

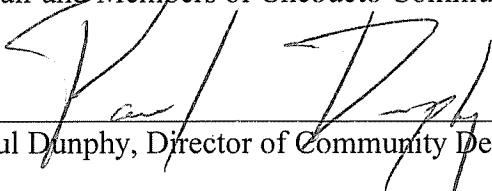
10.1.1



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council
August 9, 2010

To: Chair and Members of Chebucto Community Council

Submitted by: 
Paul Dunphy, Director of Community Development

Date: July 2, 2010

Subject: **Case 15883: Telecommunications Tower - Purcell's Cove Road, Halifax**

ORIGIN

Application by Rogers Communications Inc., for lands of Bess Developments Limited, for a new 35 metre free standing self support telecommunications tower and associated equipment shelter at PID 00269753 - Purcell's Cove Road, Halifax

RECOMMENDATION

It is recommended that Chebucto Community Council forward a negative recommendation to Industry Canada in relation to the proposal by Rogers Communications Inc., as a result of concerns related to the close proximity of established residential development to the proposed location of a new 35 metre free standing self support telecommunications tower and associated equipment shelter at PID 00269753 - Purcell's Cove Road, Halifax, as shown on Map 1 and Attachment A of this report.

BACKGROUND

Rogers Communications Inc. wishes to erect a new 35 metre free standing self support telecommunications tower and associated equipment shelter at PID 00269753 - Purcell's Cove Road, Halifax. The subject property is an 18 acre vacant site adjacent to 451 Purcell's Cove Road (Map 1). The tower is proposed to be located within a small leased portion of the subject property, as shown on Attachment B.

Rogers has indicated the installation of this equipment is required based on recent circumstances related to their existing telecommunications equipment on Fenwick Tower in peninsular Halifax. Rogers indicates the Fenwick Tower equipment has to be dismantled due to the proposed redevelopment of that property. As a result, Rogers had to seek an alternative location for their equipment, and they have secured space on Park Victoria Apartments (South Park Street and Brenton Place) in peninsular Halifax. Further, Rogers radio engineers have concluded the Park Victoria site alone would not be sufficient in restoring the level of service provided through the Fenwick Tower location. Therefore, in order to maintain service to their customers, Rogers have investigated locations for a second tower, with the intent of restoring and maintaining their previous level of coverage. The proposed site layout is shown on Attachment B.

The Tower:

- was originally proposed at approximately 40 metres (131 feet) in height (Attachment C) but is now proposed at 35 metres (115 feet) in height;
- is proposed approximately 90 metres (275 feet) from Purcell's Cove Road;
- base is proposed approximately 6 metres (20 feet) from the closest abutting property (Attachment B);
- would include a new equipment shelter (Attachment D), which is proposed approximately 2.4 metres (8 feet) from the closest abutting property (Attachment B);
- base is proposed approximately 44 metres (148 feet) from the closest residentially developed property (Attachment B);
- would be protected by a new fence around the equipment building and tower base;
- is not required to be illuminated, nor painted, according to Transport Canada (Attachment E).

Municipal Process:

The federal government has exclusive and comprehensive jurisdiction over the area of radiocommunication and telecommunications. Industry Canada is the government agency responsible for regulating radiocommunication including authorizing the installation of radiocommunication towers and sites. When a new telecommunications facility is proposed, federal regulations require the applicant to consult with the local municipality to review and provide comment on the application to Industry Canada.

To facilitate this process, a public consultation policy has been instituted. The policy requires that an applicant notify the appropriate municipality of its intentions. The municipality is then given an opportunity to review the proposed antenna structure and site 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.

Site Features and Surrounding Land Use:

The site has the following characteristics:

- property elevations range from 25m to 70m above sea level;
- located within the former city limits of Halifax;
- is zoned UR (Urban Reserve Zone) under the Halifax Mainland Land Use By-law (Map 1). The UR Zone is also applied in the surrounding area, which restricts uses to single unit dwellings on existing lots and passive recreation uses;
- currently undeveloped;
- the presence of environmental features, including a watercourse located in the central portion of the 18 acre parcel;
- adjacent properties fronting on Purcell's Cove Road and Oceanview Drive are developed with low-density residential uses;
- the abutting residential property to the south of the proposed tower is undeveloped;

DISCUSSION

Within the Halifax Plan Area, the siting and design of telecommunications equipment is evaluated in accordance with Section II, policy 7.2.2 of the Halifax Municipal Planning Strategy (Attachment A). 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 A). Typically, the former City of Halifax would have considered such uses through the development agreement process.

As the federal government has jurisdiction over all forms of radio communication, the Municipality no longer negotiates development agreements for proposed telecommunications equipment in Halifax. 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.

Policy 7.2.2 includes four guidelines to be considered when evaluating a proposal of this nature, which are:

i) Compatibility

This guideline speaks to a proposal's compatibility in respect to neighbouring and adjacent uses. Staff believe there will be issues related to land use compatibility as the tower is proposed in close proximity to established residential areas.

In certain circumstances, incompatibility between uses can be addressed through screening or separation of uses. In this case, existing vegetation will generally buffer the lower elevations of the tower from adjacent uses, however, screening a structure of this height is not feasible. As the

proposed site is located on the common lot boundary with the abutting property to the south, a southern vegetative buffer will be very difficult to achieve.

Further contributing to incompatibility are the lot sizes of residential properties closest to the proposed tower. Although lots in this area are not serviced with municipal water and sewer, many lots have urban characteristics, with some lots having significantly less than 10,000 square feet of area. A smaller lot equates to less private amenity space for residents. In circumstances where land uses are compatible, small lot sizes and reduced amenity space typically generate little conflict. In circumstances where a new land use is introduced within an established residential area of smaller lots, compatibility may become an issue, depending on the use introduced. In this case, the mass and scale of the new use is incompatible.

Proposed access to the tower also presents issues of incompatibility. The portion of the subject property where access is proposed is narrow and located immediately south of an existing residential driveway (Attachment B). Further, the proposed access would bisect two well established residential properties.

ii) Design

Where possible and appropriate, an overall architectural and landscape design should be undertaken which reflects the adjacent and neighbouring uses. Given the nature of a telecommunications tower, this guideline is not particularly applicable. However, in the event the proposal included the siting of a significant accessory building, elements of design would be considered more applicable.

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 cellular telephone service.

iv) Compliance with Industrial Policy 4.6

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

Health and Safety:

Aside from land use planning issues, there are often concerns about potential health risks from the placement of telecommunication facilities. Industry Canada requires that such systems are operated in accordance with the safety guidelines established by Health Canada's radiation protection bureau in its publication, *Limits to Radiofrequency Fields at Frequencies from 10kHz - 300 GHz*. This is referred to as Safety Code Six. 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 the Safety Code Six requirements. Information submitted in support of this proposal indicates no concerns in relation to Safety Code Six (Attachment F).

Past Practice:

A review of past practice indicates that a minimum separation distance between towers and residential properties has often been established based on the measured height of a proposed tower. The separation distance based on tower height is founded on a precautionary principle to minimize risk in the unlikely event of structural failure, while helping to address issues of incompatibility. The base of the tower is proposed to be set back approximately 45 metres (148 feet) from the closest residentially developed property, although the undeveloped residential property to the south is only approximately 6 metres (20 feet) from the proposed tower. In the event a dwelling was constructed on this property, the potential exists for the dwelling to be located in close proximity to the proposed tower.

Public Consultation:

A Public Information Meeting (PIM) was held on March 8, 2010. Generally, the public was opposed to the proposed tower. Minutes from the PIM are provided as Attachment G.

Resident Petition:

On March 9, 2010 a petition, containing 87 names, was submitted to Regional Council requesting that the construction of the proposed telecommunications tower be prevented. An updated version of the 87 name petition was presented to Chebucto Community Council on June 7, 2010. This updated version includes additional names, bringing the total named on the petition to 122. A copy of this revised petition is provided as Attachment H.

Explored Alternatives:

As the proposed tower presents issues of incompatibility due to its location in close proximity to established residential areas, and due to public concern expressed through the PIM and resident petition, planning staff suggested Rogers explore an alternative location on the subject property, as well as lower the height of the tower. Rogers has advised the tower would be lowered from 40 m to 35 m, however, they have also advised they were unsuccessful in negotiating an alternative location on the subject property to lease from the property owner. Staff subsequently contacted the property owner, who advised an alternative location on the subject property would impact his future development options.

Impact on Future Development:

Although residential development is currently restricted to single unit dwellings on existing lots, the Regional Plan explains the UR Zone is designed to ensure there is a continuous supply of land that can be serviced beyond the 25 year time horizon of the Regional Plan. Staff are in the process of preparing a report to Regional Council on a process to consider central servicing for this area of Purcells Cove Road. Long term future residential development would be impacted by a new tower at this proposed location.

Conclusion:

Industry Canada has indicated that it expects all involved parties to examine the proposal, consider each other's concerns and attempt to arrive at solutions that don not unduly restrict the broadcast tower. In staff's opinion, more effort should be made to examine alternative locations within the vicinity which would address overall issues related to incompatibility. Residents in the community have also expressed concerns with the proposal. The physical separation of the proposed tower from residential development is insufficient, while potential negative impact on existing and future

residential development is apparent. Staff believe an alternative location may be suitable for the proposed tower which would assist in addressing the issues identified.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2010/11 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

The following alternatives are presented to Chebucto Community Council for consideration:

1. Inform Industry Canada that Chebucto Community Council objects to the proposal by Rogers Communications Incorporated to erect a 35 metre (115 foot) free-standing telecommunication tower and associated equipment shelter at PID 00269753 - Purcell's Cove Road, Halifax
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. Inform Industry Canada that Chebucto Community Council is in favour of the proposal. This is not recommended due to reasons outlined in this report.

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 held on March 8, 2010. For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 1. Attachment G contains a copy of the minutes from the meeting. The revised petition received as part of this application is included as Attachment H.

A public hearing is not included in the telecommunications process: Council simply forwards a recommendation to Industry Canada.

The location for the proposed telecommunications tower would potentially impact the following stakeholders: local residents, property owners, Rogers Communications Inc. and Industry Canada.

