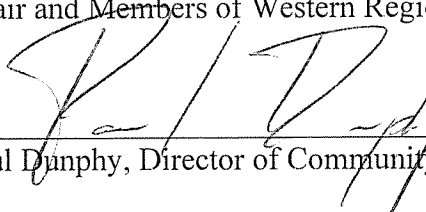




PO Box 1749
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Western Region Community Council
March 22, 2010

To: Chair and Members of Western Region Community Council

Submitted by: 
Paul Dunphy, Director of Community Development

Date: February 24, 2010

Subject: **Case 01357: Telecommunication tower at 7617 St. Margarets Bay Road, Ingramport**

ORIGIN

Application by Rogers Communications Inc. for lands of Shawn Langille and Beverly Shea Langille for a new telecommunications tower and associated equipment shelter at 7617 St. Margarets Bay Road, Ingramport.

RECOMMENDATION

It is recommended that Western Region Community Council forward a positive recommendation to Industry Canada supporting the proposal by Rogers Communications Inc. for the construction of a new 90 metre guyed telecommunication tower and accessory building at 7617 St. Margarets Bay Road (PID # 40560948), Ingramport, as shown on Map 1 and Attachment A of this report.

BACKGROUND

Rogers Communications Inc. wishes to erect a new 90 metre (295 feet) guyed telecommunication tower and accessory building at 7617 St. Margarets Bay Road (PID # 40560948), Ingramport, which is a 22 acre vacant site near the end of Island View Drive (Map 1). Rogers has indicated the installation of this equipment is required to offer the public an adequate level of coverage and fewer dropped calls on their network. The proposed site layout is shown on Attachment A.

The proposed tower:

- is approximately 90 metres (295 feet) in height (Attachment B);
- would be located approximately 43 metres (141 feet) from the closest abutting property (Attachment A);
- would include a new 1.2 square metre (12.5 square feet) equipment cabinet (Attachment C);
- would be protected by a new 1.8 metre (6 foot) high chain link and barbed wire fence around the equipment building and tower base (Attachment D);
- is not required to be illuminated, nor painted, according to Transport Canada (Attachment E); and
- has been evaluated by NAV Canada, who assess the impact of the proposed physical structure on the air navigation system and installations. NAV Canada has no objection related to the project (Attachment F).

Municipal Process:

Communication towers are a matter of constitutional law. 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 constitutional 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 policy has therefore been instituted. The policy requires that an applicant notify the appropriate municipality of its intentions. The municipality is then given an opportunity to review the proposed antenna structure and site and provide comment. If any objections arise, the municipality is to provide written notice to the local office of Industry Canada. The submissions will be reviewed by Industry Canada, who will then determine whether or not a license is to be granted and/or upon what conditions such license is granted.

Site Features and Surrounding Land Use:

The site has the following characteristics:

- property elevations range from 15m to 80m above sea level;
- fully meets all the technical requirements and coverage objectives proposed by Rogers;
- is zoned MRR-1 (Mixed Rural Residential Zone) on the front portion, and zoned MU-1 (Mixed Use Zone) on the rear portion under the Land Use By-law for Planning Districts 1

-
- and 3 (St. Margarets Bay) (Map 1). Similar zoning is applied in the surrounding area, which contemplate a range of uses, including residential, commercial, resource, institutional, and open space, among others;
- the proposed tower is immediately surrounded by undeveloped lands, while neighbouring residential dwellings are located in proximity to Island View Drive; and
 - the abutting property at 7635 St. Margarets Bay Road is regulated by development agreement, which permits tourist cabins and associated recreational activities. No tourist cabins have been constructed in the vicinity of the proposed tower. Further, development of tourist cabins in accordance with the development agreement requires a Resolution of Community Council.

DISCUSSION

The Municipal Planning Strategy (MPS) for Planning Districts 1 and 3 contains no specific guidance with respect to telecommunication towers. Discussion will therefore be based on general planning principles. One of the purposes of zoning is to create areas where compatible uses can co-exist while excluding other uses which may not be compatible. From a land use perspective, telecommunication towers do not appear to raise compatibility issues such as hours of operation, noise, traffic generation, or intensity of the use. The main issue of concern is the visual impact of the telecommunication tower.

Visual Impact and Physical Proximity

Staff believe there will be some minor visual impact given the tower is proposed near the highest elevation on site (approximately 80 m above sea level), and given the proposed tower height of 90 m. In certain circumstances, visual incompatibility between uses can be addressed through screening or separation of uses. Visual screening of a structure this tall is not feasible, however, Transport Canada has confirmed the proposed structure is not required to be illuminated or painted (Attachment E). In many cases, permanent lighting, strobe lighting, and paint is required for telecommunications towers, which can create concerns related to visual incompatibility.

While no formal policy exists in the MPS to guide the location of telecommunication towers to ensure adequate separation from residential properties, a review of past practice indicates that a minimum separation distance between towers and residential properties has often been established based on the measured height of a proposed tower. The separation distance based on tower height is founded on a precautionary principle to minimize risk in the unlikely event of structural failure. The base of the tower is proposed to be situated 43 metres (141 feet) from the closest abutting property, while existing dwellings in the area are clustered near Island View Drive and St. Margarets Bay Road, providing a substantial separation. The proposed tower location is approximately 200 m (656 feet) from the nearest dwelling.

Health and Safety

Aside from land use planning issues, there are often concerns about potential health risks from the placement of telecommunication facilities. Industry Canada requires that such systems are operated in accordance with the safety guidelines established by Health Canada's radiation protection bureau

in its publication, *Limits to Radiofrequency Fields at Frequencies from 10kHz - 300 GHz*. This is referred to as Safety Code Six. Prior to receiving a licence from Industry Canada the operator must submit the calculations on the intensity of the radiofrequency fields to ensure that this installation does not exceed the maximum levels contained in the Safety Code Six requirements. Information submitted in support of this proposal indicates no concerns in relation to Safety Code Six.

Explored Alternatives

Rogers have indicated the company has investigated a series of options related to the placement of a telecommunications tower in this area. Initially, co-locating (sharing) an existing telecommunication structure was explored, however, no existing structures are available in the sector to be covered. Rogers also indicate their investigation has included at least twenty potential sites in the area.

Further, due to line-of-sight technologies utilized by Rogers, the use of a shorter tower may require the need for an additional tower in the area. With this proposal, Rogers have attempted to provide a structure that will not require duplication in the area, while at the same time creating opportunity for other service providers to co-locate on the tower. Staff is of the opinion that this proposal does not appear to pose undue concerns. It is therefore recommending that no objections be raised to this proposal.

Public Consultation:

A Public Information Meeting (PIM) was held on January 28, 2010. Minutes from the PIM are provided as Attachment G. A sign was also located on the site which provided a general description of the proposal as well as HRM contact information.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

The following alternatives are presented to Western Region Community Council for consideration:

1. Inform Industry Canada that Western Region Community Council has no objection to the proposal by Rogers Communications Incorporated to erect a 90 metre (295 foot) guyed telecommunication tower and accessory building at 7617 St. Margarets Bay Road (PID # 40560948), Ingramport.

2. Identify additional comments or recommendations with respect to the proposed tower. In this event, staff will notify the local office of Industry Canada of Council's recommendations.
3. Identify that the Community Council is not in favour of the proposal.

