

HALIFAX REGIONAL MUNICIPALITY

MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL MINUTES

March 28, 2012

PRESENT: Councillor David Hendsbee, Chair
Councillor Barry Dalrymple, Vice Chair

REGRETS: Councillor Steve Streach

STAFF: Ms. Sherryl Murphy, Deputy Clerk
Ms. Krista Vining, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:05 p.m. at the Lawrencetown Community Centre, 3657 Lawrencetown Road, Lawrencetown.

2. APPROVAL OF THE MINUTES – NONE

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee that the Order of Business be approved, as presented. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

A copy of the Marine Drive, Valley and Canal Community Council Status Sheet was before the Community Council for review.

No updates were provided at this time.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS – NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence – None

9.2 Petitions – None

9.3 Presentations – None

10. REPORTS

Staff and the Community Council provided an overview of the process for telecommunication tower applications.

10.1 Staff Reports

10.1.1 Case 16620: Alternative Location of Telecommunication Tower, Crowell Road, Lawrencetown

The following was before Community Council:

- A supplementary staff report dated January 19, 2012

- Submissions from Harriet Davies and Paul Evans, Keile Green, Seth Levinson, David Coldham, Marshall Thompson and Mona Bordage

Mr. Darrell Joudrey, Planner delivered a presentation on Case 16620, application by Bragg Communications Inc. (EastLink) for a 76.5 metre telecommunications tower at 185 Leslie Road, Lawrencetown. Mr. Joudrey noted that he is in receipt of submissions received prior to this evening's meeting and would forward to the Clerk's Office to be included as part of the record.

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee that Marine Drive, Valley and Canal Community Council forward a negative recommendation to Industry Canada in relation to the proposal by Bragg Communications Inc. for a proposed 76.5 metre self supporting telecommunication tower and associated equipment shelters, located off Crowell Road, Lawrencetown, as shown on Map 1 of the January 19, 2012 supplementary staff report.

Councillor Dalrymple advised that after extensive review of the staff report, various phone calls and written submissions received, he agreed that the newly proposed site location is still too obtrusive to this neighbourhood. Based on feedback received during and after the public information meeting, it seems as though the applicant has not worked with the community to find a suitable location. He provided examples of cell tower applications being approved in District 2 wherein the locations were favourable. Councillor Dalrymple further indicated that he is the Chair of HRM's Environment and Sustainability Standing Committee, noting that the Standing Committee has recently completed a long process of implementing a wind turbine policy. Commenting that one of the most contentious issues of this policy was the need for proper setbacks. Setbacks for telecommunication towers are also important and he did not believe the proposed setbacks match the community's expectation.

Councillor Hendsbee clarified that his comments made during the second public information meeting following the Leslie Road discussion was that *Eastlink should look at the recommendations of the alternative five sites proposed by the residents of Leslie Road*. He commented that newly proposed site is more atrocious than the original proposed site on Leslie Road, as it is even closer to Lawrencetown Beach. The presentation made by Leslie Road residents gave some thought to alternative site locations, as the five sites are on high points of land and could have been technically assessed. Councillor Hendsbee noted that the tips of three telecommunication towers, located in Westphal, East Preston and Lake Echo/Porters Lake, can be seen on the horizon from the Lawrencetown Beach. Through his discussions with Eastlink he had hoped they would have reviewed a third alternative site. In response to coverage issues, Councillor Hendsbee suggested the use of *multi-uni* poles, which are super high telephone pole that cover areas with less coverage.

Councillor Hendsbee went on to provide an example of the Harbour East Transmission Corridor project and how it received a lot of public opposition but through a community

consultative process, Nova Scotia Power was able to find a solution that was more accepted by the community. He hoped that Eastlink and other wireless telecommunication company would take this same approach and noted the importance of having a definitive process that is more inclusive and informative as to where these towers are projected to be located.

MOTION PUT AND PASSED.

