

**East Community Council
December 6, 2012**

TO: Chair and Members of East Community Council

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

DATE: November 22, 2012

SUBJECT: Case 17640: Telecommunication Tower at 149 Albro Lake Road,
Dartmouth

ORIGIN

Application by Bell Mobility.

RECOMMENDATION

It is recommended that East Community Council:

1. Inform Industry Canada that they object to the proposal by Bell Mobility to erect a new, 30 metre, self-supporting telecommunication tower and associated equipment cabinet at 149 Albro Lake Road, Dartmouth, as shown on Attachment A of this report; and
2. Forward a copy of this report to Industry Canada for background purposes and to inform them of the significant public concern regarding the proposal as contained in Attachments F and G.

BACKGROUND

Bell Mobility has submitted an application to locate a new 30 metre (98.4 feet) free standing, self-supporting, telecommunications tower at 149 Albro Lake Road, Dartmouth. The tower is proposed to be located within a leased portion of the subject property approximately 60 metres (196.9 feet) from Albro Lake Road, as shown on Attachments A and B.

The proposed tower is:

- a free standing, self-supporting mono-pole 30 metres in height (Attachment C);
- constructed of steel and specifically site engineered;
- not required by Transport Canada to have lighting and painting at this location;
- accessed from Albro Lake Road via an existing, asphalt paved driveway (Attachment A); and
- enclosed with 2.4 metre (7.9 feet) high steel wire fencing at the base and equipped with anti-climb apparatus.

Site Features and Surrounding Land Use

The subject property has the following characteristics:

- located mid-block between Albro Lake Road and Jackson Road in a proximately residential area;
- designated Residential under the Dartmouth Municipal Planning Strategy (MPS) (Map 1);
- zoned R-1M (Single Family (Modified) Residential) Zone under the Dartmouth Land Use By-law (LUB) (Map 2);
- bounded by the R-1M Zone to the north, west and south, the R-4 (Multiple Family Residential) Zone to the east and the R-2 (Two Family Residential) Zone to the northeast (Map 2); and
- contains an apartment building and associated parking lot.

Municipal Process

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

Provincial and Municipal governments have little jurisdiction to interfere with or impair communication facilities licensed under federal law. Industry Canada is the federal agency which licenses and regulates these facilities under the provisions of the *Telecommunications Act* (S.C. 1993, c.38).

The federal government, however, has recognized that municipal authorities may have an interest in the location of antenna structures and this should be considered in the exercise of its authority. A consultation protocol has therefore been instituted and this is followed by HRM. The protocol requires that an applicant notify the appropriate municipality of its intentions and the municipality is then given an opportunity to review the proposal and provide comment. If any concerns 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.

Telecommunication Tower Functional Plan

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

DISCUSSION

MPS Policy

Land use compatibility is an important factor relative to any telecommunication tower. The proposed tower is located on lands designated Residential under the Dartmouth MPS and falls within the Pinecrest-Highfield Secondary Planning Strategy (SPS), an area that has been applied to facilitate increased stability within the neighbourhood. The SPS promotes the retention of existing single unit dwellings, facilitates small lot development for single unit dwellings and discourages development of higher density proposals.

Policies 2.1.1 and 2.1.2 of the SPS establish the R-1M (Single Family Modified) zone (Map 2) which allows all uses permitted in the R-1 (Single Family Residential) zone. The R-1M zone is applied to the area of the Pinecrest-Highfield Park neighbourhood where the greatest concentration of single unit dwellings are located on deep lots. The intent of this zone is to enable affordable, single unit detached development on smaller lots than permitted in the R-1 zone by allowing new streets to be developed which would bisect the existing residential blocks. This would create street frontage to allow the rear yards of the deep lots to be subdivided and developed with new, single unit dwellings. In support of the above policies, Policy 2.1.3 is Council's intent to not support higher density residential development through rezoning on R-1M lands. These policies are exhibited in Attachment E and are included to provide Council with the community planning context for the proposed tower location.

The Dartmouth Municipal Planning Strategy (MPS) does not contain specific policies regarding the siting of telecommunication facilities. Instead, staff utilize the general evaluation criteria of the MPS when reviewing such facilities and these criteria provide relevant guidance to Council and staff. Of the criteria outlined, staff identified the following matters for specific discussion.

Location

The proposed location of the tower is at 149 Albro Lake Road. This location abuts the rear yards of 38 and 42 Jackson Road and 137 and 141 Albro Lake Road. The proposed location is approximately 46 metres (151 feet) from the apartment building at 149 Albro Lake Road and located midblock of an established residential area (Attachment D). If future residential development is considered in accordance with Policies 2.1.1 and 2.1.2 the proposed tower would impede any development of a new street between Jackson Road and Albro Lake Road for residential development.

Visual Impact

Where possible and appropriate, an overall architectural and landscape design should be undertaken to reflect the adjacent and neighbouring uses. Given the nature of telecommunication facilities, its visual impact should be considered in the context of the surrounding landscape of the subject property.

In certain circumstances, visual impacts and incompatibility between land uses and a telecommunication tower can be addressed through screening or separation of uses. Adequate separation distance is often the only effective buffer for mitigating the visual impact of telecommunication facilities. The proposed tower is less than 30 meters from the nearest residential buildings and located adjacent a parking lot (Attachment B). In this setting, the proposed tower is very visible (Attachments A and D) and any use of effective screening would only apply to the base of the tower. Therefore, the minimal separation distance and limited vegetation in the area do not meet acceptable standards.

Physical Proximity

As there is no formal policy in the MPS to guide the location of telecommunication towers to ensure adequate separation from adjacent properties, it is prudent to review past practices which indicate that incompatibility between uses can be addressed through screening or separation of uses. Minimum separation distances between towers and residential properties have often been established based on the measured height of a proposed tower. The separation distance based on tower height is founded on a precautionary principle to minimize risk in the unlikely event of structural failure, while also helping to address incompatibility issues. The proposed tower is 30 metres in height and located less than 30 metres from the two closest residential buildings (Attachment B). Therefore, the separation distance does not meet an acceptable standard.

Health and Safety

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

Prior to receiving a licence from Industry Canada, the operator must submit the calculations on the intensity of the radiofrequency fields to ensure that this installation does not exceed the maximum levels contained in *Safety Code 6* requirements.

Summary

Staff reviewed the proposal and are of the opinion the proposed tower location is inconsistent with the community land use policy relative to land use compatibility in the area. Further, the proposed tower is not setback from residential buildings a distance greater than the height of

tower. Therefore, staff recommends East Community Council inform Industry Canada that they have an objection to the proposed tower.

It should be acknowledged that the public has voiced concerns relative to the proposed tower, however, it is important to note that Industry Canada requires the Municipality to conduct an evaluation of telecommunication proposals and provide comments based upon its official land use policies and by-laws. Staff reviewed the concerns raised by the public and advises some of the concerns are not directly related to the applicable land use policy. That being said, staff will inform Industry Canada of the concerns raised by the public by forwarding a copy of this report which includes the minutes from the public information meetings (Attachments F and G).

BUDGET IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 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.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

The level of community engagement was consultation, achieved through a Public Information Meeting (PIM) held on May 14, 2012. 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 2. Attachment F contains a copy of the minutes from the meeting. A second PIM was held in the community on July 23, 2012, as a result of a request at the initial PIM. For the second PIM notices were posted on the HRM website, in the newspaper and mailed to all residents within the notification area as shown on Map 2. Attachment G contains a copy of the minutes from the meeting.

A public hearing is not included in the telecommunication application process; Community Council simply forwards a recommendation to Industry Canada.

The location of the proposed tower would potentially impact the following stakeholders: local residents, property owners, telecommunication companies, and Industry Canada.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified regarding the location of the proposed tower beyond those raised in this staff report.

ALTERNATIVES

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

1. Inform Industry Canada that East Community Council objects to the proposal by Bell Mobility to locate a 30 metre telecommunication tower and associated equipment cabinet located at 149 Albro Lake Road as shown on Attachment A. This is staff's recommendation.
2. Identify to Industry Canada that East Community Council has additional comments or recommendations with respect to the proposed tower. In this event, staff will notify the local office of Industry Canada of Community Council's recommendations.
3. Identify to Industry Canada that East Community Council has no objection to the proposal.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Location and Zoning
Attachment A	Site Plan
Attachment B	Aerial Photo – Plan View
Attachment C	Tower Elevation
Attachment D	View of Proposed Tower from Street in Front of 149 Albro Lake Road
Attachment E	Relevant Policies from Dartmouth MPS
Attachment F	Minutes from First Public Information Meeting May 14, 2012
Attachment G	Minutes from Second Public Information Meeting July 23, 2012

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

Report Prepared by: Darrell Joudrey, Planner, Planning Services, 490-4181

Report Approved by:

 Original signed
Kelly Denry, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

149 Albro Lake Road
Dartmouth

 Subject property

★ Proposed Tower Location

Dartmouth Plan Area

Designation

R Residential
C Commercial

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS






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

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



Map 2 - Location and Zoning

149 Albrow Lake Road
Dartmouth

-  Subject property
-  Area of notification
-  Proposed Tower Location

Dartmouth Plan Area

Zone

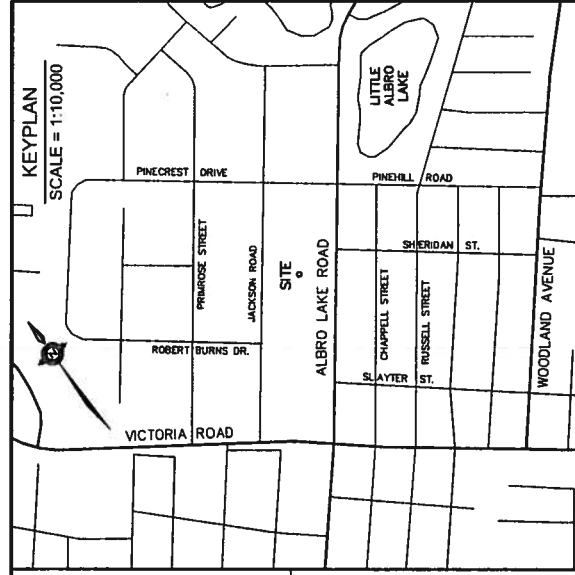
- R-1 Single Family Residential
- R-1M Single Family (Modified) Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential
- R-4 Multiple Family Residential (High Density)
- TH Town Housing
- C-1 Local Business

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



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.



1, SECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA
PHONE: 902-283-9605
FAX: 902-283-9605
WWW.GENIVAR.COM

REF. NO. DA11240

DWG. NO. DA11240501

SITE PLAN OF PROPOSED LEASE PARCEL W AND ACCESS AND UTILITY EASEMENTS ALBRO LAKE ROAD

DARTMOUTH
HALIFAX COUNTY
PROVINCE OF NOVA SCOTIA



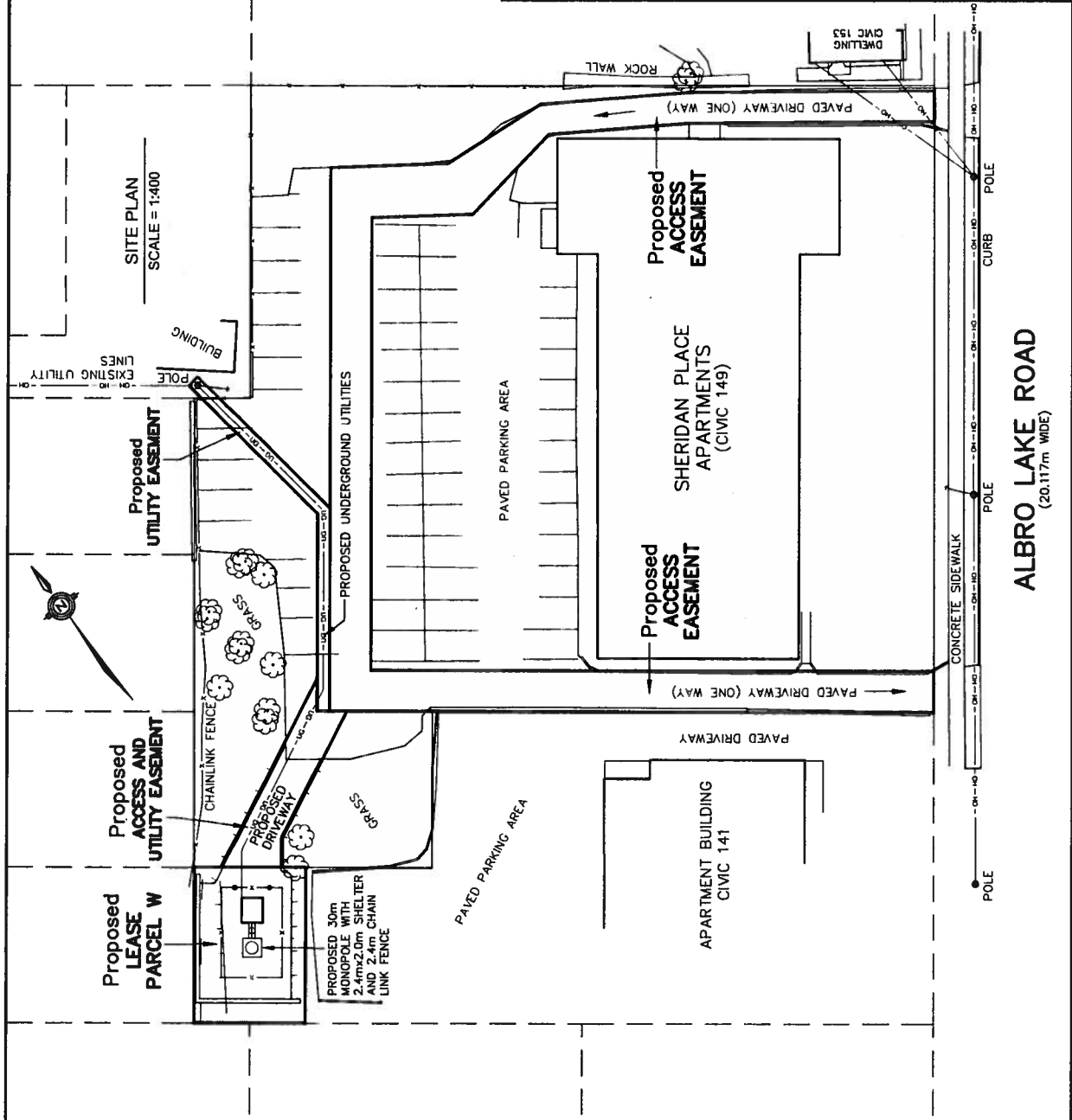
SCALE : 1/400 (METRIC)

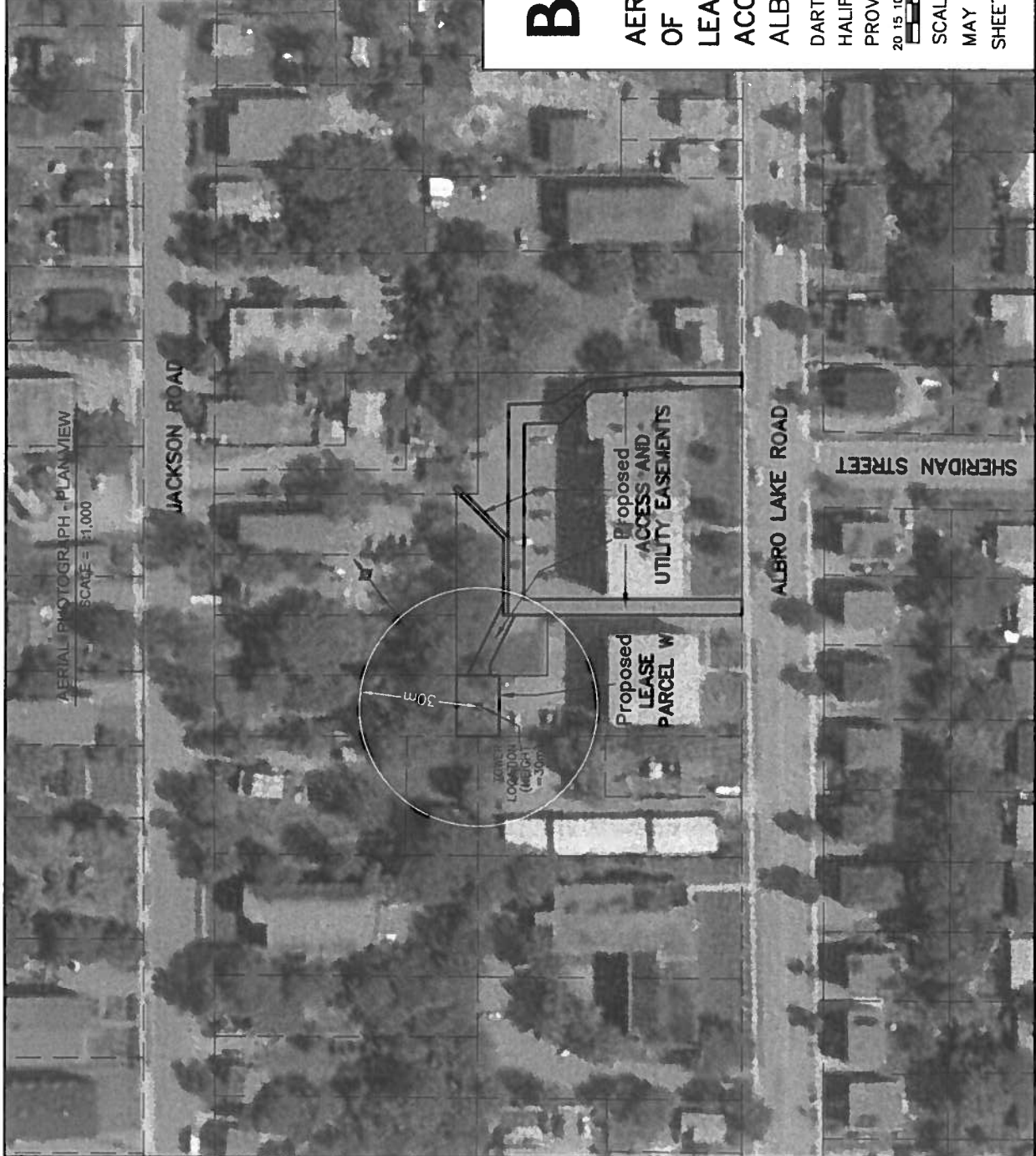
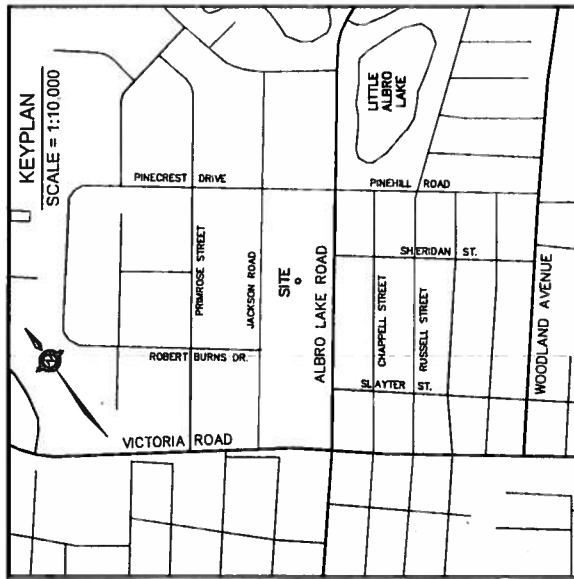
DECEMBER 20, 2011