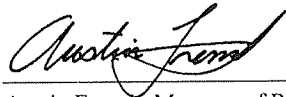
ATTACHMENTS

- Map 1: Location and Zoning Map
Attachment A: Relevant Halifax MPS Policy

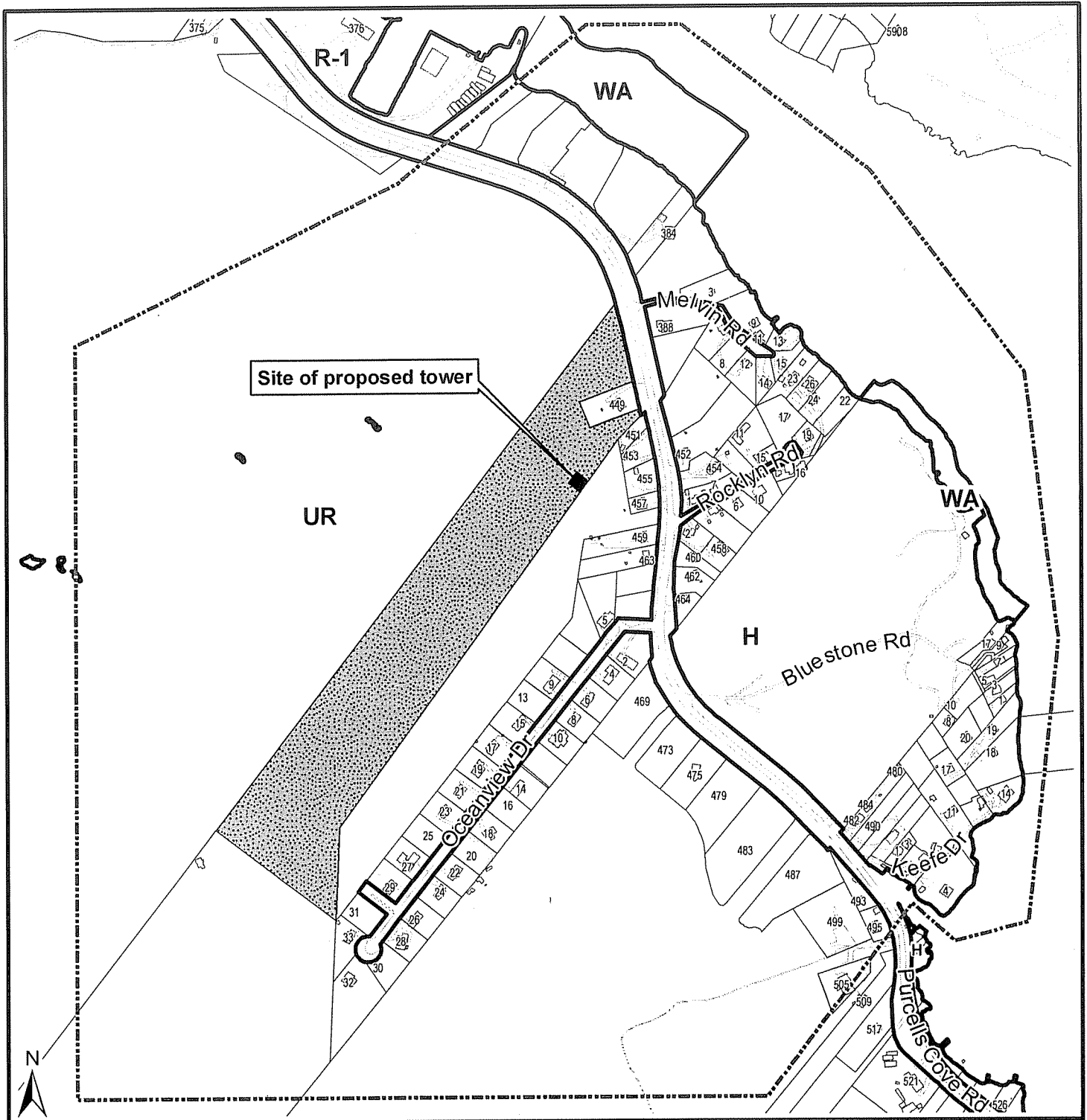
Attachment B: Site Plan
Attachment C: Tower Profile
Attachment D: Compound Layout
Attachment E: Transport Canada - Aeronautical Obstruction Clearance Form
Attachment F: Safety Code Six Attestation
Attachment G: Public Information Meeting Minutes
Attachment H: Updated Petition

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 : Miles Agar, Planner I, Planning Services, 490-4495





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



Map 1 - Location and Zoning

Purcells Cove Road
Halifax

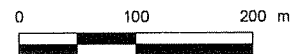
HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

-  Subject property
-  Area of notification

Zone

- R-1 Single Family Dwelling
- H Holding
- WA Water Access
- UR Urban Reserve

Halifax Mainland
Land Use By-Law Area



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:
Relevant Halifax Municipal Planning Strategy Policy**

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.

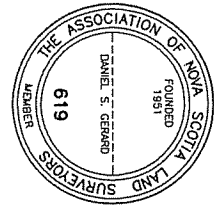
4.6 In considering applications pursuant to Implementation Policy 3.10 Council shall have regard for the guidelines set out below:

- (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

TOWER SITE GEOGRAPHIC COORDINATES	
LATITUDE	LONGITUDE
LAT. 44° 36' 59.8" N	LONG. 63° 34' 43.6" W
ELEVATION 113' (34m)	

NOTES
 1. Elevations are based on Geodetic Datum.



SKETCH SHOWING LEASE
PARCEL 1

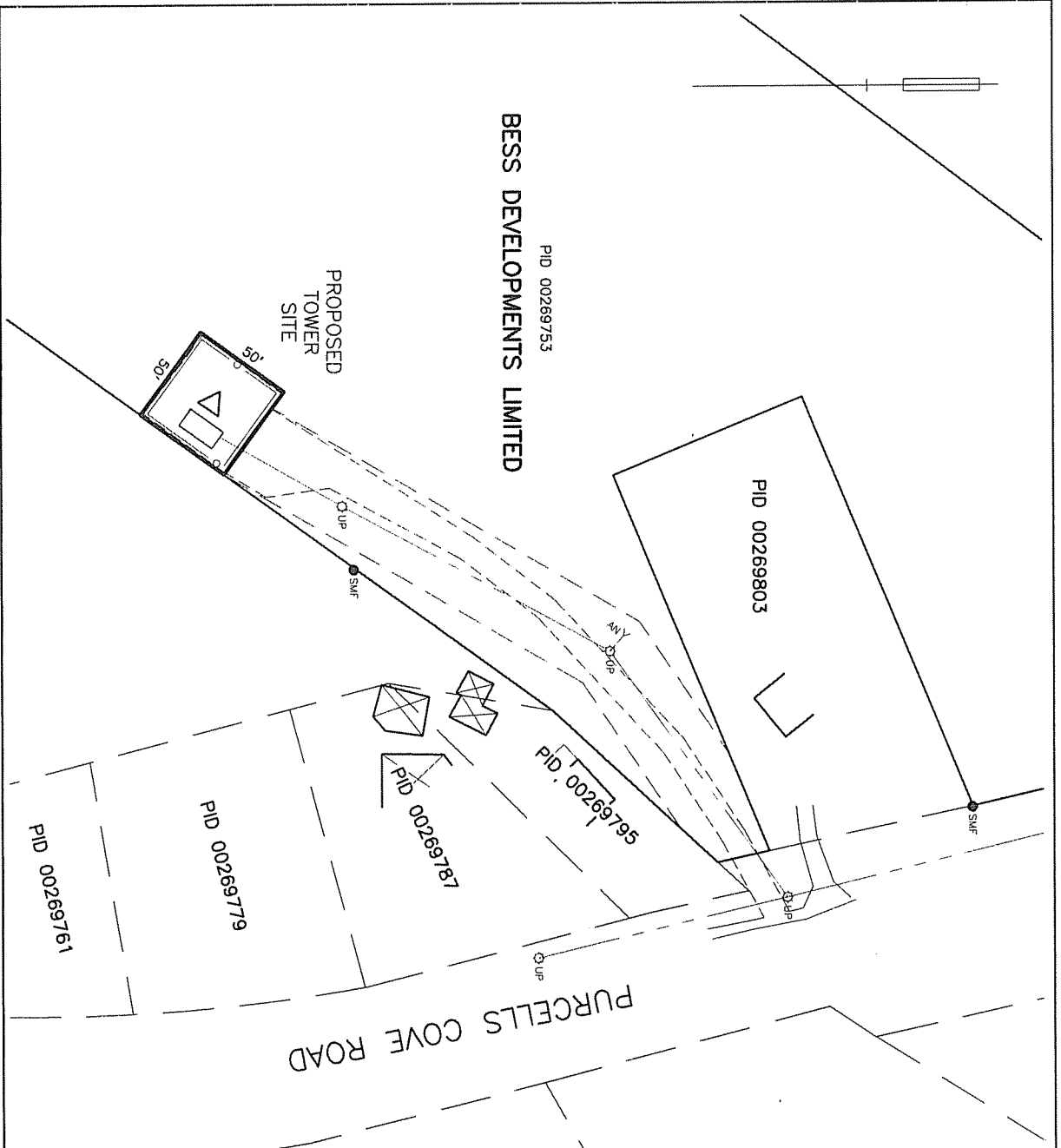
AFFECTING LANDS CONVEYED TO
 BESS DEVELOPMENTS LIMITED
 PURCELLS COVE ROAD, HALIFAX
 HALIFAX COUNTY, NOVA SCOTIA



Servant, Dunbrack, McKenzie & MacDonald Ltd.
 NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS
 36 OLAND CRESCENT
 BAYERS LAKE BUSINESS PARK
 HALIFAX, NS B3S 1C8
 JANUARY 14, 2010
 SCALE: 1"=40'
 FILE NO. 1-2-8 (27416)
 PLAN NO. 7-1833-0

SITE: PURCELLS COVE * BESS
 DEVELOPMENTS LIMITED

LOCATION CODE : A0486

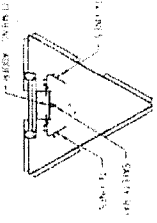
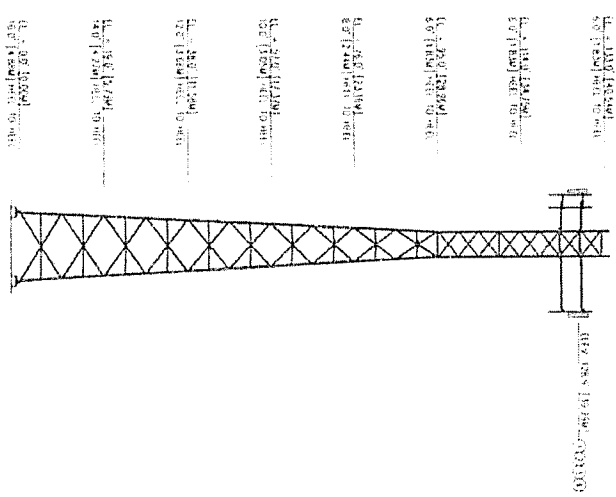


