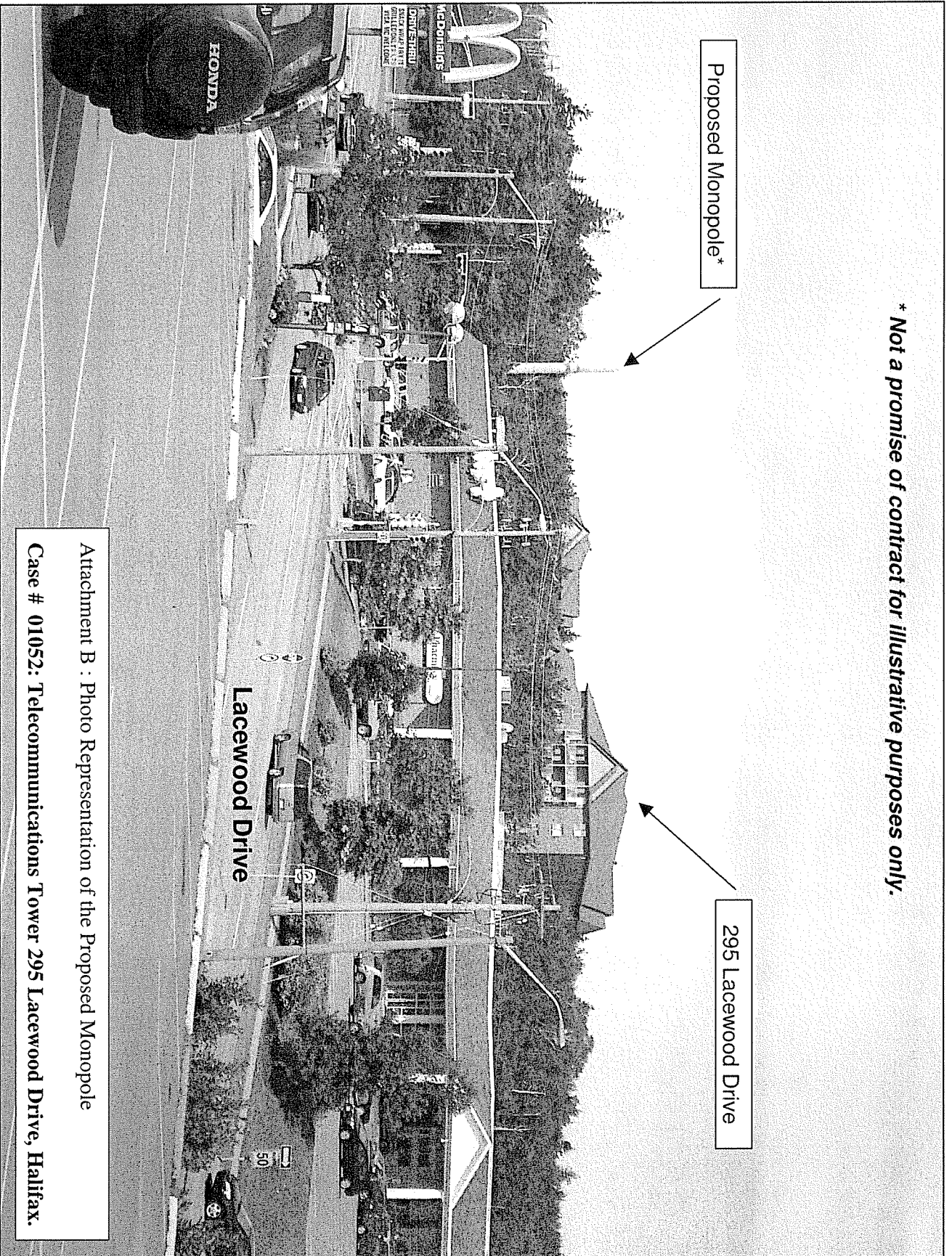
Mr. Winters advised that all the cell towers and infrastructure associated with them belongs to Bell Canada. All the traditional land line telephones belong to Bell Aliant. They joined forces on July 7, 2006.

It was questioned what the timeline was for the report.

Mr. White advised he would be targeting the report for the next meeting of Chebucto Community Council on October 1, 2007.

The meeting adjourned at approximately 7:20 p.m.

