

REVISED (attachment G)

10.1.1



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
February 27, 2012

TO: Chair and Members of Western Region Community Council

SUBMITTED BY:

A handwritten signature in dark ink, appearing to read "Phil Townsend".

Phil Townsend, Director, Planning & Infrastructure

DATE: February 6, 2012

SUBJECT: Case 17166 - Telecommunication Tower, 105 Ketch Harbour Road,
Herring Cove

ORIGIN

Application by Bragg Communications Inc. (EastLink), for lands of Scott and Kristal Gray.

RECOMMENDATION

It is recommended that the Western Region Community Council forward a **negative recommendation** to Industry Canada in relation to the proposal by Bragg Communications Inc. (EastLink) to the proposed location of a new 61 metre self-supporting telecommunication tower at 105 Ketch Harbour Road, Herring Cove, as shown on Map 1 and Attachment A of this report.

BACKGROUND

Bragg Communications Inc. (EastLink) has submitted an application to locate a new 61 metre (200 feet) free standing self-support telecommunications tower at 105 Ketch Harbour Road, Herring Cove.

Eastlink is in the process of deploying a wireless network and venturing into the wireless marketplace (i.e. cellular telephones/wireless devices). Eastlink has indicated the installation of a telecommunication tower is required in the Herring Cove area as part of its wireless network design for the Halifax Regional Municipality. Eastlink has indicated that all existing telecommunication structures in the area have been considered, but none represent a viable co-location option.

Subject Property Location, Designation, Zoning and Surrounding Land Use

The subject property is:

- approximately 7.5 acres in area;
- occupied by a single family dwelling (Map 1);
- located on the west side of Ketch Harbour Road in a predominantly residential neighbourhood;
- designated 'Residential' under the Municipal Planning Strategy for Planning District 5 (MPS) (Map 1);
- zoned HCR (Herring Cove Residential) Zone under the Land Use By-Law for Planning District 5 (LUB) (Map 2 and Attachment A); and
- bounded by HCR Zone to the north, east and south, and the Crown landholdings zoned PA (Protected Area) to the west.

Tower, Antennas and Equipment

The tower:

- is proposed to be located on the north western corner of the subject property, approximately 427 metres (1401 feet) from Ketch Harbour Road within a small leased portion of the subject property, as shown in Attachment B;
- is proposed to be located approximately 70 metres (230 feet) from the single family dwelling;
- will be free standing, self supporting and 61 metres (200 feet) in height;
- will be constructed of steel lattice and will be site specific engineered;
- is not required by Transport Canada to have lighting and painting at this location;
- will be accessed from Ketch Harbour Road via existing road reserve (legal easement) owned by The Crown;
- will be enclosed with 6-8 feet high steel wire fencing at the base and be equipped with anti climb apparatus; and
- will support one antenna mounted at a height of 1 metre.

Jurisdiction:

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

Municipal Process:

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

DISCUSSION

Within Planning District 5 (Chebucto Peninsula) Plan Area, the Municipal Planning Strategy for Planning District 5 (MPS) does not contain specific policies that address locating telecommunication facilities. Therefore, when Staff conducts an overview of the siting and design of telecommunication proposals in PD5, the general evaluation criteria of the Plan is reviewed and the following criteria continue to provide relevant guidance to Council and Staff:

1) Land Use Compatibility:

This guideline speaks to a proposal's compatibility in respect to neighbouring and adjacent uses within the Herring Cove area.

a) Municipal Planning Strategy for Planning District 5 (MPS) - Residential Designation

In Staff's opinion, there are issues and concerns related to land use compatibility as the tower is proposed to be located within close proximity to established low density residential areas in Herring Cove. Planning District 5 Plan Area promotes residential expansion and discourages intensive commercial and industrial development within the Residential Designation in Herring Cove. Under the MPS, the designation has been applied to the majority of privately owned lands adjacent to the major collector roads in the area such as Ketch Harbour Road, in order to maintain a low density environment that enhances community form and character.

Furthermore, policies of the Residential Designation, RES-1 and RES-2A, are intended to preserve residential neighbourhoods by restricting any new development to low density residential uses, to protect single unit dwelling environments and to establish the HCR (Herring Cove Residential) Zone. It is a zone that is designed specifically to permit low density residential uses and other limited uses such as home businesses and others. These policies are included in Attachment A. It should be noted that the intent of the designation

alone does not prohibit or prevent the siting of telecommunication towers but provides a broader scope to be considered.

b) Municipal Services

Generally, land development in Herring Cove requires implementation through specific land use policy and zoning to ensure that the community develops as envisioned by the Regional Plan and the local Municipal Planning Strategy. They create a foundation for future land use and the development of an appropriate servicing strategy, as the area faces changes that will be brought with the introduction of central water and sewer services.

The residential structure of Herring Cove consists of large properties that require 75,000 to 100,000 square feet each for on-site services. As the key intent of MPS policies include exploring the possibility of retaining the existing residential form of Herring Cove while accommodating new residential development, municipal services are considered the main determinants of development form. The MPS anticipates that the introduction of central services will result in increasing the residential development and density by 1450 new lots and reducing lot sizes significantly.

Therefore, the siting of the proposed tower will impact the development outcomes from extending central services in Herring Cove, which is defined under the Regional Plan as an Urban Settlement Centre and is an area where HRM is anticipating growth to occur. Therefore, the proposed tower location will impact anticipated serviced development within the community as envisioned under the plan.

c) Past Practice

A review of past practice indicates that 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 base of the telecommunication tower is proposed to be set back approximately 140 metres (459 feet) from the closest residential property.