SHEET 1 OF 3

WOODLAND * J1414

Attachment A





1 SPECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA
CANADA B3B 1P7
PHONE: (902) 293-2965
FAX: (902) 293-1845
WWW.GENIVAR.COM

REF. NO. DA11240

DWG. NO. DA11240501

AERIAL PHOTOGRAPH - PLAN VIEW OF PROPOSED LEASE PARCEL W AND ACCESS AND UTILITY EASEMENTS ALBROW LAKE ROAD

DARTMOUTH
HALIFAX COUNTY
PROVINCE OF NOVA SCOTIA



SCALE : 1/1000 (METRIC)

MAY 4, 2012

SHEET 2 OF 3

WOODLAND * J1414

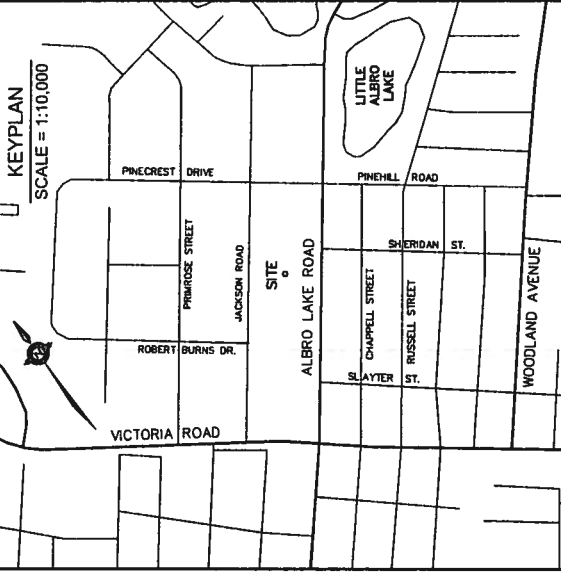
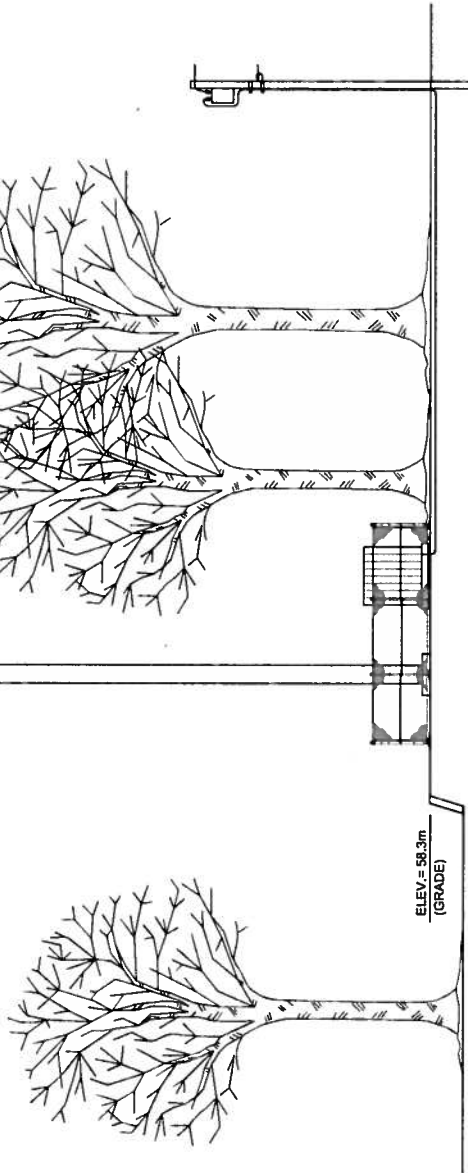
Attachment B

TOWER ELEVATION - LOOKING NORTHWEST

SCALE = 1:200

ELEV = 88.3m

SHROUDED
MONOPOLE



Bell GENIVAR

SPECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA
PHONE: 902-555-5665
FAX: 902-555-5666
WWW.GENIVAR.COM

REF. NO. DA11240

DWG. NO. DA11240501

TOWER ELEVATION VIEW OF
30 METRE SHROUDED MONOPOLE
LOOKING NORTHWEST
ALBRO LAKE ROAD

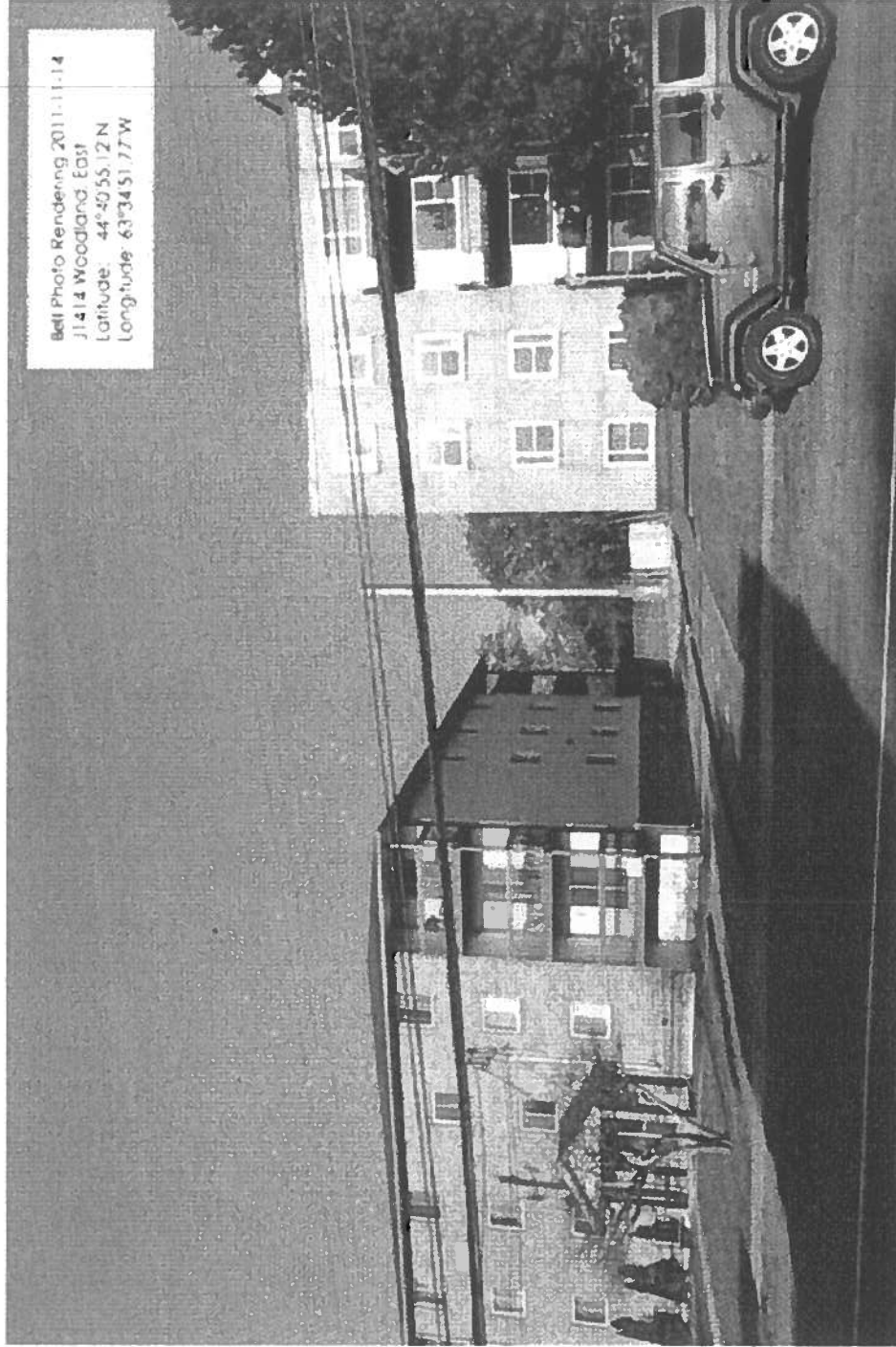
DARTMOUTH
HALIFAX COUNTY
PROVINCE OF NOVA SCOTIA



SCALE : 1/200 (METRIC)
DECEMBER 20, 2011
SHEET 3 OF 3

WOODLAND * J1414

Attachment C



Bell Photo Rendering 2011.11.14
 J1414 Woodland East
 Latitude: 44°40'55.12" N
 Longitude: 63°34'51.77" W

Attachment D
View of Proposed Antenna Tower from
Street in Front of 149 Albro Lake Road

HRM does not guarantee the accuracy of any base information.