** Not a promise of contract for illustrative purposes only.*

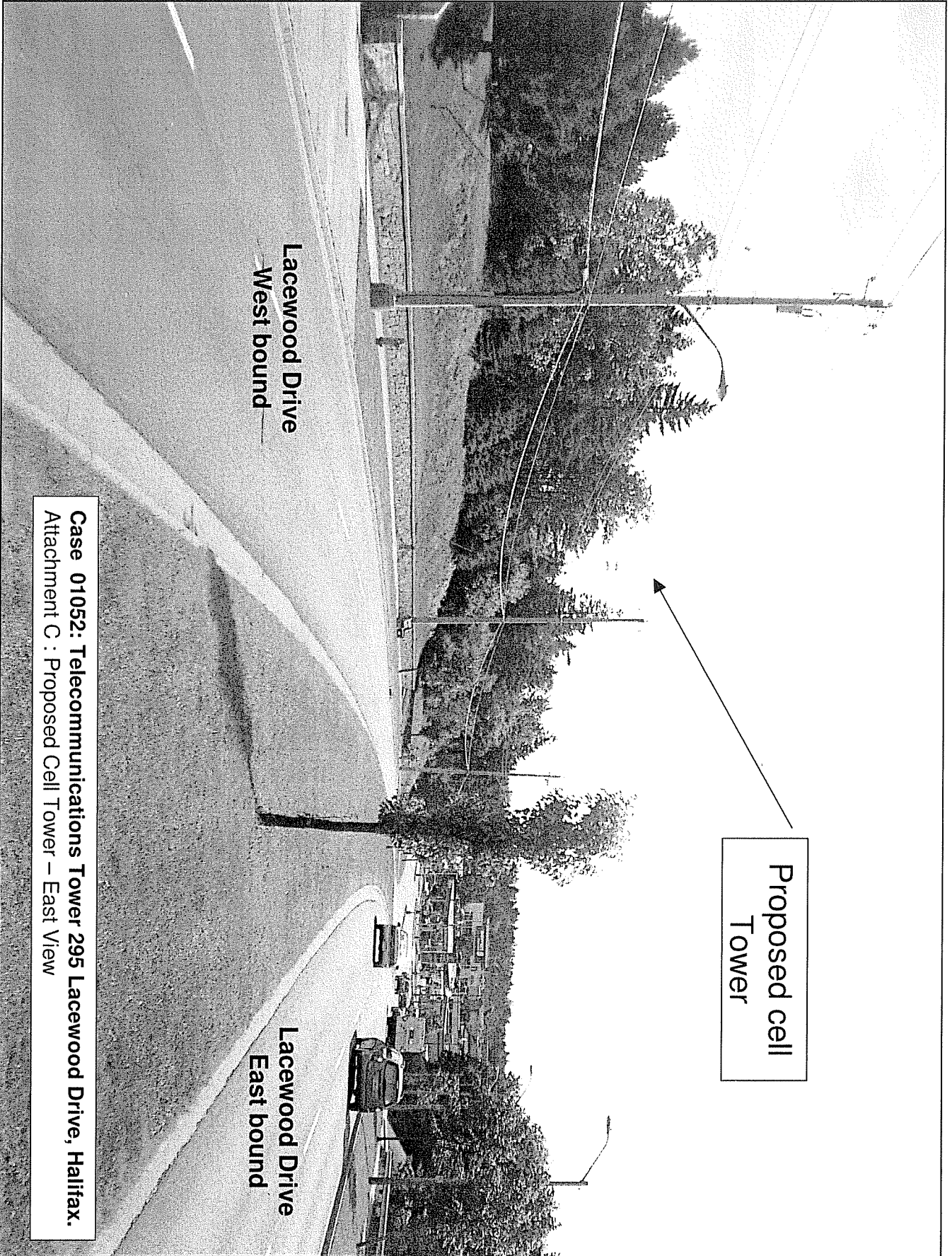


Proposed Monopole*

295 Lacewood Drive

Lacewood Drive

Attachment B : Photo Representation of the Proposed Monopole
Case # 01052: Telecommunications Tower 295 Lacewood Drive, Halifax.



Proposed cell
Tower

Lacewood Drive
West bound

Lacewood Drive
East bound

Case 01052: Telecommunications Tower 295 Lacewood Drive, Halifax.
Attachment C : Proposed Cell Tower – East View