MEMBER NO.	MEMBER DESCRIPTION	SECTION	MEMBER LENGTH (ft)	MEMBER AREA (sq in)	MEMBER MOMENT OF INERTIA (in ⁴)	RIGID END RELEASES				RIGID END FIXTURES				MEMBER STIFFNESS	MEMBER WEIGHT (lb)	MEMBER CENTER OF GRAVITY (ft)	MEMBER TYPE
						RELEASE	FIXTURE	RELEASE	FIXTURE	RELEASE	FIXTURE	RELEASE	FIXTURE				
1	1/2" DIA. GUY WIRE	1/2"	100.0	0.00	0.00	1	1	1	1	1	1	1	1	1	1	1	1
2	2" DIA. GUY WIRE	2"	100.0	0.00	0.00	1	1	1	1	1	1	1	1	1	1	1	1
3	3" DIA. GUY WIRE	3"	100.0	0.00	0.00	1	1	1	1	1	1	1	1	1	1	1	1
4	4" DIA. GUY WIRE	4"	100.0	0.00	0.00	1	1	1	1	1	1	1	1	1	1	1	1
5	5" DIA. GUY WIRE	5"	100.0	0.00	0.00	1	1	1	1	1	1	1	1	1	1	1	1
6	6" DIA. GUY WIRE	6"	100.0	0.00	0.00	1	1	1	1	1	1	1	1	1	1	1	1
7	7" DIA. GUY WIRE	7"	100.0	0.00	0.00	1	1	1	1	1	1	1	1	1	1	1	1
8	8" DIA. GUY WIRE	8"	100.0	0.00	0.00	1	1	1	1	1	1	1	1	1	1	1	1

NOTE: THIS TABLE IS FOR INFORMATION ONLY AND DOES NOT REPLACE THE MEMBER DESIGN DATA SHEET.

MEMBERS LEGEND

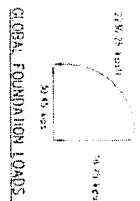
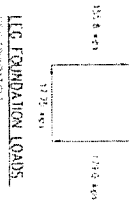
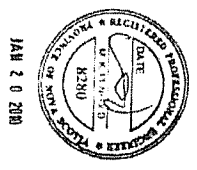
MEMBER NO.	MEMBER DESCRIPTION	SECTION	MEMBER LENGTH (ft)
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3	3" DIA. GUY WIRE	3"	100.0
4	4" DIA. GUY WIRE	4"	100.0
5	5" DIA. GUY WIRE	5"	100.0
6	6" DIA. GUY WIRE	6"	100.0
7	7" DIA. GUY WIRE	7"	100.0
8	8" DIA. GUY WIRE	8"	100.0



TOWER CROSS SECTION

POWER DESIGN TO
 DESIGN CODE: CS-33-01
 WIND PRESSURE: 15.2 psf
 SNOW LOAD: 0.0 psf
 SEISMIC: AS PER IBC 6.5
 WIND WIND SPEED: 110 mph
 WIND WIND DIRECTION: 0 deg

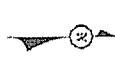
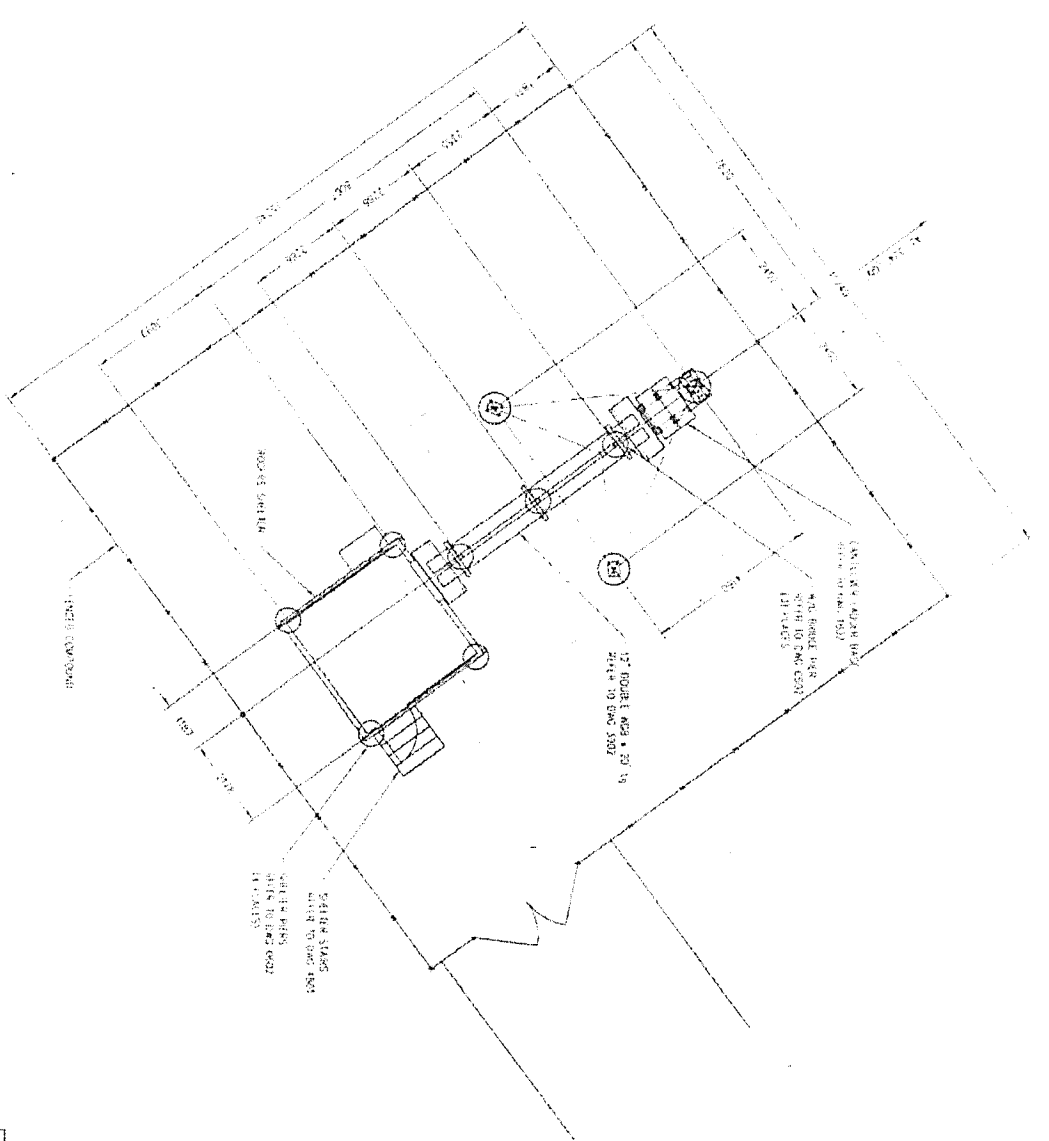
JAN 20 2010




133' (40.5M) ROSS ANGLE LEG TOWER - PARCEL 5 CORNER

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	1/2" DIA. GUY WIRE	8	100.00	1.00	8.00
2	2" DIA. GUY WIRE	8	100.00	1.00	8.00
3	3" DIA. GUY WIRE	8	100.00	1.00	8.00
4	4" DIA. GUY WIRE	8	100.00	1.00	8.00
5	5" DIA. GUY WIRE	8	100.00	1.00	8.00
6	6" DIA. GUY WIRE	8	100.00	1.00	8.00
7	7" DIA. GUY WIRE	8	100.00	1.00	8.00
8	8" DIA. GUY WIRE	8	100.00	1.00	8.00

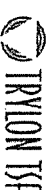
ROGERS WIRELESS
 133' (40.5M) ROSS ANGLE LEG TOWER - PARCEL 5 CORNER
TYLON 15F



NO.	DATE	DESCRIPTION	BY
1	12/15/99	REVISED	DK
2	12/15/99	REVISED	DK
3	12/15/99	REVISED	DK
4	12/15/99	REVISED	DK
5	12/15/99	REVISED	DK
6	12/15/99	REVISED	DK
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17	12/15/99	REVISED	DK
18	12/15/99	REVISED	DK
19	12/15/99	REVISED	DK
20	12/15/99	REVISED	DK



ROGERS
WIRELESS



TYRION IF

FOR THE USE OF THE CLIENT ONLY. NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ROGERS WIRELESS.

© 2000 ROGERS WIRELESS. ALL RIGHTS RESERVED.

Case 15883
Attachment E



Feuillets de transmission par télécopieur		Date	# of pages
Post-it™ Fax Note 7671B		MARCH 4/10	3
To / À		From / De	
GERARD DALY		RANDA WHEATON	
Co./Dept. / Cie/Service		Co. / Cie	
REAL WAVE INC		HRM	
Phone # / N° de tél.		Phone # / N° de tél.	
506-453-1123		902-490-4499	
Fax # / N° de télécopieur		Fax # / N° de télécopieur	
506-453-1123			

January 21, 2010

Mr. Jean-Marc Mazerolle
Aerodromes and Air Navigation
TRANSPORT CANADA
PO Box 42
Moncton, N.B. E1C 8K6

**RE: AERONAUTICAL OBSTRUCTION CLEARANCE ASSESSMENT
ROGERS COMMUNICATIONS INC. - Purcells Cove*Bess Developments Limited A0486**

Dear Mr. Mazerolle:

Rogers Communications Inc. would like to request an assessment of the monopole antenna structure for our 'Purcells Cove cell site'. Please find enclosed the Aeronautical Obstruction Clearance form for this site.

The preliminary construction start date is February 15, 2010. However, we will submit a letter to Transport Canada indicating the actual construction start date once it is known. This is with reference to the discussions with Transport Canada regarding Rogers Communications Inc's new strategy to advance the acquisition and design of future sites.

It would be appreciated if you could inform us of any changes with regard to the structure's acceptability, painting, and lighting requirements.

Please forward the assessment result and any correspondence to the attention of **Julie B. Godbout**, at the following address:

Rogers Communications Inc.
800 de la Gauchetière Street West
Suite 4000
Montreal, Quebec, H5A 1K3

Best regards,

Marney Cohen
Real Estate Coordinator
Network Implementation



February, 2010

Our File Notre référence

Julie Godbout
 Rogers Communications
 800 Rue de la Gauchetière W
 Suite 4000
 Montreal, PQ
 H5A 1K3

M5105-6 (MAM)

Dear Ms. Godbout:

RE: AERONAUTICAL OBSTRUCTION CLEARANCE FORM

Based on the information which you have provided on the Aeronautical Obstruction Clearance Form attached and listed below, Transport Canada, Aerodromes and Air Navigation, Atlantic Region has no objection to your proposal subject to the conditions noted on the form.