Attachment E: Relevant Policies from Dartmouth MPS

- Policy 2.1.1 In order to encourage the stabilization of the Pinecrest-Highfield Park neighbourhood, it shall be the intention of City Council to establish, in the Land Use By-law, a Single-Family Modified (R-1M) Residential Zone. The R-1M Zone shall allow those uses permitted in the R-1 (Single Family Residential) Zone. The R-1M Zone shall be applied only to the portion of the Pinecrest-Highfield Park neighbourhood, as indicated on Map 2, which presently contains the highest concentration of existing single-family dwellings.
- Policy 2.1.2 In order to facilitate affordable single family housing development, it shall be the intention of City Council, within the R-1M Zone of the Land Use By-law, to permit development on lots smaller in size than that permitted within the R-1 (Single-Family) Zone. Therefore, it shall be the intention of City Council to amend the City's Subdivision Regulations in order to permit the creation of smaller lots within the R-1M Zone.
- Policy 2.1.3 It shall be the intention of City Council to not consider rezonings which would permit higher density Residential development on lands zoned R-1M within the Pinecrest-Highfield Park neighbourhood.

Attachment F: Minutes from First Public Information Meeting

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 17640 TELECOMMUNICATION TOWER APPLICATION
149 ALBRO LAKE ROAD, DARTMOUTH**

7:00 p.m.

May 14, 2012

Dartmouth North Community Centre

STAFF IN

ATTENDANCE: Darrell Joudrey, Planning Applications
Jennifer Purdy, Planning Controller

ALSO IN

ATTENDANCE: Councillor Jim Smith
Trevor Zinck, MLA
Pam Kennedy, Bell Mobility
Maria Medioli, Bell Mobility
Jason Lee, Bell Mobility

PUBLIC IN

ATTENDANCE: 21

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

Opening remarks/Introductions/Purpose of meeting

Mr. Darrell Joudrey introduced himself as the planner guiding this application through the process; he introduced Jennifer Purdy, Planning Controller, HRM Planning Applications, Councillor Jim Smith, MLA Trevor Zinck and Bell Mobility Representatives Pam Kennedy, Maria Medioli and Jason Lee.

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

Mr. Joudrey reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood, no decisions are made during this meeting. The application will then be brought forward to Council which will make a recommendation on the proposed telecommunication tower and forward it to Industry Canada.

Presentation on Application

Mr. Joudrey explained that Bell Mobility has submitted an application for a new telecommunication tower in the Dartmouth Plan Area. The purpose of this procedure is to ensure land use authorities are aware of significant antenna proposed within their boundaries. Industry Canada believes that local concerns related to land use are important to the community and that municipalities have an opportunity to make their views known with regards to the locating of these telecommunication towers.

Mr. Joudrey reviewed a slide of the subject property and explained that there are no specific policies, protocol or guidelines in the Dartmouth Municipal Planning Strategy regarding the locating of telecommunication towers. Where the location of towers is not contemplated by the land use by-law, that is, not allowed as a permitted use, then the applicant is required to go through the telecommunication tower consultation process. Where the Land Use By-Law permits towers as a land use the applicant is required to go through the Building Permitting process. Mr. Joudrey explained that because there are no specific Municipal Planning Strategy policies by which to evaluate the application, planning staff use evaluative criteria developed as part of the Municipal Planning Strategy for new land uses. This criteria directs staff to review with regards to adverse effects such as visual and aesthetic impact. An important part of the evaluation is formed from the public input.

Councillor Smith asked what the notification requirements are to notifying residents.

Mr. Joudrey explained that the requirement is to send notices to abutting properties 200 feet from the subject area. He added that in this case, they expanded the notification area to 250 feet.

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

- Dense residential population
- Topography
- Available ground space
- Coverage objectives
- Willing landlord

Ms. Kennedy explained that the surrounding sites are unable to adequately serve this area for vehicular and in-building users. This cannot be corrected by adding additional antennas on surrounding sites.

The service quality expectations of Bell Mobility for customers within the service area require a new tower.

Reviewing slides of the tower location, the coverage plots and photo renderings, Ms. Kennedy explained Bell Mobility commits to ensuring their towers operate and comply with Health Canada's Safety Code 6. She explained that they also must comply with the Canadian Environmental Assessment Act to ensure that there are no wetland concerns. She explained that other structures were either not suitable or located outside the search parameters; the neighbouring sites are unable to adequately serve this area due to hilly terrain and high RF (radiofrequency) path loss. This tower will serve areas of Albro Lake, MicMac Mall, Nova Court, Oaks Street and Tufts Cove.

Within this particular application, they are exempt from an Environmental Assessment because the antenna, its supporting structure, or any of its supporting lines has a footprint of no more than 25 m²; the project is not to be carried out within 30 m of a water body; and, the project does not involve the likely release of a polluting substance into a water body. She also added that they have received approval from NAV CANADA and that no marking or lighting is required.

Ms. Kennedy thanked the residents for attending and provided additional on-line resources for more accurate information on Telecommunication Towers.

Comments/Questions

Ms. Wendy Laidlaw, Dartmouth, asked if this proposal would affect the surrounding property values; asked if there will be any radiation coming off the tower; what roof tops are and what the targeted services area are.

Ms. Kennedy explained that there is no research that shows that towers decrease property values. She explained that all cell towers give off power however, with this tower in place; it will make the phone work less hard and will result in the cellular devices being less harmful. Ms. Kennedy reviewed a slide of the targeted area this tower will cover and explained that it will also take some of the outside pressure off. She also explained that the guidelines for the roof top devices are much stricter and reflects on whether the building is high enough and if there is another tower near by. She explained that there are no other solutions than to put in this tower.

Mr. Phil Stewart, Dartmouth, explained that he lives across the street and asked if there are any other neighbourhoods that she could give an example of that has this type of tower in a tight residential neighbourhood. He added that the tower in Dartmouth Crossing is unsightly and asked if this tower will look the same.

Ms. Kennedy explained that there is a similar one on Lacewood Drive, Halifax. She explained that the tower in Dartmouth Crossing is a self supporting tower like this one; however this tower will be a different style.

Mr. Stewart expressed concern with visioning and asked if there were any other examples in HRM that look the same as this tower will.

Ms. Kennedy explained that there are no other towers around as this is a brand new design. She explained that this is a better design and is more aesthetically pleasing.

Mr. Stewart expressed concern with this tower being proposed to single family homes and asked how many people were notified regarding this meeting.

Mr. Joudrey explained that the typical notification is 200 feet however; it was extended to 250 feet for this application.

Mr. Stewart asked if this project needs a zoning modification to get approved.

Mr. Joudrey explained that the land does not have to be rezoned. A recommendation gets forwarded to Council from staff. Council then makes their own recommendation that gets forwarded to Industry Canada.

Mr. Stewart asked what requirements are needed to put a tower on your property.

Mr. Joudrey explained that a tower up to 15 meters in height is exempt from this process. This is under Industry Canada's protocol.

Mr. Stewart asked for a picture of the tower and asked if there is opportunity for Bell to put other media opportunities on this tower.

Ms. Kennedy explained that they are federally expected to share the tower with other carriers. This benefits the community from having additional towers.

Mr. Stewart asked if in the future this agreement can change or be added to.

Ms. Kennedy explained that they will only receive rights to what is approved. If any changes are required, they are permitted to go back through this process.

Mr. Joudrey asked how many additional antennas can be added to this Bell Tower.

Mr. Jason Lee explained that the tower is designed for urban development. At no time will something be added to the exterior of the tower.

Mr. Stewart expressed concerns with the size of the tower and explained that this tower is going to be very visible.

Ms. Kennedy explained that it is only 4ft wide (diameter) at the bottom.

Mr. Stewart feels that the North End Dartmouth is being taken advantage of. He explained that this is going to be an ugly tower that the community does not need and added that he is not impressed that more people were not included in the notification of this meeting.

Mr. Joudrey explained that notification was mailed out to all properties within 250 feet of the subject property, as well as an ad was placed in the Chronicle Herald and was also posted on the halifax.ca website.

Mr. Mark Floyd, Dartmouth explained that he has taken pictures of the property and expressed concern that if the tower falls over, it will hit houses. He asked when this tower is being proposed to be built.

Ms. Kennedy explained that if approved, they are looking at the fourth quarter of 2012, however it might be 2013. She added that typically the Municipal process takes between 90-120 days.

Mr. Floyd expressed concern with the energy coming off the tower will project directly through his window. He asked where on the tower the energy will be projected off.

Mr. Lee explained that it will be higher up on the tower.

Mr. Floyd expressed concern with a camera being placed on the tower and violating resident's privacy. He addressed concern with the safety of the children in the community and feels that this tower will push him and others out of their homes and will make them move. He added that he has received pamphlets on the elections however, none on this application.

Mr. Lee explained that it is very difficult to find a location that covers the needs required. He added that the antennas will be on top and will point away from all houses. The levels of emissions that will come from this tower are very small. He explained that there are no safety concerns and that this tower is within Health Canada's guidelines. The benefit of having a tower near by is that the cellular devices work more efficient and therefore, the phone does not have to work too hard. The harder the phone works, the more safety concerns. Bell Mobility takes great measures to ensure towers are safe.