ATTACHMENTS

Map 1 - Location and Zoning Map

Attachment A - Site Plan

Attachment B - Tower Profile

Attachment C - Equipment Cabinet Elevations

Attachment D - Fence Detail

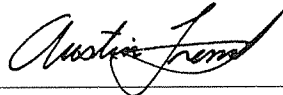
Attachment E - Transport Canada - Aeronautical Obstruction Clearance Form

Attachment F - NAV Canada Letter

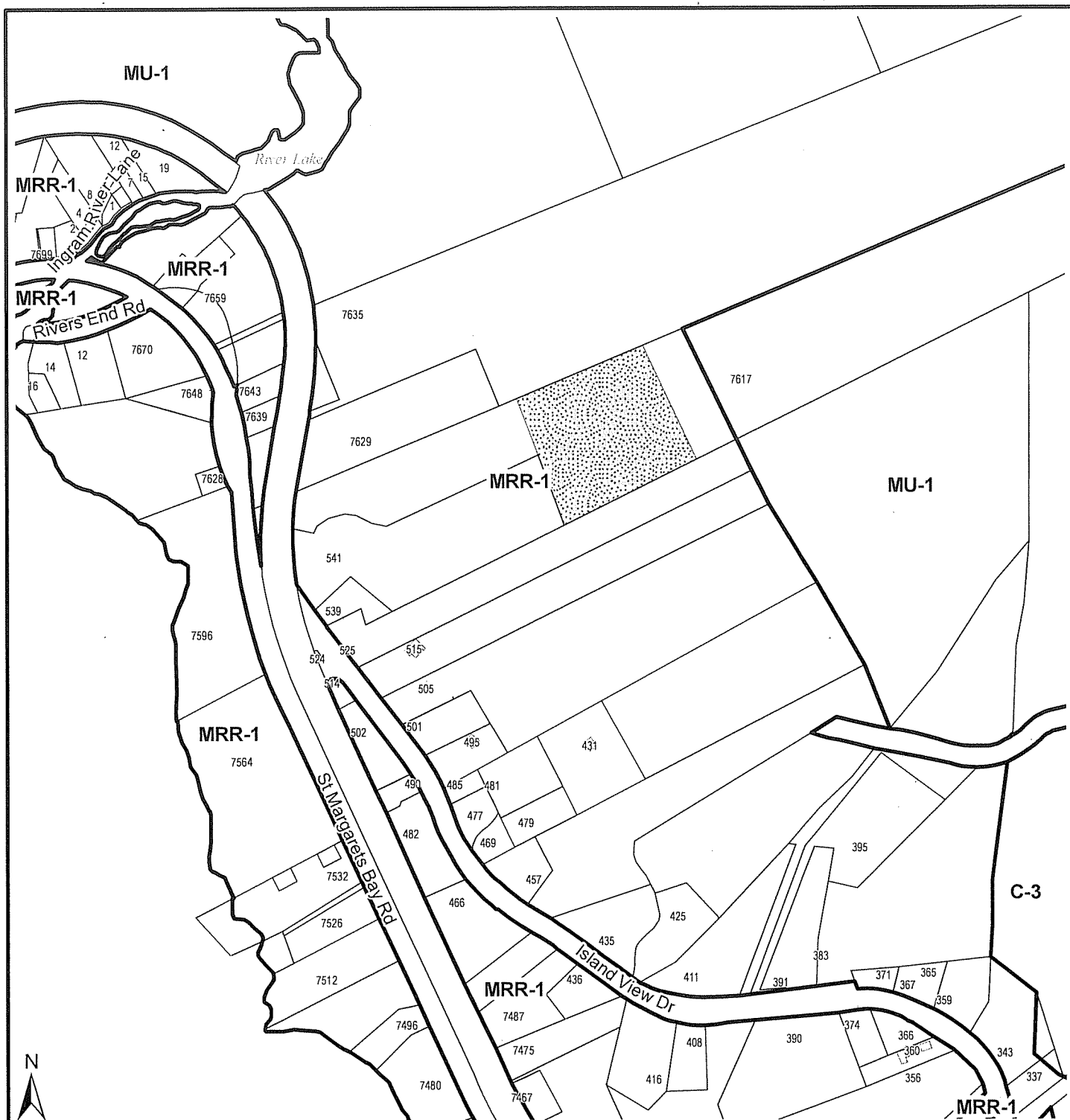
Attachment G - Public Information Meeting Minutes

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

Report Prepared by : Randa Wheaton, Senior Planner, Planning Services, 490-4499
Miles Agar, Planner I, Planning Services, 490-4495



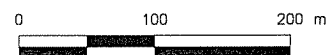
Report Approved by: Austin French, Manager of Planning Services, 490-6717




Map 1 - Location and Zoning

7617 St. Margarets Bay Road
Ingramport

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



 Area of leased land

Zone

MRR-1 Mixed Rural Residential 1
MU-1 Mixed Used 1
MU-2 Mixed Used 2
C-3 Tourist Industry

Planning Districts 1 & 3
(St Margarets Bay) Plan Area

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

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

Attachment G - Public Information Meeting Minutes

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 01357 - Rogers Communications Inc.**

7:00 p.m.

Wednesday, January 28, 2010

Black Point Fire Hall, St. Margarets Bay Road

IN ATTENDANCE: Randa Wheaton, Senior Planner, HRM Planning Services
Miles Agar, Planner, HRM Planning Services
Hilary Campbell, Planning Technician, HRM Planning Services
Sharlene Seaman, Planning Controller, HRM Planning Services
Councillor Peter Lund

**ALSO IN
ATTENDANCE:** Pierre Plourde, Applicant, Rogers Communications Inc.

**PUBLIC IN
ATTENDANCE:** Approximately 27

The meeting commenced at approximately 7:05 p.m.

1. Opening remarks/Introductions/Purpose of meeting - Randa Wheaton

Ms. Wheaton opened the meeting by introducing herself as the planner responsible for the application. She stated that the purpose of the meeting was to hear public comments and questions concerning the application by Rogers Communications Inc. for a new ninety (90) metre guyed telecommunications tower and an equipment shelter at 7617 St Margarets Bay Road, Ingramport.

She introduced HRM staff, Councillor Peter Lund and Pierre Plourde (the applicant). The purpose of the meeting was to identify the scope of the proposal and to talk about the process. Also to get feedback, comments and questions from the public as to what is being proposed. No decisions would be made at the meeting.

2. Overview of planning process - Randa Wheaton

Ms. Wheaton advised of the process, stating that the Federal Government has jurisdiction over radio communications. Halifax Regional Municipality (HRM) has little constitutional jurisdiction. Industry

Canada is the agency that licenses and regulates these facilities. They recognize that municipal authorities do have an interest in the location of the telecommunication towers. Industry Canada does have a requirement for the applicant to notify HRM of their intention. HRM has the opportunity to review the proposed structure and the site. They can then make comment to Industry Canada and if there are objections, HRM provides a written notice to Industry Canada that they object to what is being proposed. Any submissions will be reviewed by Industry Canada and they would make the decision as to whether or not a license would be granted and what allocations would be placed on the license.

She then advised of the municipal process. There is first an application that is submitted to HRM's planning department. This is submitted by the applicant, as per Industry Canada. There is a preliminary review of the application by staff. A public information meeting (PIM) is held and after the meeting, a detailed review of the application is done by staff. A report is then prepared for Council with a recommendation (with minutes of the PIM attached). Community Council can approve, modify or reject the proposal. Their decision is then forwarded to Industry Canada where they make the final decision as to whether the application goes forward.

Ms. Wheaton showed the subject area stating that it was twenty two acres on the boundary of Boutliers Point and Ingramport. It is a large parcel that has an eighty meter change in grade from sea level to the top of the hill where the tower is proposed to be located.

She advised of the meeting's ground rules, the notification list and then passed the floor to the applicant, Pierre Plourde.

3. Presentation of Proposal -Pierre Plourde

Mr. Plourde stated that he was happy to see everyone and stated the purpose of the proposal. He stated that Rogers is happy to explain the purpose and the implementation of the tower. The purpose of the tower is to give coverage in a specific area (he showed coverage area on screen). The service network is to be deployed in an orderly way. Rogers picked that site as the geography is good for access and they would be able to provide good service to their customers. The area could help them meet the requirements of Industry Canada.

He then showed, on the overhead, the area in question. Industry Canada asked Rogers to share structures with other carriers. It is mandatory. They have done a survey which shows where the tower would be. The area is approximately two hundred eighty meters for a public road. Municipal regulations state that they must be twenty meters from a wetland. Federal regulations state that they must be thirty meters from a wetland. The tower will be about eighty meters from the marsh. There was a concern regarding access but Rogers doesn't feel it's that complicated as their technicians will use quads or snowmobiles. They will only go there once or twice a month as there isn't much work to do there. There won't be any destruction of vegetation while building the access road.

He noted that there was a concern about an existing right of way (Railway). Roger's will be going beside the railway, to the right. Their road will be built off the main road, meeting the existing path. He showed the area using the overhead.