<i>Transport Canada #</i>	<i>Location / Coordinates</i>
2010-049	Halifax (A0486), NS (44° 36' 59.8" N / 63° 34' 43.6" W)

We ask that you also coordinate your proposal with Nav Canada to ensure they have no objections. The Land Use Department at Nav Canada, Ottawa can be contacted by:

Phone: 1-866-577-0247 *or* E-mail: landuse@navcanada.ca

Please keep in mind that this does not constitute approvals from other Federal Government departments or other local land use authorities.

Lighting and painting standards can be found in CAR 621.19 (Canadian Aviation Regulations).

Please inform this office if this project is cancelled. If you have further questions, feel free to contact us.

Yours truly,

Handwritten signature of Jean-Marc Mazerolle in black ink.

Jean-Marc Mazerolle
 Civil Aviation Safety Inspector
 Aerodromes & Air Navigation
 Transport Canada, Civil Aviation
 Atlantic Region

P. O. Box 42
 Moncton, NB
 E1C 8K6

Ph: (506) 851-3162
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Attach. c.c. Land Use Department (Nav Canada, Ottawa)

Canada



APPENDIX C TO CAR 621.19 - ANNEXE C FAC 621.19

RECEIVED / REÇU

TC File No./Ref No. - TC n° du dossier/n° de réf.
FEB 03 2010

AERONAUTICAL OBSTRUCTION CLEARANCE FORM

FORMULAIRE D'AUTORISATION D'OBSTACLE AÉRIEN

TO BE COMPLETED BY APPLICANT - À REMPLIR PAR LE REQUÉRANT

TC 2010-044

Operator's Name - Nom de l'opérateur: **Rogers Communications Inc.**
Location Code: **A0486**
Site Name: **Purcells Cove MAM Base Developments Limited**

Operator's Address - Adresse de l'opérateur:
**800 de la Gauchetière Street
W. Suite 4000 Montreal, PQ
H5A 1K3**

Operator's Contact - Agent de liaison de l'opérateur:
Julie B. Godbout

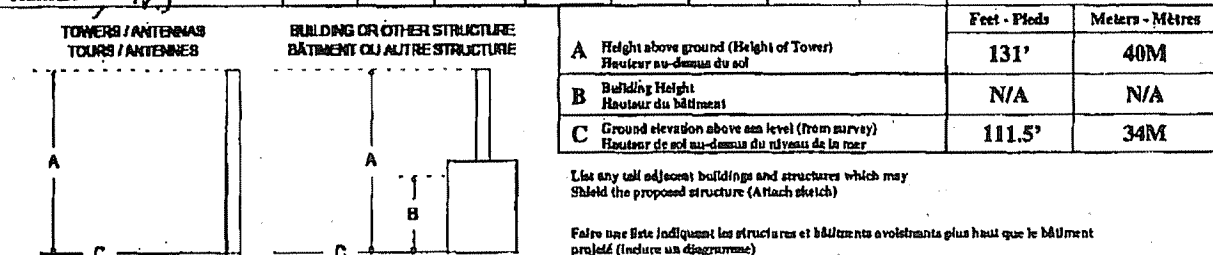
Contact's Telephone No. - N° de téléphone du liaison: **514-981-8496**
Contact's FAX No. - N° de télécopieur de liaison: **514-981-8780**
Contact's Email Address - Adresse électronique de liaison: **Julie.B.Godbout@rci.rogers.com**

Applicant's Name - Nom du requérant: **Rogers Communications Inc.**
Address - Adresse: **7071 Bayers Rd. Suite 4001**

City - Ville: **Halifax**
Province/Territory - Province/Territoire: **Nova Scotia**
Postal - Code postal: **B3L 2C2**

Applicant's Telephone No. - N° de téléphone du requérant: **902 406-1850**
Applicant's FAX No. - N° de télécopieur du requérant: **902 406-1873**
Applicant's Email Address - Adresse électronique du requérant: **Marney.Cohen@rci.rogers.com**

Nearest city / town to proposed facility / Ville la plus proche de la structure proposée: **Halifax NS**
Geographic coordinates - Coordonnées géographiques de la structure:
44 36 59.8 N Latitude / 63 34 43.6 W Longitude
 NAD27 NAD83 WGS84



New struc. - Nouv. Struc. Yes / No
 Add. To exist. struc. (incl total hght) - Ajout à un bât. exis. (incl hauteur total)
 Proposed Construction - Date de construction proposée: **February 15, 2010**

TYPE OF STRUCTURE (narrative description and function) / GENRE DE STRUCTURE (description narrative et fonction):
40M Monopole

Signature (of applicant) / Signature (du requérant): **Marney Cohen**
Date (Y/A-M-D/J): **2010-01-21**

TRANSPORT CANADA USE ONLY - À L'USAGE DE TRANSPORTS CANADA
AERONAUTICAL ASSESSMENT - ÉVALUATION AÉRONAUTIQUE

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

Lighting as per (TF382) required - Balisage lumineux tel que demandé au (TF382)
 Yes / No or Out

Painting as per (TF382) required - Balisage peint tel que demandé au (TF382)
 Yes / No or Out

Temporary lighting required - Nécessité d'un balisage lumineux temporaire
 Yes / No (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 / Valable jusqu'au: **2011-02-28**

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

Signature:
 Date (Y/A-M-D/J): **2010-02-03**

Regional Manager Aerodrome Safety / Gestionnaire Régional Sécurité des aéroports



Case 15883
Attachment F

ATTESTATIONS

PURCELLS COVE, NS (SITE AO486)

Safety Code 6

I, Raymond Huang, P.Eng., attest that the installations proposed herein are in complete accordance with the measures stipulated in Health Canada's Safety Code 6 enacted for the protection of the general public, including all of the possible effects it could have within the local radio environment.

R Huang

Raymond Huang, P.Eng.

Jan 28, 2010

Date

**Attachment G:
Public Information Meeting Minutes**

**Public Information Meeting
Case 15883
March 8, 2010**

In attendance: Councillor Mosher
Randa Wheaton, Senior Planner
Miles Agar, Planner
Shanan Pictou, Planning Technician
Gail Harnish, Planning Services
Pierre Plourde, Project Manager, Rogers Communications Inc.

Opening remarks, introductions, purpose of meeting

Ms. Randa Wheaton called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Captain William Spry Centre. We are here tonight to talk about a telecommunication proposal at Purcells Cove Road in Halifax. The purpose of the meeting is to identify the scope of the proposal and then to receive feedback on issues and concerns related to the proposal. No decision will be made tonight.

Overview of planning process

Ms. Wheaton stated it is very important to understand the Municipality's role in the telecommunication process. The Federal government has jurisdiction over radio communications. As a result, they are the main body that is involved in deciding what happens when telecommunications is involved. Municipal government has little constitutional jurisdiction to interfere. Industry Canada is the Federal agency which licenses and regulates these facilities. Industry Canada recognizes that Municipal authorities have an interest. They require the applicant to notify the Municipality of its intentions which they have done by making an application. The Municipality has the opportunity to review the proposal and to make comment. If there are objections, the Municipality provides a written notice to Industry Canada. Submissions are reviewed by Industry Canada who determines if a license is granted and, if so, if there are conditions.

Health Canada is responsible for establishing standards related to health and safety. They have a standard which is called Safety Code 6. The health and safety aspects of telecommunication applications are dealt with by Health Canada, and Industry Canada will not approve any installation that does not meet the standards of Safety Code 6.

Ms. Wheaton provided a summary of the telecommunication process:

- we are now at the PIM
- staff will write a staff report, which includes a recommendation and the minutes from tonight's meeting, which is tabled with Chebucto Community Council

- Community Council has three options: they can approve it; they can modify or ask for modifications; or they can reject it. Council's position is forwarded to Industry Canada.
- If Industry Canada approves it, everything moves forward and the cell tower is placed. If there is a request for modification, then there has to be some negotiation with Rogers or the applicant to see if any adjustment can be made to improve the situation. If there is a rejection, Industry Canada will tell Rogers to talk to the Municipality and try to resolve the differences. If there is an impasse, Industry Canada makes a decision.

Ms. Wheaton, referencing a map, noted the site is directly across from Point Pleasant Park in a big picture sense. It is an eighteen acre parcel of land. She pointed out a large wetland to the right of the site which precludes access from the larger frontage and it pushes the only place for an access to the small frontage portion. Currently there is a roughed out road access. She pointed out the approximate location of the tower, which is about 300' back from Purcells Cove Road.

Presentation of proposal by applicant

Mr. Pierre Plourde indicated this site in Purcells Cove was not in their program for expanding their network. It was decided last summer to start that program for a very good reason. They have a site located on Fenwick Tower which has to be dismantled because of redevelopment of that tower, so they had to find an alternate site. That site is located on quite a tall building not that far from here. After doing some analyzing, their radio engineers realized one site would not be sufficient to operate what they already have. In order to maintain service to their customers they asked their radio engineers to find another place in order to complete that coverage and to maintain the coverage they have.

The first part of the coverage objective is to cover at least Purcells Cove Road which is quite well covered since Fenwick is not turned off, but also to cover the south end of Halifax. It is a question of capacity and offering proper coverage to their customers. They tried to find an existing structure in that area to install their equipment, as they try not to add unnecessary structures in a neighbourhood. People do not like to see such structures in their area. In this particular case, they did not find any structure that could be useful for them in order to build that site.

The kind of structure they will be installing is a self-supporting tower which is something you can see through, similar to what the power companies are using. The only access to that area is a small piece of land between two pieces of property. They do not need a very wide right-of-way in order to access their site. After construction, they do not want to have many big trucks there. Their personnel goes there, as needed, with a pick-up or a four wheeler or a snow mobile in the winter as they do not remove snow. The main purpose of the access is to provide power to the site.

The structure they are proposing is a 40m tower. After reviewing it with Transport Canada, there will be no lighting or painting required for that site, so it will not be an ugly two-coloured tower. It will be a galvanized steel one with no red or white lighting on it.

Mr. Plourde displayed a photo simulation of the site they intend to build. This picture was taken from Purcells Cove and they can see some of the tower from the road. On the photo simulation

there is a light but that was before they received Transport Canada's approval for this site. He displayed another view from right in front of the tower.