Mr. Trevor Zinck, MLA, Albro Lake, asked if over the past few years how many towers has Bell put up and asked why there is no policy for this, Ms. Kennedy explained that they have put up over 50 towers.

Mr. Joudrey explained that most of the Municipal Planning Strategies are aging and never anticipated this as a land use. A few of the more recent Land Use By-Laws do address this now but, this was never anticipated in the Dartmouth Plan. He explained that as part of the Regional Plan, there is direction from Council for staff to create a functional plan regarding telecommunication towers. There are people who are currently working on this. An interim report will be brought forward to Regional Council in the near future to put some guidelines in place, so that staff does not have to rely only on community compatibility and visual impacts.

Mr. Zinck explained that he can see this being a problem for a lot of communities. It is expected that HRM Staff is to protect the current By-Laws. He asked if the Dartmouth Land Use By-Law has been updated from 1978.

Mr. Joudrey explained that it is from 1978/9.

Mr. Zinck asked who receives the public information meeting notices in the mail.

Mr. Joudrey explained that staff sends the notifications out to all property owners within 200 feet of the subject property.

Mr. Zinck asked about the apartment owners.

Mr. Joudrey explained that the individual apartment owners do not receive notification however; the landlord does, and it is up to them to circulate to their tenants.

Mr. Zinck expressed concern with the individual owners not being aware of this application and tower.

Mr. Joudrey explained that for those who are not notified by mail, staff relies on the public notices on the website and the ad posted within the Chronicle Herald.

A resident explained that she has posted and circulated notices in the neighbourhood as well as in nearby apartment buildings. She expressed concern with only receiving this notification 4 days prior to the meeting and explained that it is not enough time to prepare for it.

Mr. Zinck explained that this has been an issue for years and the notification areas and time lines should be amended. He asked if there is a contract between the landowner and Bell for placing a tower on their property and asked how long a contract is in place.

Ms. Kennedy explained that there is a contract and it is for 20 years.

Mr. Zinck asked if there are any financial benefits to the property owner to leasing out this land and if there is a set amount.

Ms. Kennedy explained that there is revenue but, is confidential and she cannot discuss the terms.

Mr. Zinck asked if other service providers want to join to this tower and will they have to go through this process.

Ms. Kennedy explained that for any other carriers who wish to join will not have to go through the HRM process however, will need to follow Industry Canada's guidelines.

Mr. Lee explained that there is a team in place that will do any negotiations. If another operator joins this tower, the antenna will be hidden and will not cause any visual impacts.

Mr. Zinck asked if there will be a financial benefit to Bell if another carrier wants to use their tower.

Ms. Kennedy explained that there is a financial gain to Bell, but it is a fair trade.

Mr. Zinck asked based on the numbers given, he asked about the calls that are being dropped in certain areas therefore; the chances are there will be more operators. He asked how long after the tower is constructed that Bell would allow other operators to join.

Ms. Kennedy explained that there is no time line in place for this. She added that there is a compensation paid between the carriers for maintaining the site.

Mr. Zinck asked if this was the first application for this particular site.

Mr. Joudrey explained that this is the first application for this site.

Mr. Zinck explained that it is to Bells advantage to add other carriers to their tower.

Ms. Kennedy explained that other carriers may not have the same coverage in this area as Bell has.

Mr. Zinck addressed concern with the health impacts that this might cause and how there are not enough studies to prove otherwise. There are a number of people who will be affected by this and who have concerns that they are at risk. He also addressed concern with the notification and explained that a larger group should have been notified.

Ms. Kennedy explained that Halifax has pretty good programs. Industry Canada requires them to place an ad in the paper and to notify abutting residents up to three times the tower height. In regards to health and safety, they are required to follow the guidelines with Industry Canada that can be found on the website.

Mr. Zinck asked if during Council, if there are any health and safety concerns will they be directing Council members to the website as well.

Mr. Joudrey explained that they are not allowed to comment on Safety Code 6 but, can direct Council to it and explain it.

Mr. Zinck addressed concern with representatives not being able to answer his questions.

Ms. Sarah DeCoutere, Dartmouth explained that she has received notification in her mailbox and asked if only the property owners were notified or if each resident of the apartment buildings were notified.

Mr. Joudrey explained that it is only the property owners that get notified. Staff gets their information from Property On-Line. Property owners are the only addresses available; there are no addresses for individuals in Multi-Unit Buildings.

Ms. DeCoutere expressed concern that hundreds of people who live in these apartments potentially were not notified. She explained that this is not acceptable.

Mr. Joudrey explained that this process is consistent throughout all of HRM.

Councillor Jim Smith thanked everyone for coming out and providing feedback. He explained that there has been a number of public information meeting regarding cell towers. There are a number of telecommunication tower applications by different service providers. He expressed concern that this tower is being proposed directly in the middle of a residential area. He explained that all the concerns and comments from other tower application meetings should also be included within this meetings as well. He explained that he has tried to change the process in the notification mailouts and agrees with the concerns from tonight's meeting.

He read an email from a homeowner next door to the proposed application at 149 Albrow Lake Road stating that he is apposed to this application. He explained that the people of North End Dartmouth are given little to no respect.

Councillor Smith explained that he is glad to see those who came out to this public information. He explained that even though Council does not have the final say whether this process gets approved or not, they still are able to give their recommendation to Industry Canada.

He addressed concern with this tower being so close to a home and asked if there will be a fence put in place. He also addressed concern regarding a fan that will be going all hours and encouraged people to speak their concerns and/or comments.

Mr. Joudrey explained that for those who do not feel comfortable speaking; to contact him either by email or by phone and those comments will also be added to the record.

Ms. C. Gritten, Jackson Road explained that this tower will be in close proximity to her home. She explained that they raise children there, live, breath and sleep here; they invest in homes, grow food, fish, work and play there, as well as grow old and retire there. Ms. Gritten explained that cell phone towers expose the public to involuntary, chronic, cumulative Radio Frequency Radiation. Low Levels of radiation have been shown to be associated with changes in cell proliferation and DNA damage. Harmful low levels of radiation can reach as far as a mile away from the cell towers location. Reported immediate health problems include headache, sleep disorders, memory impairment, nosebleeds and increase in seizures, increased heart rates, lower sperm counts, birth defects and impaired nervous systems. Long term health problems have yet to be determined. To err on the side of caution, examine professional conclusions from an unbiased international medical community.

Ms. Gritten quoted Elizabeth Jacobsen, Deputy Director US Department of Health; Dr. Robert Becker author of 'The Body Electric, and Cross Currents, The Perils of Electropollution' and Dr. Gerard Hyland, Physicist "Existing safety guidelines for cell phone towers are completely inadequate".

Ms. Gritten gave examples of cases where governments and industry's reassure the public that all is well and things go wrong. She explained that specific to telecommunication towers, there is an abundance of material available on the internet both for and against the health hazards associated with them. In the end, even scientifically proven statistics can be in error. She explained that herself along with the residents of this neighbourhood, are worth more than the risk. They are not willing to be human guinea pigs. It is stated that existing safety guidelines are

completely inadequate. Bell Mobility is either a corporation that conducts itself with morality and integrity or it is one that is willing to risk committing corporate manslaughter. She explained that their lives are non-negotiable. She asked why being close to a water course is relevant but, being close to residents is not.

A resident from Albrow Lake Road explained that he is a masters student from Dalhousie, focusing on genetics. He explained that all of the issues raised here at this meeting plays back into this legislation CPC-2-0-0-3 and added that it is a fantastic document. He explained that one of the issues is the potential affects are property values. He asked about Safety Code 6 and addressed concern with no one attending from Industry Canada to address this. He explained that this document has not been updated since 2009 and affects from these towers can change on a daily basis. He explained that some of the side effects could range from sleeping problems, headaches to cancers. He explained that the documents in which he found his research have been created in 2011, much more up-to-date than when Safety Code 6 was last amended. He explained that it's the long term affects that need to be focused on. He added that he will be submitting his research to Bell Mobility.

Mr. Scott Trivers, Chappell Street expressed concern with the notification area. He understands that Bell is looking for growth opportunities however, he addresses concern with long term untested technology, he added that the technology could be fine now but, what happens in 20 years when it's not fine and not safe. He asked how long is the serviceable life expectancy of these towers.

Ms. Kennedy explained that they are designed for up to 30 years. The lease agreements are 20 years.

Mr. Trivers asked what happens after 20 years when the lease is up.

Ms. Kennedy explained that 20 years is a long time, the whole industry may change by then, and therefore, she is not sure what might happen.

Mr. Trivers explained that there are old smoke stacks because of company going out of the business. What are Bell's plans to take the tower down if Bell goes bankrupt.

Ms. Kennedy explained that Bell has an obligation to maintain their towers. They are to inspect their towers regularly and report back.

Mr. Trivers expressed concern about what happens to the towers if they go out of business.

Ms. Kennedy explained that she would look further into this.

Mr. Trivers wants to confirm if a clear effort has been made and if Bell Mobility has considered a whole bunch of smaller devices that may have a less of an impact.

Mr. Zinck asked if the landlord's tax assessment will increase.

Ms. Kennedy explained that the landlord will be changed to commercial taxes. Therefore, it will increase.

Mr. Zinck expressed concern for the local home owners with trying to sell their properties in the future.