2) Visual Impacts of Tower:

Where possible and appropriate, an overall architectural and landscape design should be undertaken to reflect the adjacent and neighbouring uses. Given the industrial nature of telecommunication facilities, there are associated adverse effects to the surrounding landscape in Herring Cove. Visual impact is considered one of these adverse effects expected to occur with the location of a telecommunication tower.

In certain circumstances, visual impacts and incompatibility between uses can be addressed through screening or separation of uses. In addition, adequate separation distance is often the only effective buffer for mitigating the visual impact of telecommunication facilities. In this case, existing vegetation will not provide a sufficient buffer for either the base or the height of

the tower from adjacent residential uses located to the north. As the tower is proposed to be located on the corner of common lot boundaries with the abutting undeveloped residential property to the north, a northern vegetation buffer will be difficult to achieve.

Moreover, the three closest dwellings to the proposed tower are all located within approximately 152 metres (500 feet), which is roughly 427 metres (1401 feet) from Ketch Harbour Road (Attachment B). However, it should be noted that the adjacent property to the north is undeveloped. In the event residential development is established, the potential exists for the dwellings to be located in close proximity to the proposed tower due to the extension of central services.

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. Information submitted in support of this proposal indicates no concerns in relation to *Safety Code 6* (Attachment F).

Resident Petition:

- On October 23, 2011, a petition containing 166 names and signatures was submitted to Western Region Community Council requesting that the construction of the proposed telecommunication tower be prevented. The attached letter to the petition states, "*The residents believe there are alternate sites in the area that would be more suitable for a new telecommunication tower and are willing to consider a more acceptable location, further away from residential housing.*"
- On October 24, 2011, Western Region Community Council passed the following motion:

MOVED by Councillor Adams, seconded by Councillor Rankin that the Western Region Community Council strongly oppose the placement of a telecommunications tower at 105 Ketch Harbour Road, Herring Cove based on the petition signed by 166 residents of Herring Cove.

- It should be noted that federal regulations set by Industry Canada require the Municipality to conduct an evaluation of telecommunication proposals and provide comments based on land use policies, by-laws and analysis. Therefore, it is recommended that the Western Region Community Council review the proposal's details and the rationale outlined in this report and put forth a recommendation to be forwarded to Industry Canada.

Explored Alternatives:

As the proposed tower presents issues of incompatibility due to its location in close proximity to established residential areas, and due to public concern expressed through the Public Information Meeting (PIM) and resident petition, Planning Staff suggested to the applicant, EastLink, to explore an alternative location, including Crown Lands. EastLink has advised they were unsuccessful in acquiring alternate locations to lease and chose to proceed with the current proposal.

Conclusion:

Industry Canada has indicated that it expects all involved parties to examine the proposal, consider each other's concerns and attempt to arrive at solutions that do not unduly restrict the telecommunication tower. Residents in the community have also expressed concerns with the proposal.

BUDGET IMPLICATIONS

The HRM cost 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, 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 held on October 13, 2011. 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 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.

ALTERNATIVES

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

1. Inform Industry Canada that Western Region Community Council objects to the proposal by Bragg Communications Inc. (EastLink) to erect a 61 metre tower (200 feet) telecommunication tower at 105 Ketch Harbour Road, Herring Cove, and reaffirm the motion passed on October 24, 2011, based on the reasons outlined in this report.
2. Inform Industry Canada that Western Region Community Council has issues/concerns with respect to the proposed tower. In this event, staff will notify the local office of Industry Canada of Council's concerns.
3. Inform Industry Canada that Western Region Community Council is in favour of the proposal by Bragg Communications Inc. to erect a 61 metre tower (200 feet) telecommunication tower at 105 Ketch Harbour Road, Herring Cove. This is not the recommended alternatives due to reasons outlined in this report.