10.1.2 Case 17278: Telecommunication Tower – Lawrencetown

A staff report dated February 27, 2012 was before Community Council.

Mr. Tyson Simms, Planner delivered a presentation on Case 17278, application by Bragg Communications Inc. (EastLink) for a 50 metre (164 ft.) self-support telecommunication tower and associated equipment cabinets, off of Lawrencetown Road (Highway 207).

In response to question of clarification raised by Councillor Dalrymple, Mr. Simms advised that the Department of Natural Resources has provided correspondence indicating that they are in accordance with the new location, subject to the applicant receiving all the necessary permit approvals from Industry Canada.

In response to a question raised by a resident, Councillor Hendsbee clarified that the Public Information Meeting for tower application Case 17278 was held November 17, 2011. Based on comments made at the meeting that residents wanted the tower located further back from the proposed site, Eastlink took this information and relocated tower. Councillor Hendsbee further provided an overview of the advertising protocol for public information meetings in relation to telecommunication tower applications.

In response to a question of clarification raised by Mr. Doyle Safire of East Lawrencetown, staff provided an overview of the height regulations outlined in Section 4.18 of the Lawrencetown Land Use By-law. It was noted HRM Legal has determined that because the cell towers are a Federal jurisdictional use, provisions contained in the Land Use By-law do not apply.

Councillor Hendsbee indicated that the Community Council has the option to forward no recommendation to Industry Canada, advising them to use their authority under the Lawrencetown By-law to allow for a privately owned/occupied property to be used for the Federal regulated industry.

Staff suggested deferring the matter to seek clarification of the applicability's of the Lawrencetown Land Use By-law provisions in relation to cell towers.

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee that Marine Drive, Valley and Canal Community Council defer Item 10.1.2 Case 17278:

Telecommunication Tower – Lawrencetown back to staff to provide clarification of the applicability of the Lawrencetown Land Use By-law provisions in relation to cell towers. MOTION PUT AND PASSED.

In response to concern raised by residents, staff advised they were not aware of any activity currently taking place on the site but would investigate.

10.2 Office of the Municipal Clerk

10.2.1 Discussion of timing and location of Annual Meeting

A brief discussion was held respecting the timing and location of the Community Council's annual meeting. The Community Council deferred decision of its annual meeting to the next meeting.

- 11. MOTIONS – NONE**
- 12. ADDED ITEMS – NONE**
- 13. NOTICES OF MOTION – NONE**

14. PUBLIC PARTICIPATION

Mr. Jim Henley of Lawrencetown questioned if work is being done on the proposed telecommunication tower site for Lawrencetown – Case 17278, how access was obtained to the site.

In response to question raised by **Ms. Mona Bordage of Lawrencetown** respecting the disclosure of the third site location for Case 17278, Councillor Hendsbee advised that a third site had been proposed on Crowell Hill near Nelson Drive. He indicated that it would be the responsibility of Eastlink to investigate a third site location.

Mr. Herman Pye of Schooner Drive, Lawrencetown expressed concern with Lawrencetown residents paying for bus service that they do not currently receive. Through his discussions with HRM staff, he was advised that Lawrencetown residents do not currently pay for this service; however, Mr. Pye noted that it is still on his tax bill. He asked whether staff could comment as to when this service would be implemented for the Lawrencetown area. He further expressed concern with the lack of parking for vehicles along Ross Road.

Councillor Hendsbee advised that Regional Council tabled the 2012-213 budget, which included an annual service plan for Metro Transit. Council will be assessing transit service during this review. He had hoped Metro Transit would be conducting a community survey in regard to future transit service requests, and that the community of Lawrencetown would have been a part of the survey process.

In response to a question regarding transit taxes, Councillor Hendsbee clarified that there are two types of transportation taxes on resident's property bills: Regional Transportation Tax and Local Transportation Tax. The Local Transportation Tax is only applicable to properties within one kilometre of a bus route. Therefore, residents who live within one kilometre of the Highway #207 Ross Road bus route would pay the local tax. Councillor Hendsbee clarified that the Regional Transportation Tax is to pay for services such as the MetroLink, Metro X and ferry services which the Lawrencetown community can access.