In terms of Safety Code 6, for every consultation process they go through, they have to ask an engineer to make the calculation that has to be submitted to Industry Canada and Health Canada in order to guarantee they are complying with that Code. He had a statement from their engineer stating this site will respect in every way Safety Code 6 provisions.

In terms of the environment, they have to abide by the Canadian Environmental Act which indicates they cannot be closer than 30m from any watercourse or wetland unless they undertake an environmental assessment. In this particular case, the survey does not show they are within such a distance of a wetland or a watercourse. That is a very important thing. They are trying not to be any nearer than that to any watercourse or wetland. On the north side of the site is a marsh and there is a wetland on the south side.

Questions and comments

Ms. Christine Macy asked about Safety Code 6.

Mr. Plourde responded it is a Code established by Health Canada which is updated about every five years. The last update was done in 2009. It establishes the limit of exposure for human beings to radio-frequency. He confirmed there are standards for people and for workers in that industry.

Ms. Macy questioned what is the maximum exposure allowed.

Mr. Plourde indicated he was not a physician or an engineer. They have all the calculations which they do not submit at a public meeting because it is quite complicated. On a site like this, they are usually about 100,000 times under the standard.

Ms. Macy commented it would help to see what the minimum standards are. Many towers are located in remote areas, however, here you have quite a densely settled area.

Mr. Plourde responded the frequency also depends on the amount of power being emitted from those towers. If that tower was for CBC, the calculation would not be the same because it is very low frequency. Technically they have to make another kind of calculation for those and it would have to be further from homes and populated areas.

Ms. Macy asked if TV would be more damaging than radio-frequencies.

Mr. Plourde responded it depends on the frequency. They have to submit all the calculations to Industry Canada. It would include things like the kind of equipment they are using and the power they are emitting. Industry Canada redoes their calculations to be sure they meet the standard.

Ms. Macy questioned if they looked at alternative sites such as the military site, as well as the kind of surveillance equipment near Fort Redoubt which has been fully developed.

Mr. Plourde responded the search ring for this particular case was very narrow. This is not a site they wanted to build. It is because of the circumstances of the dismantling of the existing site. They cannot have the same coverage with an alternate building in downtown Halifax. Their search ring was a radius of 200m, otherwise it would have had to be a very tall tower so as not to interfere with other existing sites. In terms of a National Defense site, they do not want to have them on their premises. The advantage of this site is that the area is wooded so the base of the tower will be massed by vegetation.

Ms. Audrey Siddall noted there was mention of a roadway there. It was cleared six weeks ago when machinery and chain saws and people arrived cutting down trees in an area that was uncut. They came into her area and trees fell on her flower garden and nobody was willing to tell her what was going on. It is much wider than a path. Vehicles have been going up there and wide machinery has been there to clear this area. The amount of people coming to investigate what was going on has been tremendous. People are walking up in that area. Especially in the beginning, there were twenty people walking in that section alone. Security and privacy was of concern to her.

Mr. Plourde advised they had to send a surveyor to locate the place. They had to do some soil tests to see if the ground was appropriate for their purpose.

Ms. Siddall concurred but noted a lot of other people came along as well to see if it was going to be a subdivision. When somebody comes that close to somebody's home and are walking on their land to do a survey, you would think somebody would be courteous enough to have answered her polite questions on what was going on. Even her neighbours had no idea, and they could not get any answers but yet the trees were falling on her area.

Mr. Plourde asked if she had any damage.

Ms. Siddall responded no but was wondering what was going on.

Mr. Plourde advised he would pass on the comment to the construction manager.

Mr. Alan Ruffman indicated Michelle Raymond, MLA, passed along her regrets and asked to be added to the mailing list.

Mr. Ruffman said one of things that is a problem across Canada is that the constitutional power is not with the Municipality; it is entirely ceded to Industry Canada. He questioned if staff was aware of any instances where the Municipality turned down a tower which got built anyways.

Ms. Wheaton responded there was an instance where we were able to recommend that an alternate location be investigated and it was ultimately approved to be built on another location.

Mr. Ruffman commented at times the process does work in favour of those who raise issues.

Ms. Wheaton responded potentially yes but it has to be a negotiated resolution.

Mr. Ruffman asked about the zoning.

Ms. Wheaton advised it is zoned Urban Reserve.

Mr. Ruffman asked if the Urban Reserve zone permitted the locating of telecommunication towers.

Ms. Wheaton responded that is a good question. Generally there is not a requirement for the zone to support these type of installations. We generally have to accept the Federal jurisdiction in that regard.

Mr. Ruffman questioned if staff ever considered introducing a zone that would permit telecommunication towers or ignore that we may be able to have jurisdiction.

Ms. Wheaton advised some of the plan areas have a Transmitter Zone; most of them do not. The CBC tower at Geizers Hill has a transmitter zone. Most towers that are constructed are generally not properly zoned.

Mr. Ruffman questioned if staff had a map showing the other tower, to which Ms. Wheaton responded no.

Mr. Ruffman questioned how well staff understood the problem being put forward. The possibility of Fenwick Tower has not yet been to Council and may not get approved. He asked how many years they wanted this approval for.

Mr. Plourde responded they usually have a lease with the landlord for at least twenty years. When they build a site, they do not want to dismantle it. In terms of Fenwick Tower, they did not want to leave but they have been kicked out.

Mr. Ruffman noted their lease ran out and questioned why the landlord did not want them back.

Mr. Plourde responded because they are redeveloping Fenwick Tower.

Mr. Ruffman referenced the two towers at St. Mary's University.

Mr. Plourde responded they received a development permit for 1333 South Park Street. They were not interested in building two sites because it is twice the cost. In that particular case, they could not meet the same level of coverage they have at Fenwick Tower because it is a little higher. It is not far but the difference from the radio-frequency point of view according to their engineer is very important. In order to maintain coverage, they had to justify it to their management.

Mr. Ruffman questioned if the City has been apprised of the analysis, to which Ms. Wheaton responded yes.

Mr. Ruffman asked if that information was independently reviewed.

Ms. Wheaton advised we do not have people on staff with the expertise to do that. We take the word of the applicant because it is their business.

Mr. Ruffman indicated usually in the planning field when you get shadow or wind studies, you would normally go out to get an independent view.

Ms. Wheaton confirmed the City had a copy of Safety Code 6, noting it is also available online.

Mr. Ruffman asked if the City had a copy of the analysis in terms of Safety Code 6.

Ms. Wheaton advised all we ask for is the attestation. We have nobody qualified to review it. The jurisdiction for this is with the Federal government. The Municipality cannot afford to confirm the findings of these specialized studies. The Municipality's jurisdiction is very limited. All we can try to address are the aesthetic concerns. The health issues are addressed by Industry Canada as are the technical issues. To hire specialized professionals to review the technical documents that are reviewed and approved by Industry Canada is a duplication of evidence which we really cannot afford and have no jurisdiction over.

Mr. Ruffman asked for confirmation they had the agreement of the landowner.

Mr. Plourde responded yes and indicated the landowner was Bess Developments

Mr. Plourde advised Industry Canada redoes the Safety Code 6 calculations themselves. Also, they regularly do some dry tests in order to calculate the kind of frequency and level of radio-frequency there is in the area.

Mr. Rod Giffen said he was right in line with that site. He asked what the requirement was under the by-law for a right-of-way along the Purcells Cove Road.

Ms. Wheaton advised that is something she would look at during the technical review of the application. The development engineer will look at the access to ensure it meets the standards.

Mr. Giffen said he was told they require 250' of frontage on the Purcells Cove Road. They have about a 40' width maximum. Nobody could tell them if they had a permit. The City did not send anybody out to stop them.

Ms. Wheaton indicated she could not speak to that. She was a planner and not a development engineer. If they are constructing a road, they would need some sort of permit or approvals to make sure it meets the standards.

Mr. Giffen stated they could not get answers from anybody and yet they were cutting and using his property for a toilet where his grandchildren play. If their employees trespassed on his property again, they would be charged.

Mr. Plourde advised he would talk to the construction manager and make sure it does not happen again.

Mr. Giffen said he wanted a written guarantee there would never be lights on the tower. If there are lights, it would be right in his bedroom and livingroom. He did not want a tower with flashing lights.

Mr. Plourde advised Transport Canada decides about the lighting and the colour. Transport Canada said no lighting and no colours were required. If they do not have to put a light on a tower, they will not do it. That is the most irritating piece raised during public meetings which he could understand.

Mr. Giffin noted they would be in the flight path of the helicopters from the Department of Defense.

Mr. Plourde responded there would be no lights if they are not required by Transport Canada. If there is a helicopter at that height, it is because it crashed already.

Mr. Giffin said he would like to see it in writing that they would not be providing lighting.

Mr. Plourde confirmed they would provide the information to the City.

Ms. Nina Ahamacher noted it was said the tower was supposed to provide cell phone coverage for the south end of Halifax. She questioned if it would provide coverage for their area as well.

Mr. Plourde responded yes.

Ms. Ahamacher questioned why they had to build this tower. She did not like the argument that they have to build the tower and need cell phone coverage everywhere in this world.

Mr. Plourde responded their customers. If their customers who now have cell phone coverage lose that coverage, they will complain. At the last auction, Rogers paid one billion dollars for frequencies. In accordance with the law, they have to develop a cellular network. They have a legal obligation to do that in accordance with their license.

Ms. Ahamacher questioned how other cell phone companies have coverage in the south end of Halifax.

Mr. Plourde responded he did not have that data as they are competitors and he could not speak for them.

Ms. Ahamacher stated they moved out of the city so they could be away from the city and for their children to grow up here without having to worry about cars and other things. They are very unhappy about the proposal.

Mr. Hal Jones asked what percentage of the south end gets coverage from this tower.

Mr. Plourde responded approximately 75% of the coverage would be for the Purcells Cove area, including Ferguson's Cove. The other 25% is for the fringe on the other side of the water in Halifax.

Mr. Jones asked if they had a map showing the coverage to show they are not putting up an ugly cell tower near their neighbourhood to provide coverage for the south end of Halifax, who

probably does not want a cell tower there. They are talking about a very low population around here versus a very high population in the south end of Halifax. When they come down the Purcells Cove Road, they will see a very ugly cell tower. Could the tower not have been located in the south end of Halifax to provide that coverage?

Mr. Plourde responded the problem was they had to be a little further from the Park Victoria site. Two sites beside each other will interfere with each other.