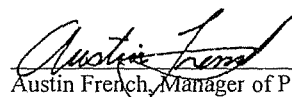
ATTACHMENTS

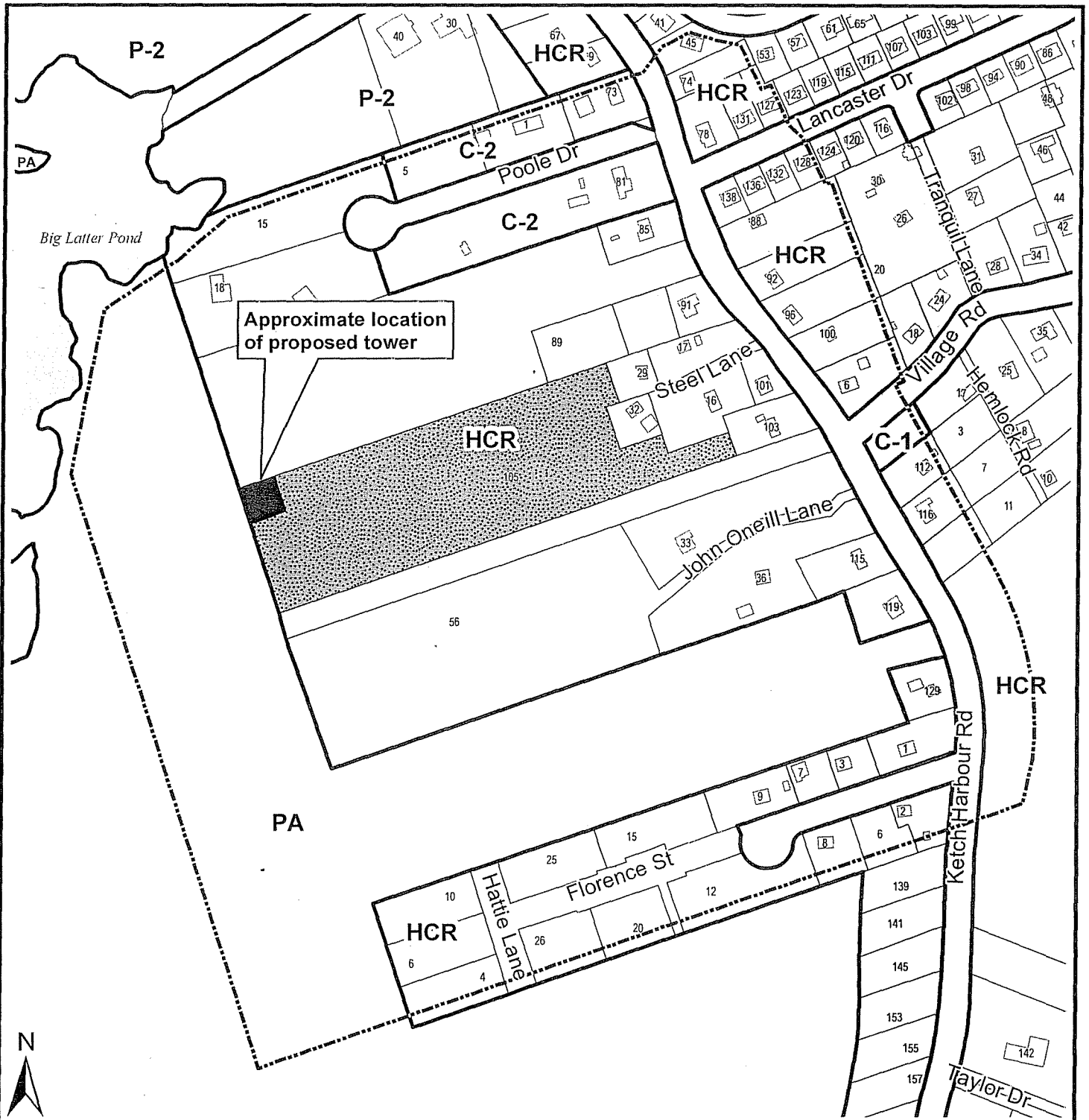
Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Excerpts from the MPS for Planning District 5
Attachment B	Excerpts from the LUB for Planning District 5
Attachment C	Site Plan
Attachment D	Compound Layout
Attachment E	Tower Elevation
Attachment F	Safety Code 6 Attestation
Attachment G	Minutes from Public Information Meeting
Attachment H	Additional Public Correspondence

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: Dali H. Salih, Planner I, Planning Services, 490-1948



Report Approved by:


Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

105 Ketch Harbour Road
Herring Cove

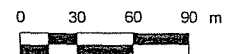
-  Subject property
-  Area of notification

Planning District 5
(Chebucto Peninsula) Plan Area

Zone

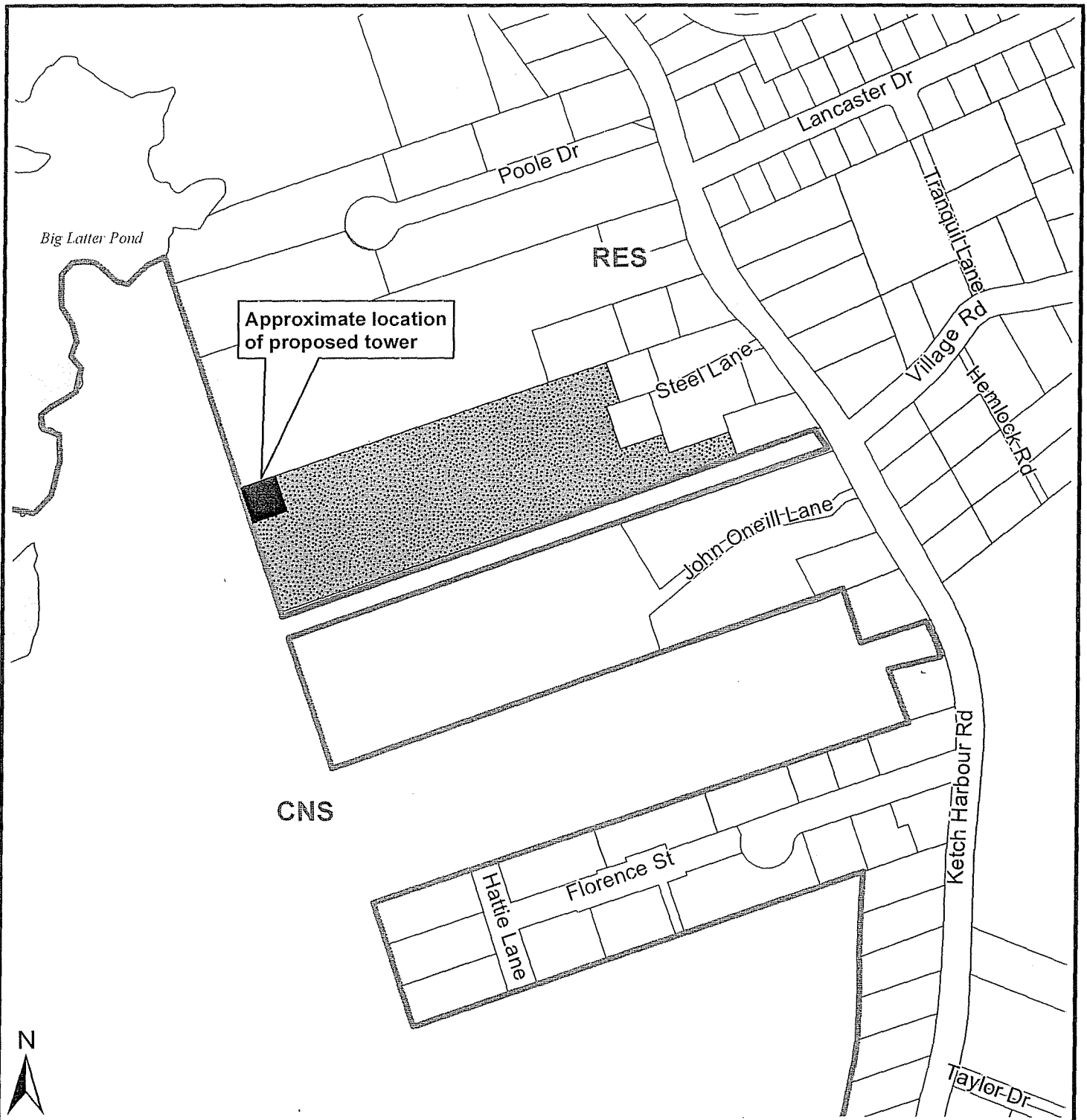
- HCR Herring Cove Residential
- C-1 Local Business
- C-2 General Business
- P-2 Community Facility
- PA Protected Area

HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

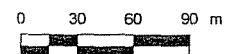


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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



HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES



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ATTACHMENT A:
Excerpt from the Municipal Planning Strategy for Planning District 5 (MPS)

Section III: Land Use Intent

Residential Designation

Policy RES-1: It shall be the intention of Council to establish a Residential Designation as shown on the Generalized Future Land Use Map (Map 1). The Residential Designation is intended to support and protect existing residential areas as well as to promote a low density residential environment in undeveloped areas within the Designation.

Policy RES-2A: Within the Herring Cove portion of the Residential Designation, it shall be the intention of Council to establish a Herring Cove Residential Zone which encourages retention of the low density character of the area through appropriate lot sizes. The zone shall permit low density residential uses as well as limited home business uses, fishery support uses and open space uses. The zone shall include appropriate restrictions on all permitted uses.

Conservation Designation

Policy CON-1: It shall be the intention of Council to establish a Conservation Designation as shown on the Generalized Future Land Use Map (Map 1). This Designation shall be applied to crown lands. Council shall encourage the province to retain these lands in their natural state and conserved in the future as wilderness and conservation areas.

Policy CON-3: Notwithstanding Policy CON-1, it shall be the intention of Council to establish a Special Facility Zone in the Land Use Bylaw which permits telecommunication and research facilities, accessory residential uses, conservation uses, educational institutions, fire and police stations, and community halls and existing dwellings. This zone shall be applied to existing facilities and uses. In considering amendments to the schedules of the Land Use By-law to permit new facilities within the Conservation Designation, Council shall have regard to the following:

- a) that the location of the site is compatible with adjacent lands and with any adjacent community;
- b) that the proposed access road is compatible with the existing public road network;
- c) that the site is environmentally compatible with respect to the provision of on-site services and storm drainage produced by the facility, based on a report from the appropriate Provincial or Federal government authority; and
- d) the provisions of Policy IM-10.

ATTACHMENT B:
Excerpt from the Land Use Bylaw for Planning District 5 (LUB)

PART 23: P-5 (SPECIAL FACILITY) ZONE

23.1 P-5 USES PERMITTED

No development permit shall be issued in any P-5 (Special Facility) Zone except for the following:

Special Facility Uses

- Telecommunication stations and facilities;
- Research facilities;
- Existing dwelling units;
- Dwelling units accessory to permitted uses;
- Educational institutions and uses;
- Fire and police stations; and
- Community centres and halls.

Conservation Uses

- Conservation related uses;
- Public parks, trails and playgrounds;
- Cemeteries;
- Historic sites and monuments; and
- Navigational aids.

23.2 P-5 ZONE REQUIREMENTS

Minimum Lot Area	20,000 square feet (1858 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	½ the height of the main building
Maximum Lot Coverage	50 per cent

23.3 OTHER REQUIREMENTS: RESIDENTIAL USES

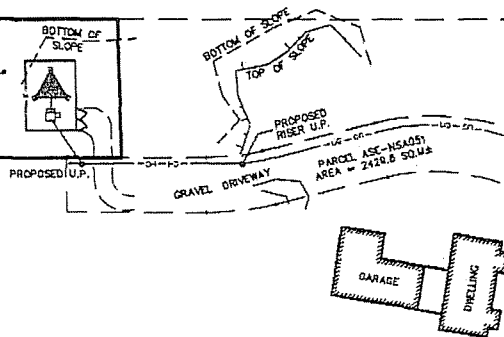
Where dwelling units are permitted in any P-5 Zone, the provisions of Part 6 (R-1 Zone) shall apply.

**PROPOSED
TOWER CENTER**
PID 40055368
ELEVATION
TOWER BASE = 66.28m±
AT577 (WITH ZONE 5)
NORTH 4,038,250.6
EAST 5,573,923.1
NAD83 (Original)
LATITUDE 44° 33' 43.05"
LONGITUDE 63° 34' 09.72"
NAD27
LATITUDE 44° 33' 44.78"
LONGITUDE 63° 34' 12.06"

PID 40055378
Now or Formerly Lands of
TARA LEE POOLE
AND BARBARA LYNN POOLE
L.R.D. DOC. NO. 97136114

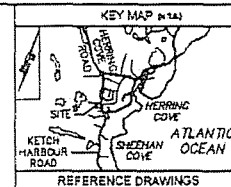
MAGNETIC NORTH (2011)
MAGNETIC DECLINATION (2011) = 18° 11'±
ANNUAL CHANGE = 8.0± (DECREASING)