Mr. Phil Stewart asked if this property will be changed to a commercial zoning.

Mr. Joudrey explained that the zoning will not change.

Mr. Stewart asked how they can assess the property as commercial in a residential zone.

Mr. Joudrey explained that when the Province does their assessment, they will put their classification on it.

Ms. Kennedy explained that they will be taxed for this tower.

Mr. Stewart asked what other possible location would work instead of this particular location.

Ms. Kennedy explained that they have search everywhere in this area and has not found any other suitable location or a willing owner to lease the property to them.

Mr. Stewart added that all the other carriers in competition with Bell are all going to partner up and want to add their antennas to this tower.

Ms. Kennedy explained that she cannot comment on the other carriers and what their plans are.

Mr. Stewart explained that he has never lost a call in this area.

Mr. Floyd asked how many applications of this kind have been approved by Council.

Mr. Joudrey explained that so far Harbour East Community Council has approved two tower applications. He added that Industry Canada has the final say. There are some applications that have been entered into negotiations with Industry Canada.

Mr. Floyd asked if this tower will be higher than the towers behind the golf course and asked why this couldn't be used on these towers.

Ms. Kennedy explained that they have searched every possible site.

Mr. Floyd suggested that they look at a different area and is against this application.

Ms. Bonita Shepherd, Pinecrest Drive, explained that she has lived in this area for over 20 years and expressed concern with not being notified of this application and about this meeting. Would like to see Council change its process in how the public is notified.

A resident asked if Bell has any obligation in notifying the public and expressed concern with the apartment tenants not being notified. She explained that this seems sneaky.

Mr. Joudrey explained that Industry has a 'default process' which requires the applicant to notify residents up to 3 times the height of the tower.

It should be Bell Mobility's obligation to notify those who are not covered within HRM's process.

Ms. Marion DeBay explained that there are various cell phone carriers who share their telecommunication towers and asked why can't Bell carry on with another tower which is already in this area. She asked if Bell is currently sharing another tower with another carrier in this area.

Ms. Kennedy answered no.

Ms. Marion DeBay asked that if they have the option to use others towers, does this mean that theirs come down.

Ms. Kennedy answered no, that this site will support the use in this area.

Ms. Marion DeBay asked that if another provider shares this tower, how much extra equipment will be placed on the tower.

Ms. Kennedy explained that only the certain requirements are met, can the tower be shared. The equipment has to fit within it.

Ms. Sheppard asked if agreed, could all providers add to this tower creating more additional health concern, more radiation and more cancer.

Mr. Lee explained that any additional towers would have to fall within the standards of Safety Code 6. They will need to work with the guidelines set by Health Canada. The equipment will be reviewed and made sure that it is safe and will also look at the accumulative affects.

Ms. Shepherd asked what happens if they are not following the rules.

Mr. Lee explained that they rely on the professionals and they take safety very seriously.

Mr. Stewart asked what are the guidelines for the other stand alone towers in HRM.

Mr. Joudrey explained that the only one approved so far in HRM is the one on Lacewood Drive. The staff report can be accessed on the HRM website.

Mr. Stewart asked if there are others that have not been accepted.

Mr. Joudrey explained that there was another carrier who submitted an application in Cole Harbour which was in someone's backyard that did not get accepted.

Mr. Stewart asked how comparable was that application to this one.

Mr. Joudrey explained that it was not accepted because it was too close to the actual residents and did not meet the setback. He explained that he doesn't recall the actual distance or scale of that application. However, it can be found at the Harbour East Community Council webpage under the application for 1000 Cole Harbour Road.

Mr. Stewart asked how many residents showed up to that public information meeting.

Mr. Joudrey explained that it was a large meeting. Social media played a large role in notifying residents.

Mr. Stewart explained that he got his notice last minute and there was no time to circulate these notices leaving the tenants unaware of this proposal. He asked how much an application fee is and how more cost would it be to include a larger notification area.

A resident added that it is over a thousand dollars for the application.

Mr. Stewart explained that you can buy a lot of stamps with that amount of money.

Mr. Zinck explained that the more residents who go before Council, the larger the voice.

Ms. DeCoutere explained that this meeting should be repeated and those surrounding the area be should properly notified and given the opportunity to attend. These notifications should also be sent out allowing more time for the residents to prepare for the meeting.

Ms. Kennedy explained that it is important that residents are notified and asked who hasn't been notified.

It was noted that it is the apartment owners/tenants that were missed.

Ms. Kennedy explained that she herself will individually deliver these notices to the tenants.

At this time Councillor Smith explained that staff will hold a second public information meeting and asked for a boundary in which abutting neighbours should be notified.

Mr. John Van Der Slyk explained that with today's day in age, notification of this meeting should be announced on Facebook, twitter and on television. He expressed concern with wind damage to the tower, what about hurricanes, will it be salt and wind proof and added concern regarding vandalism and asked what type of safety precautions are in place.

Ms. Kennedy explained that there are no ladders; the tower can not be climbed. The tower is made out of heavy gauged steel and is protected by a chain linked fence.

Closing Comments

Mr. Joudrey explained that they will hold a 2nd public information for this application, where they will expand the notification area to include tenants of the apartment buildings and will have a longer notification period.

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

Adjournment

The meeting adjourned at approximately 9:39 p.m.

Attachment G: Minutes from Second Public Information Meeting

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 17640 TELECOMMUNICATION TOWER APPLICATION
149 ALBRO LAKE ROAD, DARTMOUTH**

**7:00 p.m.
Monday, July 23, 2012
Dartmouth North Community Centre**

STAFF IN

ATTENDANCE: Darrell Joudrey, Planning Applications
Alden Thurston, Planning Technician
Jennifer Purdy, Planning Controller

ALSO IN

ATTENDANCE: Councillor Jim Smith
Councillor Darren Fisher
Trevor Zinck, MLA
Pam Kennedy, Bell Mobility

PUBLIC IN

ATTENDANCE: 23

The meeting commenced at approximately 7:01 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Darrell Joudrey introduced himself as the planner guiding this application through the process; he introduced Alden Thurston, Planning Technician, HRM Planning Applications and Jennifer Purdy, Planning Controller, HRM Planning Applications. Councillor Jim Smith, Councillor Darren Fisher, Trevor Zinck and Pamela Kennedy, Bell Mobility Representative.

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

Mr. Joudrey reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood, no decisions are made during this meeting. The application will then be brought forward to Council which will make a recommendation on the proposed telecommunication tower and forward it to Industry Canada.

Presentation on Application

Mr. Joudrey explained that Bell Mobility has submitted an application for a new telecommunication tower in the Dartmouth Plan Area. The purpose of this procedure is to ensure land use authorities are aware of significant antenna proposed within their boundaries. Industry Canada believes that local concerns related to land use are important to the community and that municipalities have an opportunity to make their views known with regards to the locating of these telecommunication towers.

Mr. Joudrey reviewed a slide of the subject property and explained that there are no specific policies, protocol or guidelines in the Dartmouth Municipal Planning Strategy regarding the locating of telecommunication towers. Where the location of towers is not contemplated by the land use by-law, that is, not allowed as a permitted use, then the applicant is required to go through the telecommunication tower consultation process. Where the Land Use By-Law permits towers as a land use the applicant is required to go through the Building Permitting process. Mr. Joudrey explained that because there are no specific Municipal Planning Strategy policies by which to evaluate the application, planning staff use evaluative criteria developed as part of the Municipal Planning Strategy for new land uses. This criteria directs staff to review with regards to adverse effects such as visual and aesthetic impact. An important part of the evaluation is formed from the public's input.

Councillor Smith added that this is the 2nd Public Information Meeting for this application and that the comments from the previous meeting will also be added to tonight's comments for the public record.

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

- Dense residential population
- Topography
- Available ground space
- Coverage objectives
- Willing landlord

Ms. Kennedy explained that the surrounding sites are unable to adequately serve this area for vehicular and in-building users. This cannot be corrected by adding additional antennas on surrounding sites.

The service quality expectations of Bell Mobility for customers within the service area require a new tower.

Reviewing slides of the tower location, the coverage plots and photo renderings, Ms. Kennedy explained Bell Mobility commits to ensuring their towers operate and comply with Health Canada's Safety Code 6. She explained that they also must comply with the Canadian Environmental Assessment Act to ensure that there are no wetland concerns. She explained that other structures were either not suitable or located outside the search parameters; the neighbouring sites are unable to adequately serve this area due to hilly terrain and high RF path loss. This tower will serve areas of Albro Lake, MicMac Mall, Nova Court, Oaks Street and Tufts Cove.

Within this particular application, they are exempt from an Environmental Assessment because the antenna, its supporting structure, or any of its supporting lines has a footprint of no more than 25 m²; the project is not to be carried out within 30 m of a water body; and, the project does not involve the likely release of a polluting substance into a water body. She also added that they have received approval from NAV CANADA and that no marking or lighting is required.

Ms. Kennedy thanked the residents for attending and provided additional on-line resources for more accurate information on Telecommunication Towers.

Comments/Questions

Councillor Smith explained that he is here to listen to the comments from tonight's meeting and read emails he had received from concerned residents who could not make it to this public information meeting. The following individuals could not make it but, wanted to address concern were: Nicole Close of Chappell Street; Sarah DeCoutere, Chappell Street; Scott Trivers, Chappell Street and Dwight R. McCracken. These emails can be found attached to the staff report.