Mr Pye went on to express concern with the time it is taking to receive bus service in Lawrencetown. Councillor Hendsbee advised that he would provide Mr. Pye with the information on the Metro Transit Survey and service plan. He indicated that HRM is constructing a transit site at Exit 20 – Porters Lake this year and anticipated that service for Lawrencetown would follow shortly after. Once the Metro X service is implemented at Exit 20, Metro Transit will be reassessing the route of the community transit service.

Councillor Hendsbee further responded to question raised by Mr. Pye as to why the service could not be extended down Ross Road, when it was extended to Seaforth.

Mr. Pye asked if Metro Transit staff could visit the area. Councillor Hendsbee suggested Mr. Pye review Metro Transit's Service Plan with respect to the Metro X service for Highway #207 and the proposed park and ride site for future terminals.

Mr. Seth Levinson of Lawrencetown spoke on the telecommunication tower in West Chezzetcook that was installed under the Rural Enterprise (RE) zoning without community consultation. He questioned the process for changing an area's zoning.

Councillor Hendsbee commented that RE zones are one of the most open zones in the Municipality, and have been in place since 1989. RE zones are flexible and open to a number of activities and uses. Telecommunication towers were able to be installed as-of-right under the Land Use By-law and have been installed in communities such as Lake Echo, Porters Lake, West Chezzetcook, Head Chezzetcook and Gates Brook under RE zoning. He further noted that Industry Canada is not required to inform communities in RE zones of the installation of telecommunication towers.

Councillor Hendsbee highlighted the following processes for requesting rezoning of an area:

- residents can comment on land use activities and zoning during any of the Regional Plan +5 Review meetings taking place throughout the Municipality
- applications can be made to HRM to have an individual property, neighbourhood or subdivision rezoned

Mr. Kurt Pyle, Supervisor, Planning Applications and Heritage, confirmed that a community can make a request to HRM to have the zoning changed for their area. Mr. Pyle noted that Rural Enterprise (RE) zones only specify non-permitted uses and

therefore, everything else would be permitted; which was the intent of the plan when it was developed in 1989.

Mr. Don Rieder of Seaforth requested information on the treatment of waste and wastewater at the clam processing plan in Seaforth, and whether or not a permit was issued for the operation. Councillor Hendsbee indicated that the Department of Environment and Industry Canada have regulations in place related to the handling of food products. Staff suggested Mr. Reider provide his contact information to the Clerk and they would research his permitting inquiry and respond back to him and the Community Council.

Ms. Lynn Barrett of East Lawrencetown questioned the amount of gigahertz emitted from telecommunication towers. She provided an example of an experiment conducted with a light bulb 100 feet from a wind turbine in Prince Edward Island and questioned the health and safety factors of telecommunication towers.

Councillor Hendsbee referred Ms. Barrett to Industry Canada's website where there is information on telecommunication tower emissions and health and safety information. He noted that regulations on emissions are monitored under the Federal and Provincial jurisdiction.

In response to a question raised by Ms. Barrett on whether information on the level of emission from current erected towers is available, Councillor Hendsbee suggested that this information could be obtained through the operator of the tower.

Mr. John Austin of Leslie Road asked whether there are plans to rezone Lawrencetown to allow for Rural Enterprise (RE) zoning.

Mr. Pyle confirmed there were no plans to rezone Lawrencetown. He further clarified that the Lawrencetown plan is different from Planning Districts 8 and 9 (Lake Echo, Chezzetcook plan) and that zone can not be transferred from one plan to another. Within the Lawrencetown plan area there are certain zones; RE zoning is not permitted. Councillor Hendsbee added that he was unaware of plans to make application to change the rezoning of Lawrencetown.