PARCEL NSA051
PROPOSED TOWER LOCATION
AREA = 928.9 SQ.M±
(0.23 ACRES±)



EASEMENT NO. 4
RIGHT OF WAY IN FAVOUR OF CATHERINE C. BARRETT, JOHN K. DALBRAITH AND ELEANOR ROBERTSON
ALSO IN FAVOUR OF ROSS FORWARD (BOOK 2431, PAGE 120)
(TO BE CONVEYED IN FAVOUR OF PARCEL NSA051)
SEE PLAN BY NOVA SCOTIA DEPARTMENT OF NATURAL RESOURCES,
SIGNED BY KENNETH M. WHALEN, N.S.L.S.,
DATED MARCH 1, 2002
L.R.D. PLAN NO. 33053
BOOK 7255, PAGE 125

1 SITE PLAN
S1 SCALE: 1:1000



NOTES
THE INFORMATION CONTAINED IN THIS SCHEMATIC PLAN IS SOLELY INTENDED AS A GENERAL REPRESENTATION OF EQUIPMENT LOCATION. THESE DRAWINGS ARE COPYRIGHT AND THE PROPERTY OF GENIVAR INC. AND MAY NOT BE USED UNTIL MARKED AS ISSUED FOR CONSTRUCTION. REPRODUCTION OF THESE DRAWINGS WITHOUT THE CONSENT OF THE ENGINEER IS STRICTLY PROHIBITED. DO NOT SCALE THESE DRAWINGS. ANY ERRORS OR DISCREPANCIES ARE TO BE REPORTED IMMEDIATELY TO THE ENGINEER.

LEGEND
OVERHEAD WIRES CH-HO-
UNDERGROUND WIRES UG-OT-

Case 17166:
Attachment C

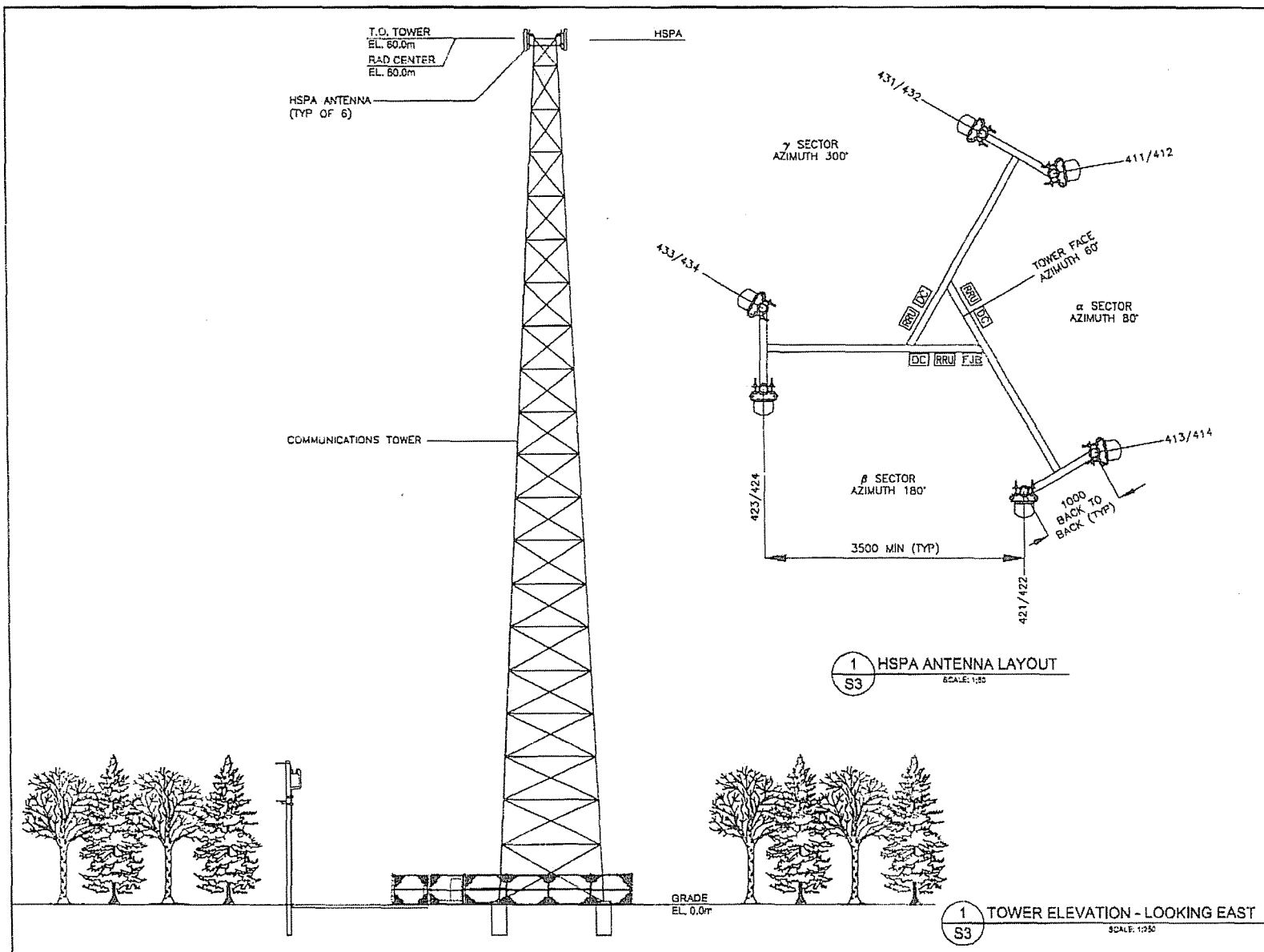
EASTLINK

GENIVAR

SITE PLAN
60m SELF SUPPORT TOWER
KETCH HARBOUR ROAD
DATE: JULY 20, 2011 SCALE: 1:1000
PROJECT: NSA051
DRAWING: S1
DESIGNED BY: K.S. CHECKED BY: M.H. DATE: 1