Mr. Jones commented when they come out to a beautiful piece of country with lots of trees and just before Oceanview Drive you will see this ugly tower. What is the benefit for them? Will their taxes be lowered because of this ugly tower?

Mr. Plourde responded the benefit would be the service they offer.

Mr. Jones stated he would not want that service in their area. He felt they could probably find a site that is out of sight of the general public. The last thing people would want to see coming down Purcells Cove Road is a large tower.

Mr. Nathan Brett asked about the power supply for this tower which might also be aesthetically objectionable.

Mr. Plourde responded Nova Scotia Power will install the same as they would for any residential home. There will be two or three wooden posts for Nova Scotia Power to run a power line.

Ms. Carole Gregory indicated she was concerned about the aesthetic impacts. They bought their property where they live at a little over two years ago. They were so pleased to be able to afford a house in that area. It is lovely. They have a green space there. She would like to get a cheque for the value that their property will decrease. This is what they will see out their kitchen window and from their deck. That is not why they moved there. Why can't the tower be put further back on the property? The tower would de-value their property and destroy the beauty of this landscape. Her daughter's window is right there. She did not want to move as she loved it there. She urged that they find another place or put it further back and then she might buy a cell phone and be a Rogers' customer.

Mr. Jim Matheson indicated he knew Industry Canada asked them to make towers available to other carriers if they are available in the area. He asked if the tower they are proposing would also equip new carriers coming on board or take on Telus equipment.

Mr. Plourde responded it is a possibility because Industry Canada does encourage that. They do not have much choice. If they said no to another carrier, they would be in trouble with Industry Canada. Usually the kind of tower they are building is sufficient for their needs and if some other carriers want to go on, if there are some reinforcements to be done, it will be done.

Mr. Matheson asked if there would be future capacity for additional carriers or whether it would all be reserved for their own future capacity, possibly resulting in another tower in their area because of that.

Mr. Plourde responded it is very difficult to do that. Industry Canada will require carriers to share their structure. It is common sense because they do not want to see any more dual towers in the same area. As far as Industry Canada is concerned, the carriers must share any existing structures.

Mr. Matheson asked if that could result in additional height.

Mr. Plourde responded it depends on what they require and what Industry Canada authorizes. Rogers will never go any higher than what is being proposed.

Mr. Matheson indicated they potentially might not have enough room to put additional equipment on that tower at some point in the future.

Mr. Plourde advised they provide for two levels of antennas. They think that other carriers at that height could go under that considering the height of the trees.

Mr. Matheson commented from a coverage standpoint, they sometimes come to an agreement for another area and they are saying it is a very small window for the radio-frequency, and asked if that has been identified.

Mr. Plourde responded they realized it was a nice area and they try to find an area with the least amount of impact to neighbours. They thought that area was the one with the least amount of impact. If they went on just the other side of Purcells Cove Road where the area is much lower, they would need to put up a much higher tower.

Mr. Matheson asked if the area down towards the Royal Nova Scotia Squadron was considered.

Mr. Plourde responded if they go too high, there will be interference with other sites in the area. It is not a question of height. It is a question of location. Their network identifies a certain measurement so they are often filling in holes and in that particular case it is a hole. On May 31st when they turn off the tower at Fenwick Tower they will turn on the one at Park Victoria and they will have less coverage. At this time of year it will not be so bad because there are no leaves, but when they come out it will shorten the area quite a bit.

Mr. Matheson said he was concerned about future installations. With everybody buying Spectrum last year they will probably see more requests coming up. He knew there was at least one more coming on board so everybody does not have the capacity, so they may see another one on the same stretch of land.

Ms. Wheaton commented they generally do not put two towers on the same site.

Mr. Plourde indicated if there is the slightest opposition to a twin tower, it is a straight no. That was put in force on January 1, 2008.

Mr. Matheson said he would not like to see the tower in their neighbourhood.

Mr. Ian Dempsey asked for confirmation that Industry Canada has complete jurisdiction. Mr. Wheaton responded yes.

Mr. Dempsey commented he was in business as was Rogers. He knew their rationale was to serve their customers who are demanding this type of service. At the end of the day, it is Rogers making money - that is what business is all about. The frequency they purchase from Industry Canada is for them as well. He saw there being a conflict.

Mr. Plourde advised it is the Crown who owns the frequency and has the judicial power.

Mr. Dempsey commented the only people who suffer here are the people who live there.

Mr. Plourde stated they have to replace the one site with two sites. A business needs to make money to live. They did not really want to build it but they could not maintain the level of service without that site.

Mr. Dempsey asked how long the site at Fenwick Tower would be turned on.

Mr. Plourde responded the owner terminated the lease. They tried to negotiate with the owner and nothing happened.

Mr. Alan Ruffman asked if the coloured drawings would be shared with the public. He asked about the elevation of this location.

Mr. Plourde responded he was not sure. Rogers' engineers are using software, called Planet Software, which is used by everybody including Industry Canada. What they did was locate their site in that area which could have an influence on that area and then their engineer prepared those propagation maps. Those maps have to be provided to Industry Canada who would challenge them.

Mr. Ruffman said there is information which some members of the public could understand if it was made available. On March 31st, they are turning off the site at Fenwick Tower and turning on the one at Park Victoria. He suggested they turn on the one at Park Victoria and do measurements before committing to another site. They seem convinced from their analysis that they need another tower. He asked if it could be included in the recommendation that the tower would never be higher than 40m to allay the fears of the residents, and Industry Canada when they issue the permit could put a height restriction on the tower.

Mr. Ruffman noted the other thing that has been happening is the sensitivity of phones and the ability to pick-up frequency at a distance has been improving. Fewer towers are being built than originally.

Mr. Plourde responded that is not true. They are multiplying the towers because of the capacity. The handsets they are using now are ten times lower in power than the ones used in the 1990s.

Mr. Ruffman said there is concern with Safety Code 6 and the concern about radiation will not go away. Technology will allow you to have fewer towers over time.

Mr. Plourde stated they wanted to be sure it was needed so they did a beacon test. They put some antennas on the top of the tower where they will have a sector antenna and they did a road test

with that beacon. They calculated the level of signal in the area of Purcells Cove. After that test, it was decided it really was needed. Their upper management made them do the beacon testing.

Mr. Ruffman said he thought that should have been part of the presentation and something should have been written down and handed out to members of the public.

Mr. Fred Pelley asked if it would be possible to get a copy of the plan.

Mr. Plourde advised he would send a copy to the City and they could provide it to him.

Mr. Pelley indicated he wanted to see a copy of a site plan which would show how close the tower would be to the boundary line of his property.

Mr. Pelley asked if they had towers fall in the past.

Mr. Plourde responded no, not for Rogers. Referencing the ice storms in Quebec, it was indicated that it was the electricity pylons that fell.

Mr. Pelley asked what protection he would have if the tower fell over.

Mr. Plourde responded they could have their engineer show how it would fall if it did fall. It has been calculated in the manufacturing of the tower.

Mr. Pelley asked how far away from a home they had to be to put up a tower.

Ms. Plourde advised there is no restriction in Canada.

Mr. Pelley said they are having a big debate in the States right now about cell towers. There are restrictions that talk about being in the path of migratory birds.

Ms. Wheaton confirmed there is no requirement for a setback from a tower.

Mr. Pelley commented half of his property would be redundant as a result of that tower which may not be needed. He questioned why they needed another tower.

Ms. Wheaton advised Industry Canada requires there to be co-location. If there is an existing tower in an area, another carrier can ask Industry Canada to locate their facility on that tower. Industry Canada has refused second carriers their own tower.

Mr. Pelley said he would like to recommend the site of the tower be moved further back towards the middle of the property, especially with these houses that have children and pets.

Mr. Rod Giffen asked about the frequencies that would be on that tower.

Mr. Plourde responded 850 megahertz and 1900 megahertz.

Mr. Giffen said he would like to do his own testing by putting a beacon on top of Fenwick Tower.

Mr. Plourde indicated and he would not be authorized to do that as there would be issues with insurance and coverage.

Mr. Winston Hobbs stated he was totally surrounded by the Bess Developments' property. He asked if they are going to gate the road that crosses onto the tower.

Mr. Plourde advised the landowner has asked them to do that.

Mr. Hobbs said they would like to recommend that.

Mr. Hobbs indicated he applied for a building permit quite some time ago to put up a two storey garage and he was only allowed to go 14.6' from the floor of his garage to the back. He asked if the tower would be surrounded by a fence.

Mr. Plourde responded yes.

Mr. Hobbs asked if the road would be fenced.

Mr. Plourde responded no. The site where they have their electrical equipment and where the tower is will be fenced. He advised they would install a gate there if required by the Municipality but he thought the landlord required it.

An individual asked if that was the highest spot on the property.

Mr. Plourde pointed out it is not a question of height.

The individual recommended that they move the tower more towards the center of the property and further back from the road.

Mr. Plourde confirmed they already spoke with the landlord in terms of where the tower should be located on the property.

The individual indicated they should have held the public meeting before they leased the land, and questioned why the property owner is not in attendance.

Mr. Plourde advised they have been authorized to act on his behalf for this particular purpose.

Mr. Hal Jones said there has been a lot of discussion about where the tower could be. He asked if the tower is a sure thing. He thought they would be discussing whether there should be a tower and the aesthetics.

Ms. Wheaton responded there are a lot of things that have to be taken into consideration. HRM is responding to a specific application. There are three possible outcomes when it goes to Council -

a positive recommendation, recommend a modification, and an outright refusal. If they do a modification, Industry Canada will most likely tell HRM and Rogers to try and work it out.

Mr. Jones asked if this is a done deal. If not, then he would respectfully say they do not want the tower. He urged that they ask the people here what percentage of them want this in their area.

Ms. Wheaton advised the meeting is set up so as not to intimidate people.

Mr. Jim Landry stated this would be in his backyard. In addition to the people here tonight, they have a petition of just under 100 names which they would like to submit as well.

Councillor Mosher advised that she would submit the petition at a meeting of Regional Council.

Mr. Brett Ryan commented Rogers is a big company. Would they not have a department dealing with Corporate responsibility?

Mr. Plourde advised they have a communication department and a regulatory department.

Mr. Ryan stated they have a responsibility to the community they serve. They are very vocal about what is going on. He could not believe they went onto that property and trespassed onto other people's properties. It is quite clear nobody wants this tower in their community. He asked what the appeal process was. People have been here for generations. They have lived in this rural setting for some time.

Ms. Wheaton advised the decision is ultimately made by Industry Canada who has the jurisdiction over the telecommunications industry. They ask the Municipality to participate in this process.