In response to comments made respecting residents' health and safety around towers, **Mr. Jim Henley, resident of Lawrencetown** referred to the comments made by physicians during the November 17, 2011 Public Information Meeting. Councillor Hendsbee confirmed that the November 17th Public Information Meeting Minutes outlined comments made by Physicians B. Das, Alex Mitchell and Sonia Hansen. He suggested that they may be able to provide their research information on telecommunication towers for clarification.

Mr. Doyle Safire of East Lawrencetown thanked the Community Council for submitting a negative recommendation to Industry Canada on Case 16620: Alternative

Location of Telecommunication Tower, Crowell Road, Lawrencetown. In regard to concerns raised on Rural Enterprise (RE) zoning, Mr. Safire commented that telecommunication towers are a topic on which all HRM residents should have the same public consultation opportunity and noted the need for a standardize process.

Mr. Safire noted he could provide the Community Council with a link of all documented telecommunication towers in Nova Scotia. He expressed concern that if towers are not being tracked, than there is no way to address health concerns. He suggested that HRM needs to show leadership on how the community looks and having controls in place. He further commented that if HRM is unable to identify the number of towers in the District Boundaries, than the policy is not working. He hoped Community Council would take this message to Regional Council and express the importance of having a robust policy for future applications, as well as tracking the number of towers and their location which could then be provided to HRM residents.

Mr. Safire went on to note that Industry Canada has a site sharing policy; however, carriers are not talking to one another about the possibility of sharing towers.

Mr. Doug Colson of Mountain Road, Mineville questioned whether property values have decreased as a result of telecommunication towers. Councillor Hendsbee advised that this question could be raised to Property Evaluation Services as to whether they would consider re-evaluating a property within a certain distance of these structures. Councillor Dalrymple commented that Property Evaluation Services would come to a community and provide an overview on how property assessments are completed.

Mr. Colson further thanked the Community Council for forwarding a negative recommendation to Industry Canada on Case 16620: Alternative Location of Telecommunication Tower, Crowell Road, Lawrencetown.

Ms. Judy Cabrita of Conrand Road provided an example of an Australian study conducted on property values decreasing by 9-20% as a result of telecommunication towers; which she would forward the Community Council for their information.

A brief discussion was held on HRM's property values in relation to telecommunication towers, with Ms. Bordage providing a further overview of the 2004 Australian study.

Mr. John Ross of Leslie Road indicated that Industry Canada would be going through another spectrum option across Canada in the next three months; which will speak to the plan for the Province (ie. number of towers). He referenced the map provided on Industry Canada's website that shows the location of telecommunication towers.

In response to a question raised by Mr. Levinson respecting the alternative site location for Case 16620 - Crowell Road, Lawrencetown, clarification was provided that the Community Council does not have the authority to tell Eastlink where to locate a telecommunication tower; but can only suggest an alternative location.

In response to several concerns raised regarding Lawrencetown residents going through this process again, Councillor Hendsbee reiterated comments expressed earlier:

- the need for a more holistic approach to the strategy; and
- the need to review implementing a network structure to share towers

A resident provided an example of towers being disguised to look like palm trees in Florida.

Ms. Karen Marks of Lawrencetown asked who she would contact in regard to her paying a Local Improvement Charge when the pavement from the street does not reach her driveway.

Councillor Hendsbee provided an overview of Ms. Marks' situation, noting that Ms. Marks has been speaking with Ann Reid, LIC Clerk/Records Analyst, Design and Construction Services. As this is a case by case matter, Councillor Hendsbee suggested Ms. Marks continue to speak with Ms. Reid.

The Community Council acknowledged HRM staff member Blair Blakeney, Coordinator, Facility Development – Parks who was in attendance. Note was made that Mr. Blakeney would be retiring after 30 years of service at the end of the month and appreciation was expressed for his service to the Municipality.

15. NEXT MEETING DATE – April 25, 2012

16. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Krista Vining
Legislative Assistant

INFORMATION ITEMS – NONE