Now or Formerly Lands of
HER MAJESTY THE QUEEN
IN RIGHT OF THE PROVINCE
OF NOVA SCOTIA
(DEPARTMENT OF NATURAL RESOURCES)
CROWN LAND
(UNGRANTED)

PID 40048902



KEY MAP (M12)

REFERENCE DRAWINGS

NOTES

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Case 17166: Attachment E

EASTLINK

GENIVAR

TOWER ELEVATION

60m SELF SUPPORT TOWER

KETCH HARBOUR ROAD

JULY 20, 2011 1:250

NSA051 S3

DA11354

K.B. M.H. 3

Safety Code 6 Attestation

Summary

The below explanations and accompanying calculations are intended to demonstrate that Eastlink's radio installation at site **NSA051** complies with the radio emission limits as described in Health Canada's Safety Code 6.

Equipment

Eastlink's installation consists of the following equipment installed at a height of 60m above ground level:

Item	Equipment Name	Max Power /Gain	Quantity
1	Ericsson UMTS Remote Radio Head (RRU's)	46dBm (40Watt)	6
2	Kathrein 80010504 Panel Antenna (1710 - 2200MHz)	15.73 dBd (17.87 dBi)	6

Near Field vs Far Field

When calculating the level of emissions from a given radio installation, it is first required to identify whether the area under test is in the Near or Far Field of the antennas in question to use the appropriate radio propagation formula. The following equation determines the Near-field boundary for an array antenna (type used by EastLink) according to Health Canada:

$$R_s = 0.5 * \frac{D^2}{\lambda} = 0.5 * \frac{1.3^2}{0.141} = 5.99m$$

Where:

R_s = extent of the reactive near-field region [meters]

λ = signal wavelength in meters at EastLink transmitting frequency (2130MHz)

Therefore, the area under test (individual at ground level) can be considered to be **55m**, assuming 2m individual, the bottom of the antenna 1m below installed height and a construction tolerance margin of 2m. Therefore, the Far Field approach is valid for the areas under test.

Power Density

Per Safety Code 6, exposure limits are set based on Power Density (W_{\max}) of emissions at a given location relative to the transmitting antenna. Generally, in the case of tower mounted antennas, Power Density on the ground where the General Public might be exposed can be estimated as:

$$W_{\max} = \frac{EiRP_{\max}}{4\pi r^2} \quad [\text{Watts / meter}^2] \quad (\text{Far Field Power Density})$$

Where:

W_{\max} = Maximum Power Density [Watts / meters²]

$EiRP_{\max}$ = Maximum Effective isotropic Radiated Power [Watts]

(total maximum radiated power from all the antennas installed at the site arriving at the ground)

r = antenna height off the ground [meters]

Eastlink's installation consists of direction antennas. The main beam of the antenna is more or less oriented toward the horizon which means that the level at which the radiated signal reaches the ground near the site is greatly reduced from the main beam radiated power. The antennas being deployed radiate downwards to the ground (approximately 90 degrees from the main beam) with a gain of 36.2dB less than the maximum.

Therefore, for Eastlink's installation on site **NSA051**, the maximum total power density at ground below the antennas for all EastLink's equipment (**6 RRU@46dBm[40W]**) is given by the following formula:

$$W_{\max} = \frac{6 * (46\text{dBm} + (17.87\text{dBi} - 36.2\text{dB}))}{4\pi(55)^2} = \frac{6 * 0.585}{38013.27} = 0.0000923 \quad [\text{Watts / meter}^2]$$

Conclusion

Within the operating transmit frequency range for AWS Band the maximum allowed Power Density for exposure to the General Public is 10 Watts/meter². Therefore, Eastlink's installation at site **NSA051** falls well below the acceptable Radio Frequency emission limits set forth by Safety Code 6 (**actually more than 100,000 times less than allowed**).

All proposed and future equipments are taken into consideration in this analysis and it is important to note that these numbers assumes that the facilities operate at full power. The latter assumption is very conservative, because cell sites emit on average at 25 to 50% of their maximum power.

Prepared by: Alexandre Mercier-Dalphon

Date: May 5th 2011

Company: EastLink

Signature: 

ATTACHMENT G:
Public Information Meeting Minutes - Wednesday, October 13, 2011

7:00 p.m.
Thursday, October 13, 2011
St. James Church. Herring Cove

IN ATTENDANCE: Dali Salih, Planner, HRM Planning Services
Shanan Pictou, Planning Technician, HRM Planning Services
Sharlene Seaman, Planning Controller, HRM Planning Services

Applicant, Colin MacPhee, Bragg Communications Inc. (EastLink)
Applicant, Stephen Banks, Bragg Communications Inc. (EastLink)
Applicant, Alex Forrest, Bragg Communications Inc. (EastLink)
Applicant, Jennifer Lowindoski, Bragg Communications Inc. (EastLink)

PUBLIC IN ATTENDANCE: Approximately 24

The meeting commenced at approximately 7:00 p.m.

1. Opening remarks/Introductions/Purpose of meeting – Dali Salih

Dali Salih opened the meeting by introducing herself as a Planner for the Western Region with Halifax Regional Municipality (HRM). She introduced HRM Staff and applicant. She welcomed everyone and thanked them for coming.

She stated that the reason for the meeting was to review an application by Communications Inc. (EastLink) to construct a 61 metre telecommunications tower at 105 Ketch Harbour Road, Herring Cove.