The tower would be about ninety meters in height. It is a guyed tower which is small in size, not height. The equipment will be stored in cabinets on the ground. The cabinets are almost the size of two refrigerators. Eastlink has expressed an interest in using the tower for the purpose of their network. They will reach an agreement with Roger's in order to install their own equipment there. He then showed a photo of where the tower would be installed. The photo was taken from St. Margaret's Bay Road.

He advised that there would be no flashing lights on the tower as per Transport Canada. There are no requirements of lights or painting. It is a galvanized structure that probably won't completely be seen when the sky is blue/grey. He also noted that Safety Code six, which deals with health and safety, is under the requirements for the tower. There are no health concerns under thirty meters. He showed a signed document stating that Rogers was in complete accordance with the measures stipulated in Health Canada's Safety Code six.

Mr. Plourde advised that the tower will respect, integrally, the requirements of Transport Canada as well of NAV Canada. Transport Canada confirmed that no painting or lighting are required. The Canadian Environmental Assessment Act (CEAA) states that if they are thirty meters away from the wetland, they do not have to do any studies regarding the Act.

Mr. Plourde passed the floor back to Ms. Wheaton.

Ms. Wheaton opened the floor for comments and questions.

4. Questions/Comments

Paul Brodie, Kennedy Road, noted that the notification area is too small. He asked what the height of the land was, where the tower is being built.

Mr. Plourde advised that he would have to go back and review the survey. The tower is ninety meters from the ground.

Paul Brodie noted that the tower on the Mackay bridge is ninety six meters. This was to give people a vertical picture of how tall the tower would be. This tower would be added to the hill. This is the actual height.

Chris Binns, Boutliers Point, asked about blasting at the time of construction.

Mr. Plourde advised that there would be no blasting.

Gary Whitehouse, Ingramport, asked what the coverage area would be.

Mr. Plourde stated that the topography would be about two point five to three kilometers.

Mr. Whitehouse asked if the tower could be moved west to the other side of highway one hundred three.

Mr. Plourde advised that it could not.

Annamarie Cassidy, Ingramport, asked why so few people were notified. She believes that there is a whole subdivision that should have been notified as they were not at the meeting.

Ms. Wheaton advised that the notification area is a standard five hundred feet from the boundary of the property.

Annamarie Cassidy asked if anyone ever put forward a motion to change the notification area and expressed shock concerning the issue.

Ms. Wheaton advised that no one had, that she was aware of.

Annamarie Cassidy asked when the tower would be erected, if put through.

Mr. Plourde stated that they would start construction sometime in two thousand ten, depending on Eastlink. It could take up to a year.

Annamarie Cassidy asked if Rogers ever considered disguising the tower as she moved to cottage country to get away from it all.

Mr. Plourde advised that they had not. Ninety meters of tower would be difficult to hide. Rogers talked about doing a smaller, self support tower but they realized that Eastlink would not be interested and the smaller tower would have looked bigger because of the size of the anchor.

Annamarie Cassidy asked if anyone ever successfully stopped a tower from going into the neighborhood or if this little meeting was a formality.

Mr. Plourde stated no, Roger's had never been stopped before as they usually don't put them in areas where they are not wanted. They try to go towards the back of urban areas.

Ms. Wheaton responded to an earlier question. Legislative requirements are to only put ads in the paper for telecommunications applications. The notification area is only a courtesy on HRM's part.

James Fryday, Black Point asked the radius of coverage from the tower.

Mr. Plourde showed the main radius on the overhead.

Mr. Fryday asked if Rogers had a tower in Queensland and Tantallon as the internet states that they do. There is also a tower in Harrietsfield. These towers are all ninety meters and clearly covers an area much larger than two and one half kilometers. He was informed by a family member, who is a retired electrical engineer with Eastlink, that the curvature of the earth is a twenty mile, unobstructed, range, even over water. He is curious as to why Rogers is looking to put in another tower, if the range is so broad.

Mr. Plourde advised that he could not answer that question as he was not an engineer.

Mr. Fryday stated that he spent the better part of fifty five to sixty hours doing research on this proposal. He believes that it is a significant part of the PIM to have someone from Industry Canada at the meeting to answer questions Mr. Plourde could not answer. He stated that the public should know. He suspects that the tower will have the capability of servicing areas such as Seabright and Peggy's Cove.

Mr. Plourde advised that the way the network works is, the larger the area, the less people can connect to the network. A cell has a limited capacity. They are building bigger towers in those areas because they want to cover at least four or five kilometers each way. Highly populated areas need more towers.

Mr Fryday asked if Rogers intent was to serve the area of Ingramport.

Mr. Plourde answered yes.

Mr Fryday asked if Rogers intent was to serve a dead spot back on the number three highway.

Mr. Plourde answered yes.

Mr Fryday asked if the objective is to serve any other areas such as the other side of St. Margarets Bay.

Mr. Plourde answered no, it is not the objective.

Darlene Lewis, Boutliers Point, asked about the health impact on the surrounding residents.

Mr. Plourde stated that Safety Code six has certain requirements. One of the requirements is height. They also have to maintain an electromagnetic field around the tower. The tower would be turned off if they didn't respect the code. There are no health risks.

Janice Sampson, stated that there was no study to see if wildlife were effected in the area.

Mr. Plourde advised that the study was not required as the Federal Environmental Assessment Act provides that if they are further than thirty meters from a wetland, they are exempt from the study as it is not necessary.

Janice Sampson asked if Rogers went back another eighty meters, would they have to build a different type of tower.

Mr. Plourde stated that they could have built a lower tower that would have taken up more space but it would have a much bigger radius. The base would have been twenty meters. The tower currently would be one meter at the base.

Janice Sampson asked if the tower was a self support.

Mr. Plourde advised that it will held up by guys (cables).

Janice Sampson asked why the tower does not require lights and asked if there will be a chance in the future that someone might require lights to be placed on the tower.

Mr. Plourde answered no. Transport Canada decided that lights were not required.

Resident (unidentified) asked if there had been a survey done to see who, in the area, wanted the tower. She believes that only two of the twenty seven in attendance want the tower. She wonders if it would be more beneficial to the tax payer to do a survey of who wants the tower in that area.

Mr. Plourde stated that a telecommunications company must build their network with higher standards or they lose their spectrum within the five years. Rogers paid one billion dollars last year and they have five years to deploy a network that is acceptable to Industry Canada. If they lose the spectrum, they lose the million dollars. There are people paying currently who also choose where the towers and service areas should be. HRM has the best consultation process. Industry Canada's process is less democratic than what HRM has in place. The rule is to respect the guidelines of Industry Canada and that is the reason there are public meetings. He doesn't see other company's paying for surveys.

Resident asks how many cell phone customers, roughly.

Mr. Plourde stated that it is not only cellular subscribers but wireless communication, high speed internet, etc. Rogers has to implement a reliable network. They may lose clients from dropped calls and low coverage, even if they do not live in the area. If someone can use the cell phone outside but lose service when they go inside, Rogers loses a client.

Resident stated that she was thinking about buying a house in the area but she won't be doing it now.

Paul Brodie advised that if he knew twenty years ago there would be a tower built in the area, he would have moved down the road further. He asked if there were going to be any adjustments on the assessments (taxes).

Councillor Peter Lund stated that his impression of putting the tower up was that it is a part of the Provincial commitment to have telecommunications access all across the province.

Mr. Plourde stated that the Councillor is correct. Rogers has to provide service of a certain level. Since the last spectrum, they require high speed internet, three G and four G technology. They have to deploy the tower or they lose their license and the population will lose their service.

Darlene Lewis asked where the second choice would be if the proposed area was not available.

Mr. Plourde stated that under the circumstances, considering the time and work they have invested, they would cut a deal with the land owner and file an impasse with Industry Canada. Then the ultimate decision would be made by Industry Canada. He explained how the technology of the tower works. The leaves in the trees, a valley or a mountain can cause a problem with the signal.

Darlene Lewis asked if technology is so bad that the towers have to be in a direct line with each other.

Pierre Plourde explains that technology is similar to what it used to be, with the rabbit ears. It is the same principle.

Liam Thorne, Boutliers Point asked if the the access road would come onto his driveway and the neighbors land.

Mr. Plourde advised that it would not. It would be on a right of way that is owned by the property owner.

Mr. Thorne asked if there would be any disruption and how long it will take for construction.