Mr. Ryan stated the citizens should have a right to decide what their community will look like.

Mr. Ryan questioned how they could start building a road on a property without a permit.

Mr. Plourde responded they did not build a road. They did their due diligence and did a survey and soil testing. To do the soil testing, they needed to bring in the proper equipment.

Councillor Mosher stated this is a frustrating issue. It is basically lip service. Industry Canada makes the decision. As a councillor, it is very difficult because it is a quasi-judicial process. She was elected to have an open mind and listen to the public opinions and was supposed to wait for the staff report and the public hearing. It is pretty clear what the feelings of this community are.

Councillor Mosher indicated she received a call from Randa asking for the PIM to be waived because of the dire circumstances and the timing. That was in February and she had emails in December asking what was going on because there was some clear-cutting and there was no application.

Mr. Plourde indicated in December they were not even negotiating with Bess Developments for that land, and they were not clear-cutting in Purcells Cove in December.

Councillor Mosher noted the Regional Plan talks about growth for the next twenty-five years. Because of the uniqueness of Purcells Cove, they had the Urban Reserve Designation which is a low growth area. How does this application reflect on the Regional Plan? There are no water and sewer services in this area or curb and gutter. This is a rural area paying an urban tax rate. She would like the report to include comment on Urban Reserve Holding. We do have a petition at Council and they included this under the Harbour Planning process which will be an extensive community engagement process coming up in the near future where the community will be directing what happens in this area and not reacting to an application.

Councillor Mosher indicated the Mainland South Municipal Planning Strategy and Land Use By-law talks about neighbourhood compatibility. Whenever there is a development agreement talking about aesthetics, they are talking about neighbourhood compatibility. She would like the report to include the photographs and visuals driving into the cove, looking at the area and what is around, and talk about the neighbourhood compatibility of a 40m cell tower compared to the existing community.

Councillor Mosher advised she had correspondence from Andrew Faulkner, Development Officer, indicating the property is zoned Urban Reserve which does not permit a telecommunication tower by right so they will have to apply for a rezoning. It also says they will have to apply to HRM for a driveway access permit. If you are bringing in motorized vehicles, it would be a driveway and not a footpath. We need photographic demonstration for the councillors to make an informed decision.

Mr. Alan Ruffman commented as a general consideration it seems that Council may be able to get this in as a motion of Council that whenever a tower will be considered it shall be more than the height of the tower away from the property line. There are setbacks for wells, garages, and buildings. Should something fall over, it should not be falling over on someone else's property.

Mr. Jack Roach asked for confirmation they did not receive an agreement with the new owners of Fenwick Tower.

Mr. Plourde responded they did not have an agreement with the new owners.

Mr. Roach asked if it was because the rent was going to be too high.

Mr. Plourde responded that was part of it.

Mr. Roache referenced Dalhousie University on South Street where right behind the National Research Council building they have a cell phone system.

Mr. Plourde indicated they will build a site to replace in part Fenwick Tower. It is about 150-200m from Fenwick Tower on Park Victoria Apartments located at 1333 South Street.

Mr. Roach asked if they now had a site on Oxford Street.

Mr. Plourde responded he was not sure, as he was not familiar with all the sites in Atlantic Canada.

Mr. Roach said he was an electrician at Dalhousie and sometimes he gets called in because the fire alarm is going off and one of the people he has to wait for is Rogers.

Mr. Plourde advised they have three sites in that area.

Mr. Roach stated they could probably cover the south end.

Mr. Plourde advised this tower would cover Purcells Cove Road as well as the south end.

Mr. Roach asked how far the range was from the site at Dalhousie.

Mr. Plourde responded it depends on many factors such as the height, the topography and the type of buildings in the area.

Mr. Roach indicated it was being said they could not service the south end.

Mr. Plourde responded not without building additional storeys on a building.

Mr. Roach countered or pay the rent.

Mr. Plourde responded rent is one of the factors. They would have to shut down their site for many months. Fenwick Tower is the site with the most traffic for Rogers. He agreed it is the highest building around which is why they need two sites to replace it.

Mr. Roach noted they built a roadway, not a path.

Mr. Plourde indicated it was for the purpose of construction. After that, there will not be big trucks going there.

Mr. Roach questioned who will be taking care of this site and keeping out the kids from partying.

Mr. Plourde responded it is not much different than a wooded area. They can put a gate at the beginning of the road.

Mr. Roach stated they produced a good area for the kids. Last summer they dealt with a forest fire that was probably started by partiers and they will probably have another one.

Mr. Alan Ruffman said he did not think this tower should go there. He thought the recommendation of the staff report should be that Industry Canada imposes the tower at Fenwick Tower. They have the power to do that.

Mr. Plourde clarified Industry Canada cannot impose a private landowner to install equipment on their building. It is a commercial agreement and they do not intervene in those things.

Mr. Julien Delarve referenced a previous comment where Mr. Plourde said they usually try to minimize the damage and inconvenience to the neighbours. When he looked at the population density in the Purcells Cove area and the south end, he found it hard it hard to believe the tower

would benefit them more than the south end. He did not see why their community should have to wear the burden of aesthetic and health issues. He did not understand why they are choosing a community here when most of the benefit will go to the south end.

Mr. Plourde responded the most important part of the required coverage for them is on the Purcells Cove Road.

Mr. Delarve asked how many public meetings have been held in the past with respect to cell phone towers.

Ms. Wheaton advised we probably averaged four to five a year over the past fifteen years.

Mr. Delarve questioned how many people turn out in favour of these cell towers.

Ms. Wheaton responded it is probably split. She has been to many meeting where people have said they are happy to be getting cell phone coverage.

Mr. Delarve asked how many towers were put in place when the residents did not want them. He expressed concern that Industry Canada can veto all their concerns and the tower can proceed.

Ms. Wheaton responded she was aware of one where they relocated the tower.

Mr. Jim Matheson referenced an earlier comment about the cost and the suggestion that Fenwick Tower could be a possibility again. Was it just the cost?

Mr. Plourde responded no. They discovered that the landlord did not want them there. When the landlord asked for a big amount of money, they said yes and then the landlord changed his mind. They have been kicked out. In terms of cost, a high rent is not an issue for them because they did not want to move. To move that equipment is a very complicated thing to do. It is not the most solid building in Halifax, so it is very delicate operation to dismantle their site. If they could have stayed, they would have.

Mr. Matheson indicated Seaside Communications has been doing a lot of tower builds across Nova Scotia. Some of them have been towers that could have been dismantled fairly easily, whereas this one is going to be a galvanized tower which will probably never come down.

Mr. Plourde advised the only time they decommissioned a site was when Rogers bought Microcell. There were areas where they had sufficient coverage. They dismantled sites but it was in the consideration of a merger of two enterprises.

Mr. Matheson commented this would likely be a permanent site unless some new technology comes along where they do not need towers.

Mr. Plourde responded that is the reason why they negotiate long-term agreements with landlords.

Mr. Matheson asked if Fenwick Tower could be an option again.

Mr. Plourde responded no, they have been kicked out. They have to turn off their site on March 31, 2010. They then have ten days to dismantle everything.

Mr. Matheson stated he wanted to go on record as being opposed to this. If there is a second option, it would be a movement of it. There may be estuaries back there but that would be his second preference. Also, there should be a fixed height of the tower.

Mr. Ian Dempsey indicated when he built his house he had regulations, such as setbacks, to follow. It is very disturbing to see that Rogers was able to clear-cut a road. It has already been indicated they have a twenty year lease with Bess Developments. He was concerned about how far along this proposal has gone. He recommended the planner try and have some appeal or some other way if in fact this is happening to move the location and to follow a setback that makes sense to the property owners in the area. It would be nice if they could find out who Bess Developments was and if the City could change the rules on this one and force Rogers to get a new lease and kick them out. He was not in support of this.

Ms. Audrey Siddall invited them to come and see the amount of left over wood that she and her husband cleaned up that came over on their side. It took them five years to find a place that was remote and isolated, and they knew they would be sharing it with the wildlife. She was concerned about how it would affect wildlife when they have large equipment in there. The entrance into the piece of land that will be their roadway is only 20' or so from their circular driveway and people are already parking there. It was mentioned they would put a gate across there, but that would not stop people from coming in through the beginning of her driveway. She would recommend at least 50' on either side of the entrance so she did not have her privacy invaded.

In response to Mr. Plourde, Ms. Siddall indicated they cleared off the wood left on their property. There was damage to a rock wall with flowers.

Mr. Plourde indicated he would leave his business card and would talk to the construction manager about the matter.

Ms. Marla Cranston commented she walked her dog past that property twice a day. When she first saw the road she wondered if a subdivision was going in. It looks like a done deal when you see a road show up. She worked in the communications industry and appreciated that we need a wireless world. She asked if Rogers was the only wireless provider in this area. She needed a high speed internet connection and had to switch to Eastlink.

Mr. Plourde responded they were not and would not be.

Ms. Cranston suggested they let the market place decide. This area has a very sparse population so why is that coverage for that area so important to Rogers?

Mr. Plourde responded it is important for a company like Rogers to have continuous coverage for all their customers. If that is not possible, then they will lose their customers to their competitors. That competition has been encouraged by the government. That is why Eastlink is able to deploy its cellular network in Atlantic Canada.

Ms. Cranston asked if this is the only location that will work. There are more populated areas like Spryfield.

Mr. Plourde advised they have a site in Spryfield. They have to fill small gaps. They would have stayed at Fenwick Tower if they could have.

Ms. Cranston noted they are here about three weeks before they have to vacate.

Mr. Plourde responded it will take the time the City needs to take care of all the considerations. It will not be so bad until the leaves start appearing on the trees. It is not the best case scenario for them. The best scenario for them is to have the site up by March 31st but they have to be realistic. They have to follow the process that is in place in HRM and they will respect every step of it.

Ms. Cranston stated this meeting should have happened before they built the road.

Mr. Plourde responded they had to do that for reasons of due diligence. They have to ensure the site is not contaminated, see if there are any wetlands, and find out the capacity of the soil.

Ms. Cranston asked how people would be kept informed of the next step.

It was indicated the staff report would be tabled with Chebucto Community Council.

Mr. Mike Coughlan asked how many customers would be impacted when the tower at Fenwick Tower shuts down.

Mr. Plourde responded that is confidential business information.

Mr. Coughlan indicated he wondered geographically what areas on the Purcells Cove Road would be impacted. A copy of a plan was viewed from the file showing the information.

An individual commented he understood cell phones are supposed to be dangerous to one's health. In terms of strength he was told that a cell tower is approximately one million cell phones operating on a continuous basis.