2. Overview of planning process/Presentation of Proposal - Dali Salih

Ms. Salih stated that the purpose for the Public Information Meeting is to inform the community with the proposal's details, to explain planning policy and the telecommunication planning process, and for the applicant to present the proposal. She noted that this was an opportunity for members of the public to speak and ask questions about the application. She noted that no decisions had been made on the application and no decisions would be made at the meeting.

She gave the meeting's agenda and ground rules.

Ms. Salih explained that an application was received from EastLink to construct a 61 metre telecommunications tower at 105 Ketch Harbour Road, Herring Cove. She showed the General location of the site. She showed an aerial blue and stated that the lot was occupied by a single family dwelling and the tower is to be located at the north-western corner. She showed 2 renderings submitted by the applicant that showcases the size and the shape of the proposed telecommunications tower.

She stated that the property is currently zoned HCR (Herring Cove Residential) under the Land Use By-law for Planning District 5 (LUB). The property is bounded by HCR to the north, east and south, PA (Protected Area) Zone applied to Crown lands to the west. Zones of the surrounding properties include C-1 (Local Business), C-2 (general Business) and P-2 (Community Facility).

She showed a slide of permitted uses under the current zoning. In terms of Planning Policy, the property is designated Residential under the Municipal Planning Strategy for Planning District 5 (Chebucto). Currently, there are no specific Municipal Policies to address telecommunications facilities. The Municipal Planning Strategy (MPS) consists of Implementation Policies that focus on community compatibility. HRM Staff evaluates telecommunications applications in terms of adverse effect such as land use compatibility, visual and aesthetic impacts. The Regional Municipal Planning Strategy contains a policy that requires HRM to undertake a Communication and Tower/Antenna Functional Plan. The Functional Plan intends to address and consider establishing recommendations regarding a formal public consultation process and siting and design guidelines for various types of structures.

She explained the Municipality's role, in terms of the Planning Process for telecommunication applications. The Federal Government has jurisdiction over radio communications. As a result, they are the main body that is involved in deciding what happens when telecommunications is involved. Municipal Government has little constitutional jurisdiction to interfere. Industry Canada is the Federal Agency, which licenses and regulates these facilities. Industry Canada recognizes that the Municipal authorities have an interest. They require the applicant to notify the Municipality of its intentions, which EastLink has done by making the application. The Municipality has the opportunity to review the proposal, consult with the public and make comments. If there are objections, the Municipality provides a written notice to Industry Canada. Submissions are reviewed by Industry Canada who determines if there is a license to be granted and what the conditions are.

Ms. Salih stated that as a part of the telecommunication application, the applicant is responsible for submitting a Safety Code 6. Health Canada is responsible for establishing standards related to the health and safety to the residents. One of these standards is called Safety Code 6. The health and safety aspects of telecommunication applications are dealt with by Health Canada, and Industry Canada will not approve any installation that does not meet the standards of Safety Code 6. Therefore, all proponents are required to submit an attestation that the proposed installation meets Safety Code 6.

She advised that in terms of the Municipal Planning Process involved with telecommunication towers, all start with an application. HRM Staff does an initial review to ensure that the Municipal Planning Strategy allows them to consider the request. In the case of telecommunication towers, the Municipal Planning Strategy does not contain specific policy,

only Implementation Policies. HRM Staff evaluates the application against land use compatibility, visual and aesthetic impacts. Next would be a public information meeting, which is an important part of the evaluation from the public's input. After this meeting, HRM staff will gather feedback from the public and comments from other HRM departments. Along with the minutes, from the Public Information Meeting, there will be a Staff Report that either recommends that Western Region Community Council to approve the application and forward a positive recommendation, to request modification or reject the proposal. Then, Council's position is forwarded to Industry Canada.

Ms. Salih stated that when Council's decision is forwarded to Industry Canada and there is concurrence from HRM, Industry Canada will likely approve the application, provided that the applicant fulfills other important obligations, listed under General Requirements, which consists of compliance with Health Canada's Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and requirements for Transport Canada and NAV Canada. After this, Industry Canada will make the final decision to approve or refuse the proposal. Secondly, if there is a request for modification, from HRM, there will be some level of negotiation with the applicant to see if any adjustments can be made to improve the situation. Industry Canada will make a final decision based on the results of the negotiation and the general requirements listed earlier. Finally, if HRM does not concur with the proposal, the applicant is eligible to request that Industry Canada intervenes to resolve the differences, as long as there are reasonable and relevant concerns. Industry Canada will investigate the issue and explore reasons for the non-concurrence by gathering other information from the applicant and HRM. If the parties are unable to reach a solution, which is the Impasse stage, then Industry Canada makes the final decision. Therefore, in all possible situations, Industry Canada is the main body that decides on approving or refusing the telecommunication application.

She passed the floor to Colin MacPhee for presentation of the proposal.

3. Presentation of Proposal

Colin MacPhee introduced himself and his colleges. He is the Supervisor of Municipal Planning and Regulation with Bragg Communications (EastLink). He gave some background of the company. He stated that the company is a provider of many of the modern day services, such as internet and telephone. He stated that this Nova Scotia based company has expanded across the country. He noted that they are building, after identifying an opportunity to get into the wireless aspect of the communications industry, a world-class wireless network that will be capable of 4G high-speed communications that will serve both voice and data. He noted that a smart phone can be used on the network as well.

He stated that they are mandated by Industry Canada to review the process of siting antennas in general. The last choice they make is the choice to put up a new antenna tower. The first choice and what their mandate is for from their regulator, Industry Canada, is to co-locate wherever possible. In the instance of the Herring Cove location, there were no actual sites where they could co-locate. Building was their last choice.