Mr. Plourde advised that the hard part of the construction will take approximately one month. It would be eight meters wide or less.

Mrs. Thorne had concerns about the access road as her property is adjacent to the property owners.

Mr. Plourde assured her that they will be doing a big part of the construction on site and a limited amount of work done with the path. After the path is done, they will not often see anyone because the maintenance is not much.

Mr. Thorne asked if the access road would be gated.

Mr. Plourde advised that it would be gated.

Darlene Megaffin had a concern about the light on the tower. She would like to see, in writing, something stating that there will never be a light on the tower. She also noted that there is a weather tower where she lives and it really impedes the serenity of the bay. The tower effects everyone on the water and she doesn't deem the tower necessary.

Annamarie Cassidy wanted to know the amount of pollution from radio frequency from the tower.

Mr. Plourde stated that there is no pollution, as per the World Health Organization.

Annamarie Cassidy states that all the articles she has been reading says that if you live in two point five miles from the structure, you are subject to possible health risks.

Mr. Plourde stated again that there is no pollution, as per the World Health Organization. There is no evidence of health risks.

Lamont Fader, Ingramport lives next to the where the tower is proposed to go. He has been dealing with Rogers for almost three years and brought contracts with him concerning the tower. They wanted to put the tower on the back of his land. The ambulance cannot get to the hospital from the location. The location of the hill is very steep, almost nine hundred feet straight up. He is not

opposed to the tower but believes it should be placed on the back of the property. He requests that they consider moving the tower to the back of the property. He thinks Rogers are being cheap and avoiding putting a road in. If they do not consider this, he will come up with more information which he will send to everyone.

Ms. Wheaton reminded the public that there is a specific application which is being considered at the PIM, they are not here to talk about better locations or other contracts that may have not happened.

James Fryday reviewed the fact sheet and asked who wrote the words "Federal regulations require the applicant to consult with the local Municipality who is to review and provide comment on the proposed application from an aesthetic impact perspective only to Industry Canada who regulates telecommunication facilities".

Ms. Wheaton stated that she did.

Mr. Fryday thinks HRM is not limited to communicating the concerns that they have to Industry Canada based on aesthetic impact only. HRM can communicate any concerns that the public arises. Safety code six is a concern to the public but not to Industry Canada as per Mr. Plourde's answer. Water run off or flooding may be a concern of the municipality. The fact that the fact sheet states "aesthetic impact only" is a concern and causes a problem because this means the Council can only write to Industry Canada based on that. He has not seen where the HRM is limited to aesthetic impact only.

Ms. Wheaton advised that Industry Canada has jurisdiction over things such as health and safety through Health Canada. The municipality has nothing to comment about as far as that is concerned because it is not within the municipality's jurisdiction.

Mr. Fryday provided booklets (including supporting documents) to the Councillor, the proponent and the Planner. He also stated that he had a copy for Mr. Paul Dunphy. It is his view that the proposed site is not appropriate for the communication tower that is proposed for the following reasons:

- The tower is located in a small coastal community that has approximately ninety nine homes, including a few cottages.
- The community of Ingramport is a historic community, according to HRM. It was settled in seventeen fifty six (six years after Halifax). Support documents were enclosed.
- Ingramport, according to enclosed documents rates four out of five for cultural heritage. Only parts of Downtown Dartmouth and Halifax rate five out of five. New subdivision and other areas do not rate four out of five for cultural heritage.
- The location of the tower is at the intersection of an estuary river designated by Nova Scotia Department of Natural Resources (DNR) as an area of significant specie and habitat. The Fitzroy River, Still Water Lake and Indian River do not have that designation. There is also a public highway and "Rails to Trails" which is part of the Canada trail system. Support documents were enclosed.
- The proposed tower of ninety meters is located on a ridge. This is visible to many homes located in the immediate area. Those people who live on River Lane, Meisners Point and the

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- western side of the estuary should be considered as a tower would be a visual intrusion in the local beauty of the community. Support documents were enclosed.
- Ingramport is a residential community with one main business which is located just before entering Black Point (Environment Depot). Industry Canada and numerous other jurisdictions throughout the world recommend to place communication towers in industrial, commercial or resource areas. HRM designates all lands between Hubbards and Tantallon south of the one hundred three highway, as Rural Commuter. Previously much of that land was zoned resource, in particular, lands of Bowater Mersey Paper Company.
 - The tower is visible from public parkland across the estuary at an interpretive center and look off. Support documents were enclosed. People in the community have worked long and hard voluntarily to keep the trail up. There are memorial benches there and it is a pristine place where you can look at the vista of the bay and the ridge line. The tower will be right in the middle of that.
 - Due to the fact that the tower is proposed on a ridge, which is a view plane of itself, it interferes with the skyline. The fact that it is in a clear cut, on a ridge, makes it more visible.
 - The tower is directly in a view plane from another public look off, on the historic Canadian National Railway (CNR) trestle, overlooking the river estuary, the river entrance, the lake behind and the ridge line to the east. The view from the site towards the tower is striking as there no homes, power poles, telephone cables or lines that are visible. Support documents were enclosed.
 - Both public look off's are used by local folks and tourists. People park their cars in Tantallon and ride bikes though to Hubbards. People stop to take photographs off the main highway.
 - A wetland identified by DNR exists on the property which is an environmental concern. Areas in close proximity, adjacent to Ingram River, are identified as being used by migratory birds. Support documents were enclosed.
 - The law states that you have to be thirty meters from a wetland and the tower will be thirty one meters from the wetland. That is the bare minimum. The whole thing doesn't fit the spirit and the intent of wetlands. The Canadian Environmental Assessment Agency (CEAA) do assessments for Federal property but not on private property.
 - Cell towers are a cause of avian mortality and given the area is frequently susceptible to foggy/windy conditions all within estuaries, it is used by ducks, eagles, osprey and loons. The guy wires and lighting (he isn't sure that there will be no lighting) are a lethal combination in this situation. According to the wildlife of the US Government in the State of New Mexico, who have been doing studies for twenty five years or more, these factors are a lethal combination. Support documents were enclosed.
 - The proposed tower is located on the edge of a ridge in the estuary. It has high ground on both sides. This causes problems for the people of Ingramport for getting cell phone coverage. He is not at the meeting opposing cell phone coverage but he is questioning the location and the size.
 - The tower is on or close to a former native reserve which is historical from a cultural and archaeological perspective. Support documents were enclosed (relating to trespassing, etc).
 - The tower is highly visible from the HRM sign that enters the community. The signs says "Ingramport Welcome to our Community". That is where the tower road will be. There is a sign down the road, prior to that sign that says "The lighthouse route". There are two towers in Queensland and less than four miles away a proposal for another tower in a rather pristine

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- environment. Sarcasm aside, he feels that if this kind of thing keeps up, "The lighthouse route" sign should be changed to read "Cell tower route".
- This proposal does nothing to conserve, preserve or enhance the community from a visual perspective. Given that it is located in a clear cut makes it even more intrusive. This is contrary to one of the main goals for the St. Margarets Bay stewardship association. Support documents were enclosed.
 - Given that the area is serviced by volunteer fire fighters regarding fire protection and first responders two thirds of each day and all weekends, concern is raised with respect to emergency calls during construction and ongoing maintenance as HRM policy for response time for defibrillators cannot be met. This was admitted by the firefighters in Black Point a few years back when twenty four hour paid fire fighters were no longer provided.