Mr. Plourde responded that is not true.

Mr. Joe Oxner questioned how the notification area was determined.

Ms. Wheaton advised HRM has a standard area which we generally use. It is about 100' from the property boundary and then we put an ad in the newspaper. The meeting notices are also posted on HRM's web page.

Mr. Oxner indicated he talked to people in the Cove who did not know anything about this meeting. He suggested everybody in the Cove should be notified of future meetings.

Mr. Oxner noted he had been involved with radio amateur work and they had to put up a light for anything above 70', but obviously something has changed. He was surprised something over 30' did not have to have a light.

Mr. Plourde advised the decision is made by the Department of Transportation.

Mr. Oxner commented some people have satellite dishes and some people are served by over the air TV. When TV first came to Halifax they had a hard time getting service to everybody. Depending on where you lived, you could have a lousy TV signal and would have to go to cable or satellite. Sometimes even satellite coverage is poor if trees or a tower, for instance, are in the way of the signal. He understood the Oceanview Drive area is zoned R-1 and questioned how they could have a commercial venture like this in an R-1 zone.

Councillor Mosher noted the zoning is Urban Reserve; the Urban Reserve zone does not permit a telecommunication tower.

Mr. John Preston stated it is quite obvious their community is against this tower. Why is a tower being put in their community to serve a very few number of people in their community? He asked that everybody keep in mind how building the tower in their community will affect their destiny, because it will limit what will be built there. Who in their right mind would build a residential area right around a tower? If the City had any vision it would be thinking ahead for the next twenty years, and what would happen in that area if they build that tower there. This tower will affect how people think about the area and what will go in there.

Ms. Wheaton indicated the Municipality approved over 1000 units immediately adjacent to the CBC tower at Geizers Hill over the last three to four years. People will live where they choose to regardless of what surrounds them.

Mr. Preston commented the land in their community is not like the CBC radio lands. They have rolling hills, trees and marshes. When that tower goes up, it will change the make-up of that area and would not fit with the community. It will limit what will go in there and the type of development that will go in there.

Ms. Wheaton thanked everybody for attending. This will ultimately be coming to Community Council with a recommendation from staff. Hopefully we can come forward with a positive recommendation having heard what was said and maybe try to find a solution that is more palatable, or maybe it will be a negative recommendation. She could not say what the recommendation would be at this point.

Adjournment

The meeting adjourned at approximately 9:30 p.m.

Petition against Construction of Telecommunication Tower

Erected by Rogers Communication

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 21

 109

Petition summary and background	Rogers Communication Inc. proposes to construct a 40 metre (133 ft.) free standing self support telecommunication tower and associated equipment shelter on land adjacent to 451 Purcells Cove Road, Purcells Cove.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent construction of above tower and shelter.

Printed Name	Signature	Address & Phone Number	Date
Karen Slawchik	<i>Karen Slawchik</i>		Mar 6/10
Karin Slawchik	<i>Karin Slawchik</i>		Mar 6/10
Randy Gregory	<i>Randy Gregory</i>		16 Mar
CAROLE JONES	<i>Carole Jones</i>		March 6
Jim Melvin	<i>Jim Melvin</i>		March 06
Angie Dunn	<i>Angie Dunn</i>		March 6/10
Jack Roach	<i>Jack Roach</i>		March 6/10
Sharon Roach	<i>Sharon Roach</i>		Mar 6/10
Audrey Siddall	<i>Audrey Siddall</i>		March 10
Wmson Hobbs	<i>Wmson Hobbs</i>		March 10

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Printed Name	Signature	Address & Phone Number	Date
MALGORATA RAJDA	M. Rajda		6.03.2010
Ewa Rajda	E. Rajda		06/03/2010
DEBORA FOST	Debra Fost		06/03/2010
Renee Skelley	Renee Skelley		06/03/2010
JENNIFER KELLS FIELD	Jennifer Kells Field		06/03/2010
Joyce O'Sullivan	Joyce O'Sullivan		06/03/2010
Elaine Leavy	ELAINE LEVY		06/03/2010
Stora Sutherland	S. Stora		06/03/2010
Christine Sutherland	Christine Sutherland		06/03/2010
Vincent Melvin	Vincent Melvin		6/3/2010

petition against construction of Telecommunication Tower Erected by Rogers Communication

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Printed Name	Signature	Address & Phone Number	Date
S. Bonnermaison	Bonnermaison		March 6
Christine Macey	Macey, Emory		March 6
Yvonne Maher	Yvonne Maher		March 6
PS Maher	PS Maher		March 6
Frances Macrae	Frances Macrae		March 6
Toddy Whitson	Toddy Whitson		March 6
JASON RUSSELL	JASON RUSSELL		March 6
Angela Maxwell	Angela Maxwell		March 6
EVELYN HATZ	EVELYN HATZ		March 6
William Hartz	William Hartz		March 6
Mark Cranstorn	Mark Cranstorn		March 6.
MARIN CRANSTORN	MARIN CRANSTORN		

Petition against Construction of Telecommunication Tower Erected by Rogers Communication

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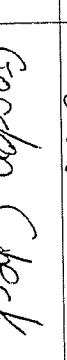
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Printed Name	Signature	Address & Phone Number	Date
SOAN PRESTON	<i>Soan A. Preston</i>		6 Mar 10
BELINDA PRESTON	<i>Belinda Preston</i>		6 Mar 10
<i>Margaret White</i>	<i>Margaret White</i>		6 Mar 10
<i>Alla Souder</i>	<i>Alla Souder</i>		6/03/10
<i>Grace Murphy</i>			" "
<i>Rae Murphy</i>			4/03/10
Peggy MacPhie	<i>Peggy MacPhie</i>		6/03/10
Everett Mallett	<i>Everett Mallett</i>		6/03/10
Mike Coughlan	<i>Mike Coughlan</i>		6/03/10

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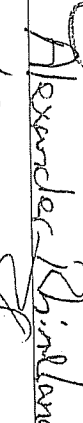






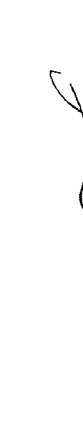
Action petitioned for
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Printed Name	Signature	Address & Phone Number	Date
Andy Weinert			March 6/10
Cindy Weinert			March 10/10
Leson Wray			March 6/10
Doreen Wray			6/3/10
Tim Scarsie			6/3/10
Joni de staele			" "
Har Jones			6/3/10
Silvia Stelman			6/3/10
Amby Symons			
Carol Cook		Gordon Creek	March 6/10

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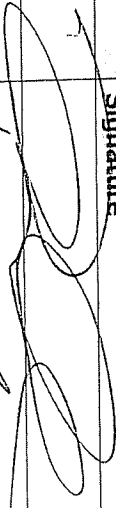



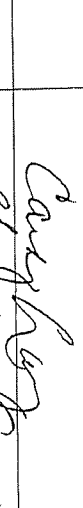

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Printed Name	Signature	Address & Phone Number	Date
Tim Matheson			March 6, 2010
Catherine McKinnon			March 6, 2010
Alexander Rhindlander			" "
Maureen Oxner			4 March 2010
Clifford Oxner			6 March 2010
MARK KING			6 March 2010
Laura King			6 March 10
Hannah King			6 March 10
Olya Stafijevska			March 6, 10
Vitaliy Andryev			March 6, 10

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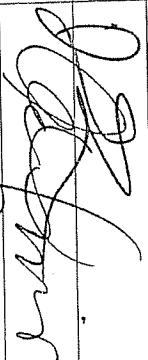




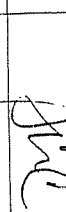



Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to prevent construction of above tower and shelter.

Printed Name	Signature	Address & Phone Number	Date
Tracy Mockler			March 10
Maeris Begg			March 11
Alison Leverman			Mar. 6/10
BUS GARDNER			MAR 6 / 10
Lana Schabloski	Lana Schabloski		March 10
Cathy Begg			March 10
David Begg			Mar 11
Alexis Matta			Mar 7/10
Rob Matta			
Jim Slawinski			Mar. 7/10

Petition against Construction of Telecommunication Tower

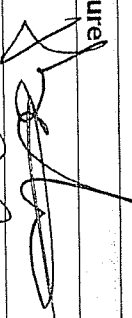
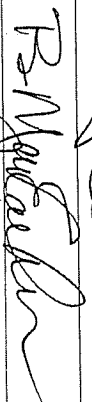





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Printed Name	Signature	Address & Phone Number	Date
JAMES LAWREY			MARCH 8, 10
EVA OSORIO NIETO			MARCH 8, 10
BRETT RYAN			MARCH 8, 10
Breathlynn			MARCH 8, 10
Breathlynn			MARCH 8, 10
Tracida Nieto Cabrer			8-3-10
Shawn R			MARCH 8, 10
Melvin Baez			MARCH 8, 10
Mary Matheson			MARCH 10

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Printed Name	Signature	Address & Phone Number	Date
JULIEN DELARUE			3/8/10
Bruce MacEachern			3/8/10
IAN DEMPSEY			3/8/10
Fred Bellay			3/8/10
Harriet King			08/03/10
Andrew McKim			08/03/10
ROD GREENE			05/03/10
			RD

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Printed Name	Signature	Address & Phone Number	Date
Chris Laverem	<i>[Signature]</i>		8/11/10
Ella Tollmore	<i>[Signature]</i>		8 Nov 10
J M. Tollmore	<i>[Signature]</i>		"
Dsh M Auning	<i>[Signature]</i>		11 Nov 8/10
Tuan Hopper	<i>[Signature]</i>		12/10
Alfred A Butt	<i>[Signature]</i>		12 Nov 8/10
Mike Murphy	<i>[Signature]</i>		March 8/10
Wayne Lynch	<i>[Signature]</i>		8-3-10
John Blackman	<i>[Signature]</i>		8-3-10
Barbara Remy	<i>[Signature]</i>		8/03/

Paula Fleming
 James Remy

Paula Fleming
 James Remy

Mar. 8/10
 8/13/10

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FRANK'S FLEMING	Francis P Fleming		
DAN HORNE	Don Horne		
FRED REICHE	Frank Reiche		
DAVID S. GARDNER	David Gardner		
WILLIAM GARDNER	A J Gardner		
TRINA WILKINS	Trina Wilkins		
ALLENE FLEMING	Allene Fleming		MARCH 8/2012
TRINA GULTON	Trina Gulton		March 8/12
ROSS FARRER	Ross Farrer		MAT 5
HELENA BAKER	HELENA BAKER		