Ms. Sheila Mintis, Albro Lake Road, expressed concern that this tower will add to her health problems and addressed concern regarding radiation that can come from the tower. She explained that she is upset that there was no consultation for those who currently reside in the apartment building as this tower is proposed to be in their backyard.

Mr. Joudrey explained that tonight's meeting is the public consultation portion of the Municipal process. He also added that they have received the letter of attestation from Bell that the level of radiofrequency is well below the accepted level by Health Canada. Bell Mobility has to meet or be below the Safety Code 6 regulations.

Mr. Phil Stewart, Jackson Road explained that at the previous public information meeting, he asked what other telecommunication towers are there in HRM that are in a residential neighbourhood. He explained that he was told Willett Street, Halifax. He added that he visited that site and expressed concern with it not being comparable to this site as that site is zoned C2 and the closest residence is approximately a kilometer away. He asked if Bell Mobility Representatives feel that this telecommunication tower application is considered low visual impact.

Ms. Kennedy explained that in some ways it is a low visual impact tower because it is at the back of a property and not at the front, the ground space at the bottom will be treed. This will however, clear the top of the trees and may never catch up with the tower. She explained that the

tower on Willett Street is 38" from side to side and the tower being proposed at this site is 44" and in height, this tower is 6 meters shorter.

Mr. Stewart explained that the tower on Willett is visually lower than the lights on Sobeys parking lot. He explained that this will be the first tower this close to a residential area. There was a previous application made in Cole Harbour that was in a C2 zone that got refused because the residents did not want it within 100 feet of the nearest building. He added that he is very disappointed that Bell sent him to another tower location that wasn't even close comparable to this tower application. He addressed concern with the residents in this area's voice not being as strong because they are not home owners; he hopes they get the same consideration as those of Cole Harbour did when going through this process.

Mr. Joudrey explained that the zoning has no bearing as to where a tower can be located. Because it is a federal undertaking, they are free to propose it in any of the Municipal zones. Regarding the Cole Harbour tower application, it had proximity issues.

Mr. Stewart explained that there are more damage coming out of the electrical towers over head than what is caused by a cell tower however, it is also the visual impact concerns that this will cause. He explained that the application on Cole Harbour wasn't proposed within a 160 feet of the nearest home and it didn't go through and this application being proposed is less than 100 feet. He expressed concern that if this tower fell, it would hit a residential home.

Ms. Kennedy explained that their standards are one tower height away from the closest residents. She explained that she would look further into it and give the information to Mr. Joudrey.

Mr. Joudrey explained that staff will be using the same criteria as used in previous applications. There is a uniform approach across HRM.

Mr. Stewart asked if staffs report has any barring on the final decision and that he got the impression at the last meeting that whatever gets said in the report doesn't necessary have any impact in the final decision.

Mr. Joudrey explained that Industry Canada makes the final decision.

Mr. Stewart asked that the same criteria used as used in the staff report for the Cole Harbour Application.

Mr. Joudrey asked Bell to prepare a map showing the distances to the nearest residents.

Mr. Gerry Pye expressed concern that this area was previous rezoned to R-1M to protect the integrity of the neighbourhood. He explained that he is unfamiliar with the radiation being emitted from this particular tower or the electro-magnetic fields of the Nova Scotia Power. He expressed concern with this being shoved down the residents' throats. If this tower is being put on residential property, then it is residential property. He explained that with only 160 feet away from the nearest residents, if the tower would fall, it would hit the building of 149 Albro Lake Road or even Jackson. He explained that the Municipalities have a voice with the Federal

Government which is called the Federation of Canadian Municipalities (FCM) they speak with every department of Government across Canada and on behalf of Municipalities. They will address what kind of communication should be allowed on existing land uses and where they should be. Bell Mobility is exploiting this Community and is shoving it down this Communities throat because it knows that this Community is less likely to stand up and speak up. He spoke regarding a compensation received for this property owner. He explained that the Planning Department has a roll to play; they can communicate with the Federal Governments appropriate body to deal with this. HRM should request to withhold any application for this particular site until such time as per this Municipality moves forward with a vision and a plan for developing of these Communities.

Mr. Joudrey explained that the guidelines that staff uses for the consultation with the public was developed by a Federal Task Force that was carried out in 2005 by Professor Townsend from UNB and the FCM then worked with Industry Canada in developing these guidelines. The protocol that staff uses is the second version of these guidelines however the FCM was instrumental in at least getting land use consultation with the public set up. He added that right now HRM Staff is currently working on a Telecommunication Tower Functional Plan. This will be an agreement between the carriers and the Municipality which establishes setbacks and other rules that are to be followed.

Mr. Floyd, Jackson Road explained that he lives very close to where this tower is proposed and addressed concern that the antennas are going to be pointing north and he was told last meeting that it wouldn't be. He also addressed concern with other providers being aloud to be added to this tower, who's to say that they won't be pointing north. He explained that this should not be stuck in such a confined space and added concerns with rental fees increasing and asked if there will be surveillances on these towers. He also added concern with questions towards Bell not properly being answered and therefore, he is apposed to the application.

Ms. Kennedy explained that there will not be any surveillance cameras on the tower. She also explained that another carrier could possibly attach to the tower, the Federal Government states that they much share. She is not sure about the direction it will be pointing but explained that the tower is designed of three sectors and all three sectors have to be working.

Mr. Floyd explained that he is against this application.

A resident, Albro Lake Road would like to look at alternative sites. He explained that at the last meeting he spoke regarding cell phone patterns which were widely ignored. He explained that there is a large antenna on Wyse Road at is 50 meters tall and may be willing to share with Bell Mobility. He added that another alternative is the power substation on Sea King Drive that is only ½ kilometer away from where this tower is proposed.

Ms. Kennedy explained that the new self support on Wyse Road is approximately 40 meters tall and belongs to Eastlink. She explained that she called Eastlink to see if Bell could add to their tower, however was declined. The power substation is very close to two sites, the Franklyn Court Site and the MicMac Mall site, but could cause interference within those sectors. The proposed tower is placed in the center of the area where the solution is all the way around. The sites today

are about 1.2kms apart vs. several years ago when they were 3 – 5kms apart. As a consumer your device gives off wattage and the cell tower gives off wattage; the further away you are from a cell tower the harder your device is working. When you are closer to the tower, your device isn't working as hard and is much healthier for the tower structure and the customer user.

Mr. Joudrey explained that as part of the protocol that both the carrier and the Municipality have to follow Industry Canada guidelines. The carrier must look at co-locations of the tower, first on existing towers and the second to look at buildings to make sure that if there is a possibility that a tower can be supported on a building that it would be their second alternative to co-location. Often the co-location doesn't work out because of the older towers don't have the engineering to support them.

Mr. Stewart explained that there is fairly large high rises near MicMac Mall that could possibly be looked at for this service area.

Some discussion was had regarding the height of the new buildings being developed.

Mr. Stewart suggested that this application be deferred until these high rise buildings are in place. This would mean that there would be no radiation concerns as well.

Ms. Kennedy explained that Bell Mobility wouldn't consider that height. In the next 3-5 years, as the 2G network is turned off, sites will be much lower to the customer. Cell sites of buildings, such as the Maritime Centre will be removed.

Mr. Stewart explained that the towers that are fatter /shorter wouldn't be as noticeable and commented on the emission from the tower.

Ms. Kennedy explained that she is very comfortable with the emissions from the tower and also is comfortable with appliances in her home. The tower is 30 meters tall because the structures surrounding it are tall. It is important to clear the height of the structures. They also want to service Woodland, so that Ambulances and Police Cars are not dropping calls. The old network covered 20kms; the new network doesn't cover as far.

Mr. Bryn Jones-Vaillancourt, Esdaile Avenue expressed concern with questions not being answered in relation of the tower and properties that would be affected if the tower fell. There is also confusion of distance and the concerns of radiation. He asked about the green space and how many trees will be affected. He also addressed concern that if approved by HRM, this will set precedence that the city will approve a tower within a residential zone area. Staff needs to support the Community and those who are standing up saying that this is not something they want in their Community. He asked if there is a financial transaction if something happens to reimburse the property owner and if this type of thing has ever happened before. He also asked why the tower needs to clear the height of the surrounding buildings and if it is a regulation of Industry Canada.

Ms. Kennedy explained that they like to be taller than the structures because the structures will shadow and loose signal creating a blockage. She explained that Bell Mobility pays a rental fee

for their sites which are agreed upon by the land owner. Typically it is market compensation for the same style site that would be placed anywhere else in an urban environment. These fees are based upon size of property. She explained that one of the stipulations from the property owner is that they work together to minimize any type of cutting. There should only be one tree that will be affected by the installation of this tower. She explained that typically most of their sites are one minimum tower height to any structure; however she will look into it and provide Mr. Joudrey with the information. She added that they meet all Municipal setbacks.

Mr. Joudrey explained that currently there are no setbacks but, is something that staff wants to develop in their protocol. The Land Use By-Law and the National Building Code do not have setbacks for these antenna towers. They will be looking at other Municipalities protocols to see what they have used successfully and what has survived in Court and what hasn't.

Mr. Jones-Vaillancourt suggested that staff look into best practices; this currently does not protect citizens.