Mr. Fryday also gave recommendations concerning the tower. They are as follows:

- An alternate site must be considered and questioned whether or not a ninety meter tower should be built.
- The site may be suitable for an un-guyed tower of treetop height.
- A church spire is located across the highway from the site and if there are dead spots in Ingramport for cell phones, a small unit may be suitable for invisible mounting in the church, should they permit. Documents for recommendation were enclosed.
- Should the proponent not be interested in seeking an alternative, HRM should seek the advice of the Provincial authorities who would have interest in matters pertaining to environment, tourism and natural resources.
- Should the proponent not be interested in seeking an alternative to the present proposal, the public should notify HRM planning, including the Councillor and Provincial authorities of their concerns.
- There are examples in the document that Industry Canada uses such as; Alterations of historic, archeological, paleontological or heritage resources for resulting in change in the environment. Changes to the current use of the land and/or quality of lands and natural resources for traditional purposes for aboriginal persons. Alteration, disruption or destruction of terrestrial and aquatic habitat for wildlife and fisheries. Detrimental effects on water bodies, ground waters or soil. They are not all inclusive and whether or not Industry Canada is concerned about the same issues the community or HRM is concerned about is irrelevant.
- Industry Canada has no jurisdiction over Municipality as they can't tell them to do certain thing. HRM can tell Industry Canada they do not support the application . He submitted that there is no other alternative but for the municipality to seriously consider not supporting this application.
- He showed maps of the service area with a one hundred twenty foot cell tower which is one point six two miles from the center and advised of what you get from moving vehicles and outdoor coverage. The are ten pages of photographs of new technology, different types of towers and descriptions of how they work, including their coverage area. He submitted copies to planning, to the proponent and the councillor.

Janice Sampson asked if Mr. Plourde could guarantee that there would be no health risk to the public.

Ms. Wheaton advised that Industry Canada would not approve a license for a tower if it did not meet the Safety Code six requirements.

Mr. Plourde advised that the study must be complete and has been completed because it is a requirement.

Paul Brodie asked if this tower was a “done deal” as he had participated in a meeting in the past that the residents were against and it was still approved the next day.

Ms. Wheaton advised of the process. Community Council can approve, modify or reject the proposal. This decision would then be forwarded to Industry Canada.

Mr. James Fryday stated that Community Council does not have jurisdiction to tell the proponent to do anything. They make a recommendation but it is ultimately up to Industry Canada. The applicant, if the proposal is rejected, can “impasse” the recommendation after a period of time. There are hundreds of examples where communities have been opposed to the proposal and Industry Canada ruled in favor of the applicant. There was one instance where Rogers changed their tower to another site. The Law states that everyone can speak at the meeting but the applicant must respond but if he is given something in writing, he is required by Law to respond. If you do not submit something in writing to the Planning department or the Councillor, you will not receive an answer. Community Council can convey the information but they cannot make it happen.

Mr. Fryday wasn't there to object to the proposal but to work out a solution. His submission was only based on a ninety meter, guyed tower.

Mr. Plourde stated that it was not true that the applicant can do whatever they wanted. Industry Canada will have them do a study to put in their access road because of the marsh. The applicant has to comply with HRM and the Provincial Government.

Mr. Fryday asked if the Federal Government has exclusive jurisdiction over the placement of the tower as there are hundreds of them in Canada and the US.

Devin Moore, Ingramport requested a copy of the presentation by email.

Mr. Plourde stated that he would provide a copy for him.

Lamont Fader asked if the public would be notified of the approval.

Ms. Wheaton advised that because of the process, there would be no notification. This is the only opportunity for public input unless Council decides they want to hear from the public.

Mr. Michael Lewis, Boutliers Point, asked about ground lighting.

Mr. Plourde advised that the area would be fenced and there would be outdoor storage but no lighting.

Darlene Lewis asked about the process, if it was rejected by Council. She feels that Ms. Wheaton is not being receptive to the negative points brought up at the meeting. She feels as if the public are just there to find out what is going to happen. She asked Mr. Plourde what would happen if Rogers was rejected, what would the process be.

Mr. Plourde stated that before going to the next level, they try to find a way to relocate the tower, if possible. In this case it would be difficult. If it is not possible to move the tower, they have to demonstrate to Industry Canada the need for the tower in the area. This happens if there is no service or if the service is not in accordance with standards. In his career, six and one half years, Rogers has only had four issues with tower placement. Rogers usually will try to find an agreement. If this is not possible, Industry Canada has the final say. There are other providers involved as well.

Paul Brodie advised that the tower would be one hundred seventy meters above sea level. He showed the area of impact as designated by HRM as a notification area. Some residents at the meeting were not notified.

Ms. Wheaton advised that the area notified is the standard area.

Mr. Fryday stated that Industry Canada regulations states that there is no notification to major interested parties. He believes that the Rails of Trails, which is crown land that is owned by the DNR, should have been notified. He believes that it is owned by the people in the area. HRM's notification area is actually wider than the one that is suggested by Industry Canada.

Resident (unknown speaker) asked if the public in attendance were considered really vocal concerning the application as compared to other meetings.

Mr. Plourde stated that he thought the public was very civilized and are entitled to say what they think.

Lamont Fader again asked if there would be flashing lights on the tower.

Mr. Plourde again stated that there would be no lights.

Lamont Fader believes that there may be a problem with airplanes.

Mr. Plourde advised that this was as per Transport Canada.

Annamarie Cassidy addressed Councillor Lund about the growth and beauty of the community. She feels like the community is in an early enough stage in growth to plan the tower better.

Councillor Peter Lund stated that he would address the issue as that is one of his objectives. He advised that council is going through the Tantallon visioning process. He also spoke of the St. Margarets Bay Coastal Border Advisory Committee which is a committee that recommends to Western Region Community Council (WRCC). This will be like a vision advisory committee to Council that will advise on the Plan Amendment in terms of the vision of St. Margarets Bay. He advised that he was working on a few different projects currently and they are supported.

Councillor Lund stated that you need development to have growth but also you need controlled development. He was happy to have so many people attend the meeting. He stated that it is his job as a councillor to get the public feedback.

Councillor Lund asked about the separation between the tower and the property line and asked if there were guidelines.

Mr. Plourde stated that HRM has guidelines but Industry Canada does not.

Councillor Lund asked if the application is site specific as there was no paint or lights required.

Mr. Plourde answered yes, that was correct. It was site specific.

Councillor asked if a ninety foot tower has to follow up the grade.

Mr. Plourde answered that the height of the tower is dictated by the highest peak around. If they could build a smaller tower, they would because it would be much less expense.

James Fryday asked about the engineering coverage area and suggested that the tower ideally could go up on Boutliers point, according to the overhead picture.

Mr. Plourde stated that it was not the ideal spot for the tower. That is not what they are seeking.

Mr. Fryday asked if Rogers seeks clear cuts first for towers.

Mr. Plourde stated that they are looking for an area where they do not have to build long access roads or long power lines. They will try to have an area where they can get the most coverage.

Mr. Fryday also noted that in his opinion, the towers in Queensland and Hammond's Plains are in clear cuts. He suspects that the area chosen was picked because it is a clear cut as it is an easy site because the road is already there. He thinks that there are other spots more suitable. The tower is not an appropriate site and suggested they choose an alternate site a mile away or on the other side of the ridge.

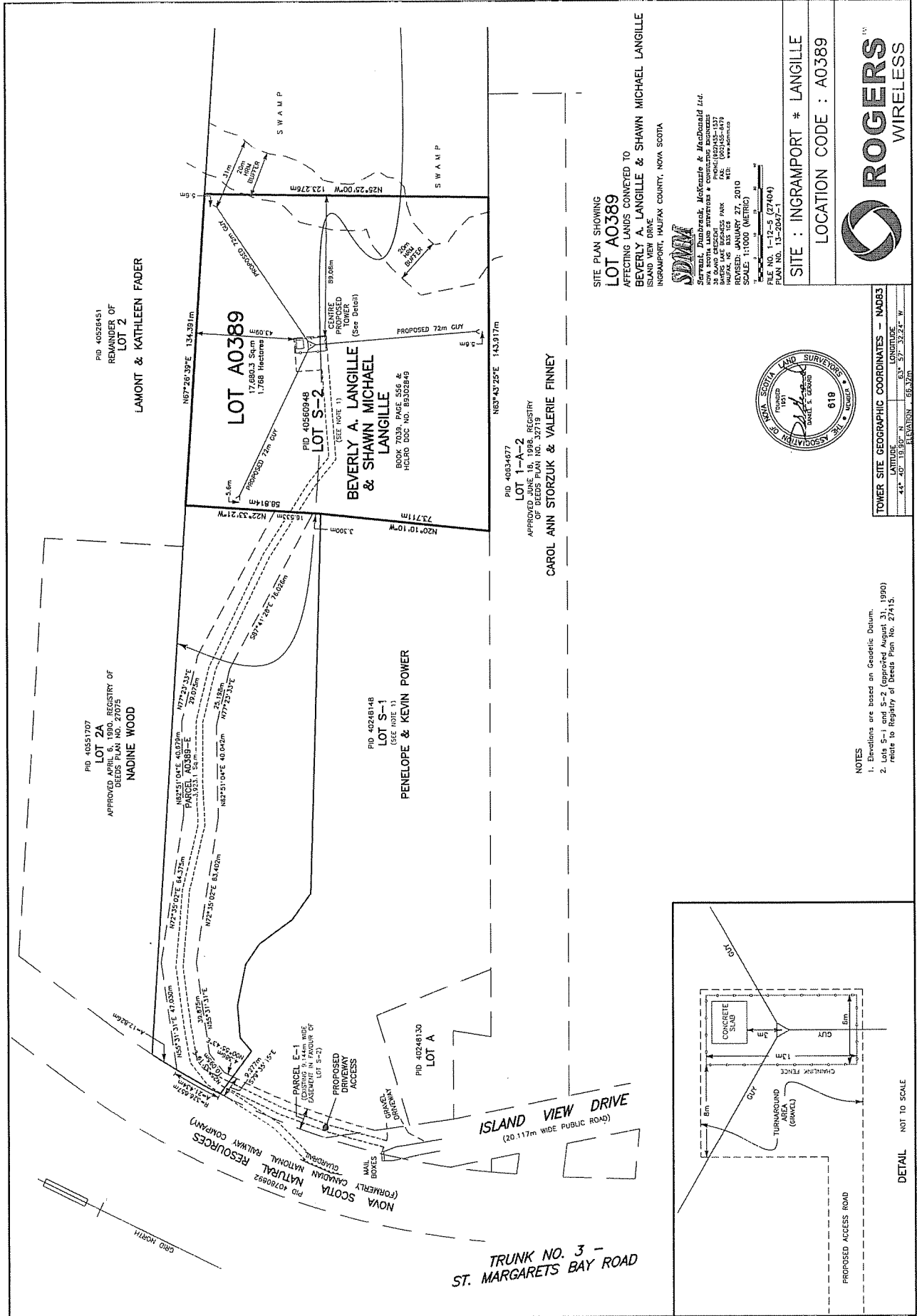
Mr. Plourde stated that they looked at, at least, twenty sites and there are a lot of hills impeding the tower. They had tried to do their best to use an existing structure, so that they didn't have to multiply in that area. There was a time when cell phone companies were building towers right beside each other. Industry Canada does not tolerate that anymore. They also have to pick a location where they are able to share the infrastructure.

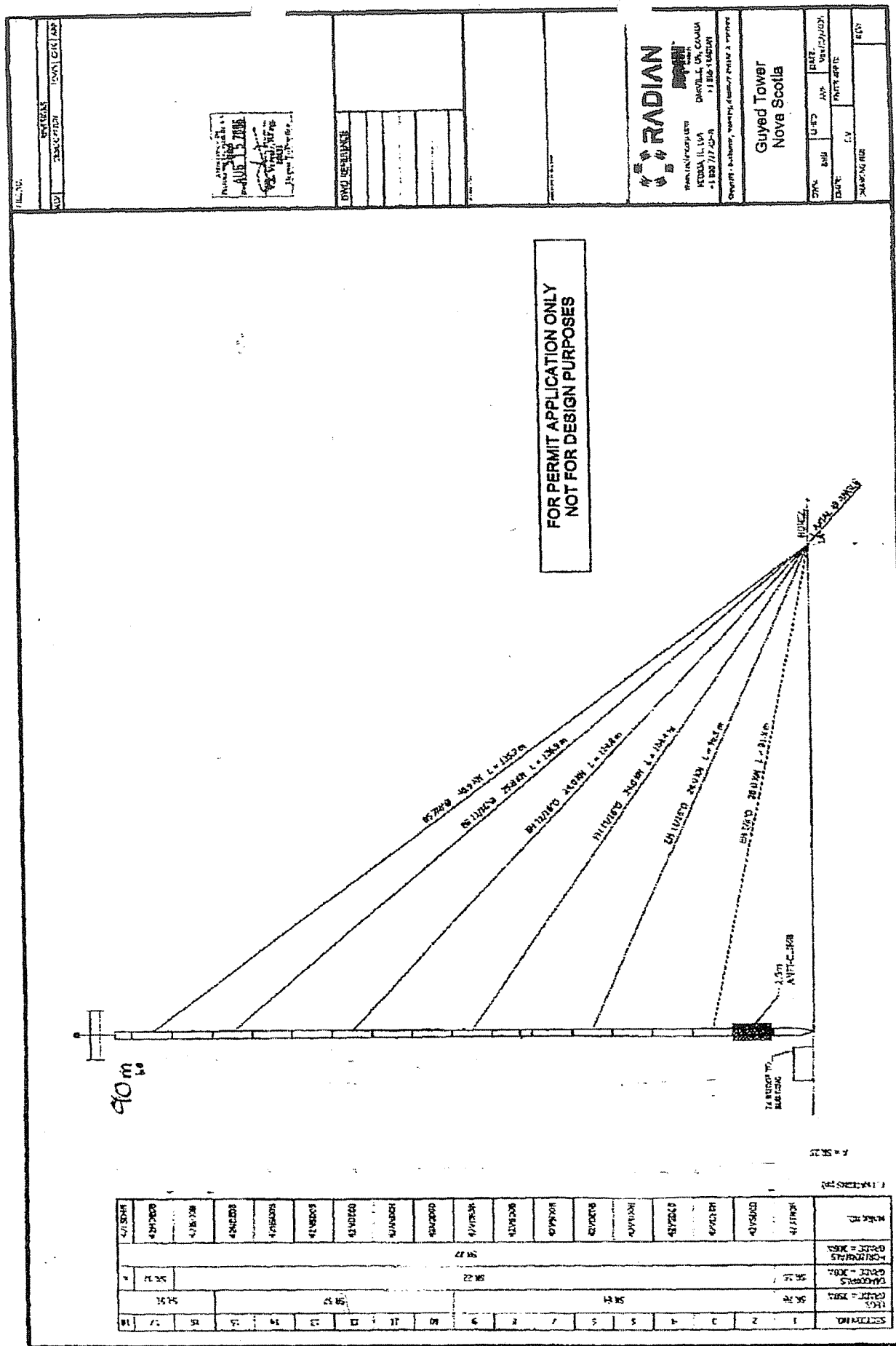
5. Closing comments

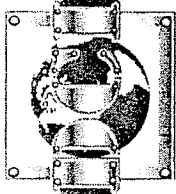
Mrs. Wheaton asked for any other questions and thanked everyone for attending the meeting. She noted that the minutes from the meeting will be reflected in the report and it will get brought to Community Council's attention.

6. Adjournment

The meeting adjourned at approximately 9:00 p.m.