Mr. Pye explained that staff should send communication off to the Minister responsible for telecommunication installations and that there is a history with this particular location. This particular boundary is now and has been zoned R-1M which was adopted by the former Dartmouth City Council. They believed that this area needed to be protected. He suggested that staff use the same criteria that was applied to the Telecommunication Tower application at the Cole Harbour Site and put the message forward to Council that they forward a letter to the Minister explaining that there be careful considerations and not support this proposed development until such time that the Municipality completes its vision.

Mr. Matthew Spurey, representative on behalf of Robert Chisholm, asked Mr. Joudrey to explain what the approval process is. He explained that if Community Council reviews this, but not necessary approve the application but, they are required to forward a recommendation to Regional Council.

Mr. Joudrey explained that following tonight's meeting, staff takes the information provided from the carrier and the information received from this public information meeting as well as the last public information meeting, a staff report will be created and internal research will be completed comparing it with other applications of this kind. The staff report, minutes from the meetings with the recommendation will be then brought to Community Council, who may accept the recommendation, decline the recommendation or accept the recommendation with modifications. This application will not be brought forward to Regional Council.

Mr. Spurey added that over all, it is to determine whether land use authority is a positive or negative recommendation to Industry Canada. It's more of an opinion. He asked if the report is based on the graph presented at this meeting.

Mr. Joudrey explained that staff looks at community compatibility because that is what the criteria is in the Municipality for new land uses.

Mr. Spurey explained that if someone was trying to influence with their opinions or comments, the staff report should focus on those issues. Community Councils decision as individual Councillors, is based on their own opinion and are no set rules to what they need to consider.

Mr. Joudrey confirmed Community Council is not tied to what they may consider.

Mr. Spurey explained that if someone wanted to influence Community Councils decision, they should contact their Municipal Councillor. He added Industry Canada is not required to force anything upon anyone. He explained that a representative of Industry Canada stated that their goal is to encourage mutually agreed upon solution, they do not want impasse procedures between the proponent and the land use authority and come to them with something that works. He suggested that it is not acceptable to say, ban telecommunication towers however, to come up with alternative suggestions. He asked how many towers, like this already exist in the Municipality and how many more are to be expected.

Ms. Kennedy explained that in Atlantic, her department is working on close to 225 sites. Nova Scotia seemed to have the highest percentage of sites last year. In HRM, there have been 25 roof tops in the last 12 months and are currently work through the Municipal process for approximately 7 sites within HRM, mostly 60 meters tall.

She explained that these are expensive to build and ground space is very limited.

Mr. Stewart asked if all towers need to go through the public process. He added that there are towers that have recently been put in place and wasn't aware of any discussion regarding them.

Ms. Kennedy explained that it is not the zone / residential zone; she has to go through the same process regardless of the type of structure. For roof top sites, under Industry Canada's protocol if you are not extending the height of the roof of more than 25% of the building height, then you are required to do a public notice. HRM has a different process, with Planning; they make application for a roof top exemption and try to work within the 25%. If they grant permission, then they are exempt from public notice.

Mr. Stewart asked how many meetings have been held for the 225 sites.

Ms. Kennedy explained that Bell has been able to deploy many roof top sites in R1 zones. Other than those, they have gone through six Municipal processes in the last 8 months.

Mr. Stewart asked if there were any homes with in the six applications that were as close to homes as this one.

Ms. Kennedy explained that there has been, such as Lacewood Drive and Chip Stone Close, Beaver Bank, Rocky Lake Road and Caledonia Road. They have been looking for sites in HRM for approximately a year. She explained that these towers are 1-2 tower heights away from the nearest residents; she will look into this and provide Mr. Joudrey with the information. She added that all this information is provided on the HRM website.

Mr. Joudrey explained that there are towers that are currently permitted in existing zones across HRM where the carrier only needs to apply for a building permit from the Development Officer and under the protocol, there is a list under section 6 that list the general exemptions which are any towers under 15 meters in height are exempt from the public process.

Mr. Stewart expressed concern with the visual impacts this tower will cause. He asked if there has ever been any positive feedback regarding these applications that are so close to residents.

Ms. Kennedy explained that they people are pleased that they shrouded and painted, however they typically come with a meeting like this one.

Ms. C. Gritten, Jackson Road explained that unlike telecommunication towers located in non-residential area, the one being proposed for Albro Lake Road would provide residents to constant exposure to radio frequency radiation. It is not something that they want in their neighbourhood. They have enough health hazards to contend with living in such a proximity to the three power stacks in Tufts Cove. The Albro Lake Road locations deemed acceptable for this purpose but fails to take into account the vibrancy of their community. She explained that they raise children there, live, breath and sleep here; they invest in homes, grow food, fish, work and play there, as well as grow old and retire there. Ms. Gritten explained that cell phone towers expose the involuntary, chronic, cumulative Radio Frequency Radiation. Low Levels of RFP have been shown to be associated with changes in cell proliferation and DNA damage. Harmful low level of radiation can reach as far as a mile away from the cell towers location. Reported immediate health problems include headache, sleep disorders, memory impairment, nosebleeds and increase in seizures, increased heart rates, lower sperm counts, birth defects and impaired nervous systems. Long term health problems have yet to be determined. To err on the side of caution, examine professional conclusions from an unbiased international medical community.

Ms. Gritten quoted Elizabeth Jacobsen, Deputy Director US Department of Health; Dr. Robert Becker author of 'The Body Electric, and Cross Currents, The Perils of Electropollution' and Dr. Gerard Hyland, Physicist "Existing safety guidelines for cell phone towers are completely inadequate".

Ms. Gritten gave examples of cases where governments and industry's reassure the public that all is well and things go wrong. She explained that specific to telecommunication towers, there is an abundance of material available on the internet both for and against the health hazards associated with them. In the end, even scientifically proven statistics can be in error. She explained that herself along with the residents of this neighbourhood, are worth more than the risk. They are not willing to be human guinea pigs. Bell Mobility is either a corporation that conducts itself with morality and integrity or it is one that is willing to risk committing corporate manslaughter. She explained that their lives are non-negotiable. She asked why being close to a water course is relevant but, being close to residents is not.

At this time, Ms. Gritten explained that she had started a petition against this application stating that in just one hour, she was able to get 18 signatures out of 19 that were asked. She explained that just because people are not hear at this meeting, doesn't mean that they want the tower. Ms. Gritten submitted her research and notes.

A resident, Albro Lake Road, explained that he is finishing up his masters degree. He submitted some research he had completed on effects of living near or around a mobile phone base station.

Mr. Joudrey explained that Industry Canada compels the carrier to follow Safety Code 6. The application by Bell has been thousands times less than the recommended maximum frequency that Industry Canada sets forth.

Mr. Floyd addressed concern about the antennas being pointed in the direction of Jackson Road.

Ms. Kennedy explained that the area that you cover from the antenna, which is in the center, is shaped like a piece of pie. If there are three antennas on the tower, and there are three areas of certain direction, that is where the antennas will be faced, but will profligate outwards.

Mr. Floyd asked if even though some members of the public did not stand up and speak during this meeting, will this be taken as there were some who are interested in this application.

Mr. Joudrey explained that the comments received from this meeting will be what will be reviewed in the staff report along with any written comments submitted outside of this meeting.

Some discussion was held on who the residents should submit their written comments to, staff or to their Councillor. It was noted that either would be sufficient.

Ms. Cosetta McDermott, Albro Lake Road, asked what constitutes residential, and how far from the residents should this tower be.

Ms. Kennedy explained that it is one tower height from the front or back of someone's home. A residential home is where a person resides.

Ms. McDermott expressed concern with this being so close to the residents.

Ms. Michelle Halliday, Jackson Road, explained this is directly in the backyard.

Mr. Joudrey explained that as soon as he receives the proximity mapping from Bell, he will put it on the detailed information page on the website and will be used within the staff report.

Ms. Bonita Shepherd, Pinecrest Drive, expressed concern with this being so close to the apartment building and explained that even though they are not property owners, doesn't mean that this is not a concern. She asked where the residents concerns go.

Mr. Joudrey explained either Councillor Smith or to himself.

Ms. Shepherd asked how much radiation just one carrier gives off the tower.

Ms. Kennedy explained that whether it is just Bell or a second carrier, it is based on an accumulative study, so it is the total radiation that is measured and will still need to be well

within Health Canada Limited. There is a graph that they have to go by, typically Bell Mobility doesn't exceed 2% out of the 100 that is aloud.

Ms. Shepherd expressed concern with a number of additional carriers joining this tower increasing these levels.

Ms. Kennedy explained that there are a maximum number of carriers aloud on a tower, that it is only designed for certain strength and a certain amount of equipment. She explained typically there are only 2-3 carriers on each. She added that she would forward Ms. Shepard more information regarding the exact numbers to her for her reference.

Ms. Shepherd explained that she does not want after effects from this in 10 years from now because these weren't correctly research prior to putting them in place.

Ms. Dianne Mullins, Jackson Road, asked for confirmation that because of summer vacations and the election that the comments received by the Councillor will not be lost.

Councillor Smith explained that any correspondence will be immediately forward to Mr. Joudrey as well.

Mr. Jones-Vaillancourt asked for those who do not have access to the internet if they could also mail a letter for the record. He also asked if members of the public are also able to speak at the Public Hearing.

Mr. Joudrey explained that written letters will be scanned and included within the staff report. He explained that it will not be a public hearing, that it is just a regular meeting and the public will not have a chance to speak.

Closing Comments

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

Adjournment

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