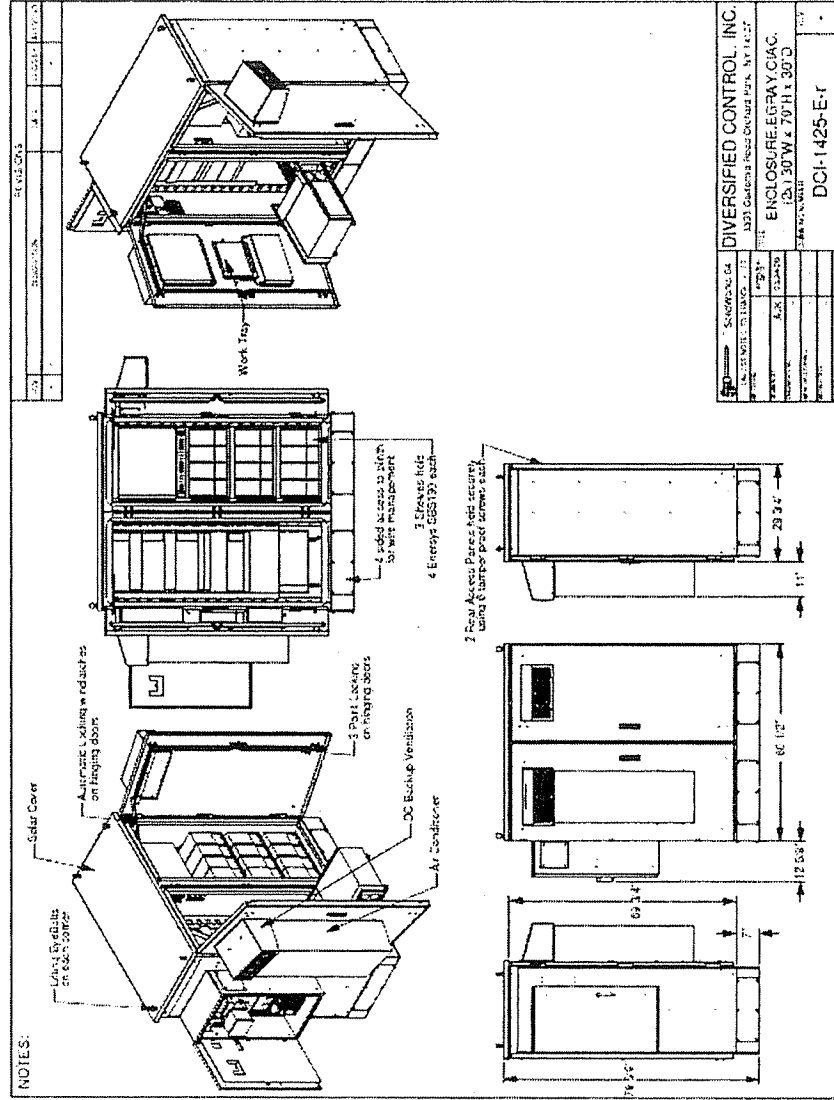




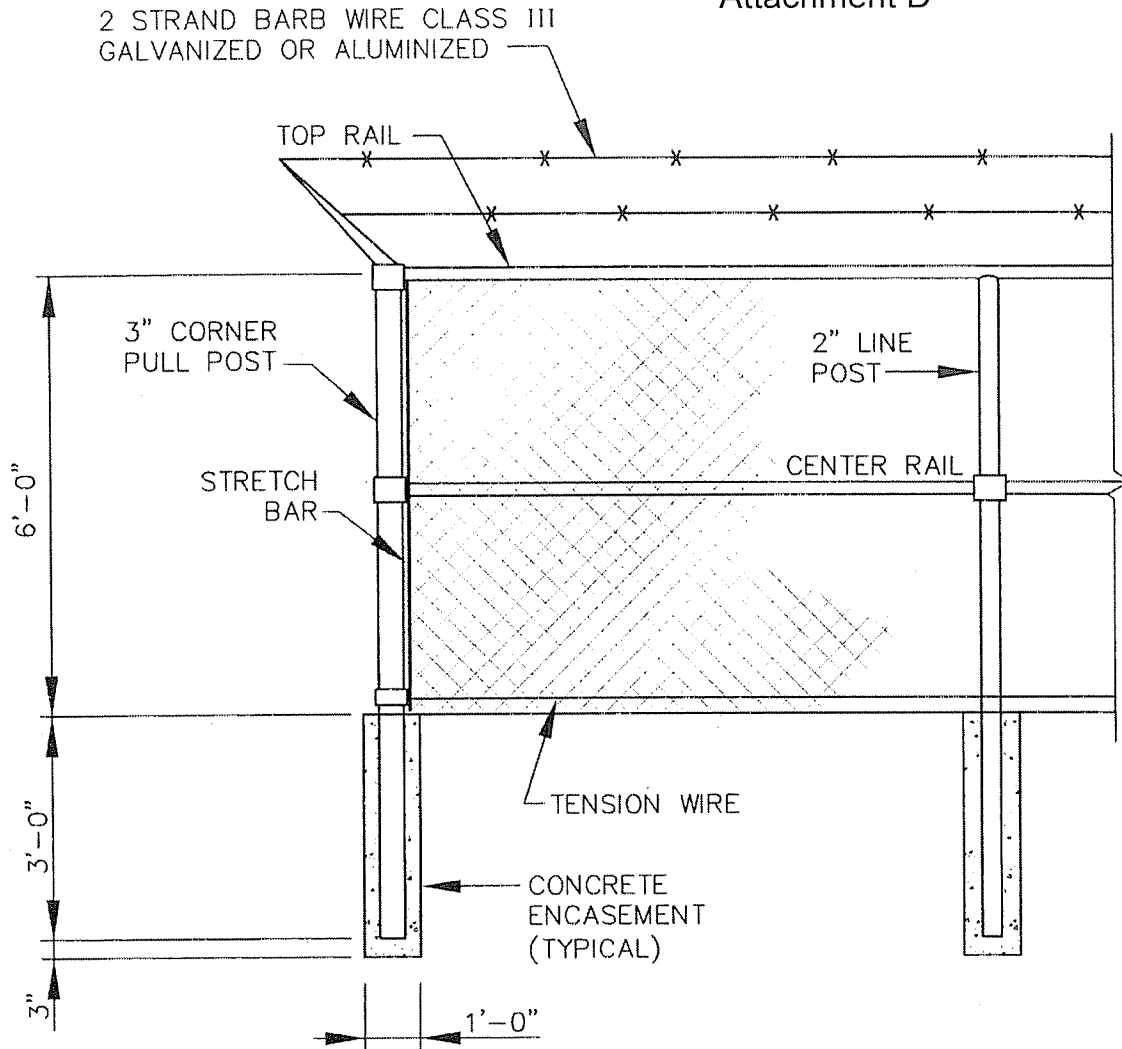
Case 01357
Attachment C

DIVERSIFIED CONTROL, INC.

Top Level



Case 01357
Attachment D

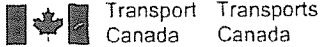


SKETCH SHOWING TYPICAL FENCE DETAIL



Terrain Group Inc.
580 Main St., Suite B130
Saint John, New Brunswick
Canada E2K 1J5
tel. 506-634-8719
fax. 506-693-8016
www.terraingroup.com

DRAWN: TCM	FIELD:	CHECKED:	DATE: NOVEMBER 02, 2006
JOB No.: S06055	CAD: S06055-715	ZONE:	SCALE: N.T.S.



Case 01357
Attachment E

Oct 29, 2009, 2009

Our File Notre référence

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

M5105-6 (MAM)

Dear Ms Godbout

RE: AERONAUTICAL OBSTRUCTION CLEARANCE FORM

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

<i>Transport Canada #</i>	<i>Location / Coordinates</i>
2009-488	Ingramport (A0389), NS (44° 40' 19 9" N / 63° 57' 32 24" W)

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

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

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

Lighting and painting standards can be found in CAR 621 19 (Canadian Aviation Regulations)

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

Yours truly,

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

P O Box 42
Moncton, NB Ph (506) 851-3162
E1C 8K6 Fax (506) 851-3022 Attach c c Land Use Department (Nav Canada, Ottawa)

Canada



Transport Canada
Transports Canada

APPENDIX C TO CAR 621 19 - ANNEXE C RAC 621 19

TC File No / Ref No - TC n° du dossier N° de ref

AERONAUTICAL OBSTRUCTION
CLEARANCE FORM


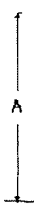
FORMULAIRE D'AUTORISATION
D'OBSTACLE AERIEN

RECEIVED / REÇU

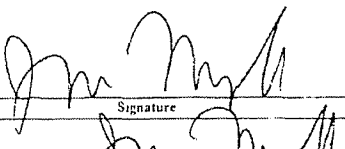
OCT 29 2009

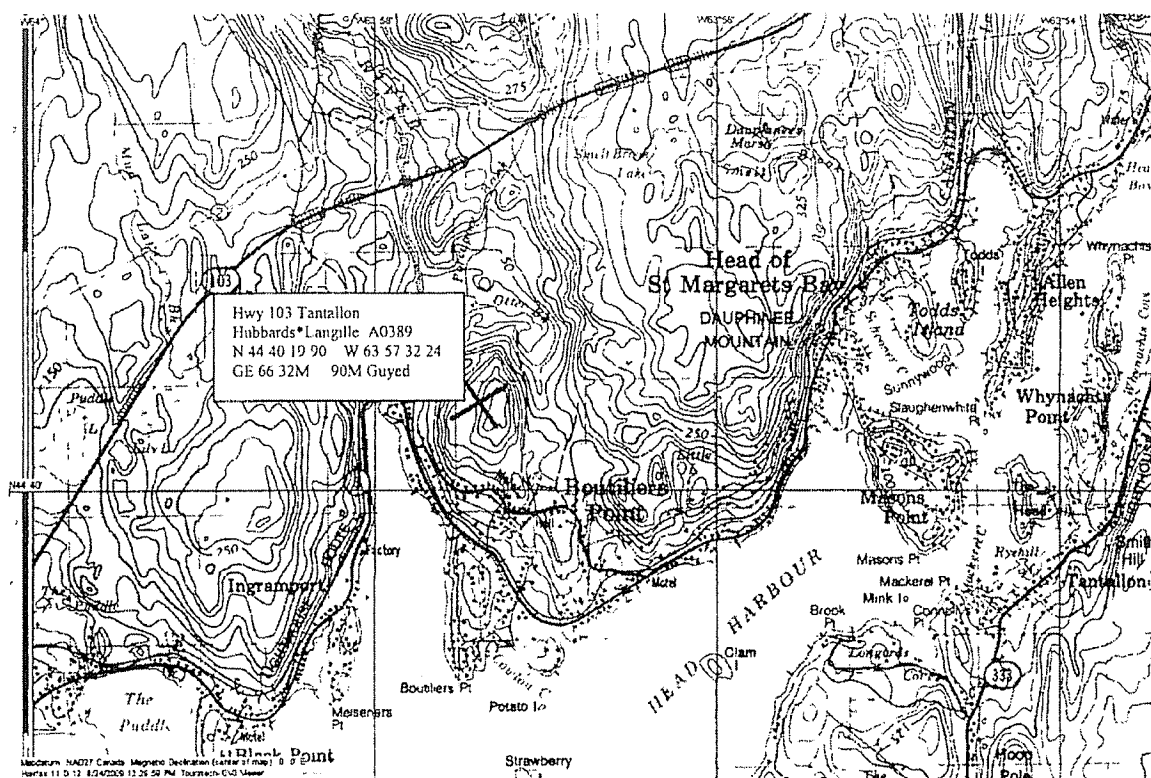
1009-488

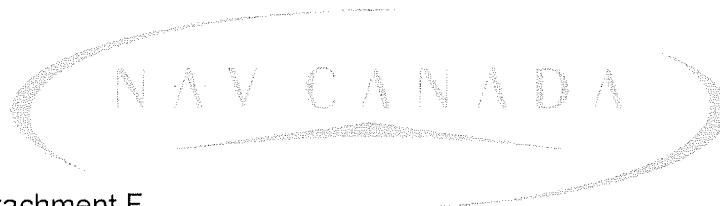
TO BE COMPLETED BY APPLICANT - À REMPLIR PAR LE REQUÉRANT

Operator's Name - Nom de l'opérateur Rogers Communications Inc		Location Code A0389		Site Name. Hwy 103 Tantallon-Hubbardsville MA Mille	
Operator's Address - Adresse de l'opérateur 800 de la Gauchetière St W Montreal, Quebec H5A 1K3 Suite 4000					
Operator's Contact - Agent de liaison de l'opérateur Julie B Godbout					
Contact's Telephone No - N° de téléphone de liaison 514-981-8496		Contact's FAX No - N° de télécopieur de liaison 514-981-8780		Contact's Email Address - Adresse électronique de liaison JulieB.Godbout@rci.rogers.com	
Applicant's Name - Nom du requérant Rogers Communications Inc		Address - Adresse 6080 Young Street Ste 901			
City - Ville Halifax		Province/Territory - Province/Territoire Nova Scotia		Postal - Code postal B3K 5L2	
Applicant's Telephone No - N° de téléphone du requérant 902 406-1850		Applicant's FAX No - N° de télécopieur du requérant 902) 406-1873		Applicant's Email Address - Adresse électronique du requérant Marney Cohen @rci.rogers.com	
Nearest city / town to proposed facility Ville la plus proche de la structure proposée Ingramport		Geographic coordinates - Coordonnées géographiques de la structure N Latitude 44 40 19 90 W Longitude 63 57 32 24 W Longitude Longitude O <input type="checkbox"/> NAD27 <input checked="" type="checkbox"/> NAD83 <input type="checkbox"/> WGS84			
TOWERS / ANTENNAS TOURS / ANTENNES 		BUILDING OR OTHER STRUCTURE BÂTIMENT OU AUTRE STRUCTURE 		Feet - Pieds Meters - Metres	
A		A		A Height above ground Hauteur au dessus du sol 295' 90M	
B		B		B Building Height Hauteur du bâtiment N/A N/A	
C		C		C Ground elevation above sea level Hauteur de sol au dessus du niveau de la mer 218' 66 32M	
New struc - Nouv. Structure <input checked="" type="checkbox"/> Yes Oui <input type="checkbox"/> No Non		Add To exist struc incl total hght - Ajout à un bâti exist incl hauteur total		Proposed Construction - Date - de construction proposée 2010	
TYPE OF STRUCTURE (narrative description and function) GENRE DE STRUCTURE (description narrative et fonction) 90 m Guyed					
Signature (of applicant) (du requérant) Marney Cohen		Date (Y/M/D/J) October 20, 2009			

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

Site Acceptable - Emplacement acceptable <input checked="" type="checkbox"/> Yes Oui <input type="checkbox"/> No (if no reason) (si non, pourquoi)			
Lighting as per (TP382) required - Balisage lumineux tel que demandé au (TP382) <input type="checkbox"/> Yes Oui <input checked="" type="checkbox"/> No Non ou			
Painting as per (TP382) required - Balisage peint tel que demandé au (TP382) <input type="checkbox"/> Yes Oui <input checked="" type="checkbox"/> No Non ou			
Temporary lighting required - Nécessite d'un balisage lumineux temporaire <input type="checkbox"/> Yes Oui <input checked="" type="checkbox"/> No (if yes type) (si oui, de quel genre)			
Advise Transport Canada in writing 90 days before construction Avertir Transports Canada par écrit 90 jours avant la construction		<input type="checkbox"/> when construction starts Au commencement de la construction	
		<input type="checkbox"/> and on completion et à la fin des travaux	
		<input checked="" type="checkbox"/> Valid to 2010-10-31 Valable jusqu'au	
Civil Aviation Inspector (as required) - Inspecteur Aviation Civile (si nécessaire) Comments - Commentaires			
Regional Manager Aerodrome Safety Gestionnaire Régional Sécurité des aéroports		Signature 	
		Date (Y/M/D/J) 2009-10-29	





Case 01357 - Attachment F

December 2, 2009

Your file
Hwy 103 Tantallon-Hubbards*Langille A0389
Our file
09-2152

Ms. Julie Godbout
Rogers Communications Inc.
800, rue de la Gauchetière ouest, Bureau 4000
Montreal, QC
L6T 0C1

RE: Communication: Guyed Tower (N44° 40' 19.90" W63° 57' 32.24") - Ingramport, NS

Dear Ms. Godbout,

We have evaluated the captioned proposal and NAV CANADA has no objection to the project as submitted. Let me emphasize however that our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations. Industry Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA engineering as deemed necessary.

In the interest of aviation safety, it is incumbent on NAV CANADA to maintain up-to-date aeronautical publications. To assist us in that end, we ask that you notify us upon completion of construction. This notification requirement can be satisfactorily met by returning a completed, signed copy of the attached form to us by e-mail at landuse@navcanada.ca or fax at 613-248-4094. In the event that you should decide not to proceed with this project or if the structure is dismantled, please advise us accordingly so that we may formally close the file.

In the event that you should decide not to proceed with this project or if the structure is dismantled, please advise us accordingly so that we may formally close the file. If you have any questions, contact the Land Use Department by telephone at 1-866-577-0247 or e-mail at landuse@navcanada.ca.

NAV CANADA's land use evaluation is valid for a period of 12 months. It neither constitutes nor replaces any approvals or permits required by Transport Canada, Industry Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required.

Yours truly,

A handwritten signature in cursive script, reading "Chris Csontos".

Christopher Csontos
for
Tom Hollinger
Manager, Data Collection
Aeronautical Information Services

cc ATLR-Atlantic Region, Transport Canada (2009-488)