He stated that the benefits they are looking forward to, for their customer base and the people of Nova Scotia, are perhaps a bundled service and so on. He addressed this because often the

question does come up. He feels that this is not about marketing but about telling everyone what they are intending to do once they get the network up and running.

He noted that in order for a cellular antenna to work, it has to provide what is known as coverage to any given area. This is a radio communication between the phone and the tower. A combination of the geographic location of the tower, the elevation of the land and environmental concerns come together with land availability. Any one of these sites that they build is arranged with the landowner and has to have access. This is a big factor in them being able to build an antenna tower. For the most part, they avoid any properties where there is a significant amount of water but they do follow the environmental regulations. He showed they view from Herring Cove Road. He feels that they have done their best to site the tower up and away from the road.

He stated that as for safety and security concerns, they fence and gate roads where appropriate. On this case, it is on private property but it is equip with an anti-climb apparatus. This is for the safety of residents and wildlife that might approach the tower. He noted that they are regulated by several Federal regulators. Health Canada addresses all of the health and safety for all of the radio communications across the country. He stated that they adhere to all regulations very strictly. They also follow two very important regulations by Transport Canada and NAV Canada. They have to make submissions about the proposed locations and they analyze the elevation of the land and the height of the tower. They look at any concerns that might arise from passing aircraft.

Mr. MacPhee thanked everyone and passed the floor over to Ms. Salih.

Ms. Salih provided the ground rules and opened the floor for questions and comments.

4. Questions/Comments

Diane Gorham, Herring Cove, asked what if the property owner did not want to have this tower on his property.

Ms. Salih stated that the meeting is to get public feedback on the application. Any decisions made between the property owner and EastLink are not for the Municipality to comment on.

Ronald Harnish, Ketch Harbour Road, stated that he is not against any development in Herring Cove but he is opposed to where it is going to be. He noted that they have ruined land across from his home by building sewage plants and a fiber optics cable network on 47 acres of land. He feels that Bragg Communications is very high up as one of the richest companies in Canada. He feels that now they want to place a tower on a private piece of land in the Herring Cove Residential district, when they have lots of money to put a road back through the Crown Land in behind the residential area. He stated that a prime location would be on the top of Ocean Breeze. He believes that in the next 25 years, Halifax Water is going to put a storage water tank in the same area. He noted that another company has made an application to put a tower up on Robie Street where a water tank is already situated. He would like for this to be indorsed. Putting a tower on Ocean Breeze would be a great idea as the road would already be there for HRM to go in and put the water tank in. This would mean that the taxpayers save money and Bragg would be paying for it. He noted that there is another application for a tower in Harriett's field. There is a straight line from each location and they may only need one tower. He suggests that they look

into it as it is beneficial to the residents.

Tara Poole, Herring Cove, owns the land next to where the tower will be located. She feels that the tower would be better located in the middle of the property, not in the corner as it will be directly on her property line. She thinks there must be a better option.

Fran Reddy Chisholm, Herring Cove, lives 2 properties over from the proposed site. They put together a petition in the community and are definitely opposed to the installation of the tower and the proposed site. They are concerned about the health issues as they do not have trust in the Health Canada Regulations, at this point. She is of a generation that grew up with fertilizers and pesticides that are all being banded now. She sees cancer as being a result of these things. There have been no long term studies as the towers have not been around or long enough. She does not have faith or assurance that states that there is no health risk. This is a prime concern as she lives so close to the site.

She expressed concern about property values as she feels that perception is a reality in real estate. Her family moved to their current location four and a half years ago and they did not have a cell phone tower a few doors down it is not what her family had in mind. She feels that it is a definite eyesore in a beautiful seaside community and feels it would not be aesthetically pleasing. She is concerned about noise, nuisance, maintenance on the tower and sub leasing agreements. If EastLink ends, they are not sure what can happen to the tower. They are worried about the long term, the follow up and the risk as it is far too great to provide comfort. She is interested in a copy of the minutes and the report. She would like to circulate a community group sign up and a petition after the meeting.

Ms. Salih stated that the minutes for this meeting would be added to the Staff Report. The report will go to Community Council and the day after, the Staff Report is added to the website. She noted that all the site and elevation plans could be found there as well. With regard to telecommunications applications, HRM is required to submit comments on the application and forward Council's position within 4 months. There is no specific timeline as it depends on the load of applications being evaluated. In regards to the petition, Ms. Salih asked that it be circulated after the meeting is over.

Peter Doubleday, Herring Cove, asked if there were other views of the tower, other than the one submitted by the applicant.

Colin MacPhee stated that those are the views that they had prepared.

Mr. Doubleday stated that there were a series of brooks that run through the area, along with his well. He asked if any consideration would be taken if anything were to happen to his well, if the tower or its construction were to damage it.

Mr. MacPhee stated that they do a full evaluation of the subject property to make sure they are not altering or touching any watercourses.

Mr. Doubleday asked if this had already been done.

Mr. MacPhee stated that it was completed.

Mr. Doubleday asked if a written report was completed or if they had taken any water samples.

Mr. MacPhee stated that they do not have a written report and they did not take any water samples.

Cameron Chisholm, Herring Cove, asked what the engineering map looked like. Based upon the land that he owns, down to Ketch Harbour Road, the distance from his house to the tower is about meters. His neighbors and the individual leasing the space are all closer than his residence. He stated that if the tower was drawn to scale, it is too close. He would like to see the distance from the tower to his house. He feels that putting it on Crown Land would be better. He is not oppose to development but would like to see it put in a better place.

Ms. Salih stated that in terms of the engineering plans, the applicant submitted a set of plans that include a site plan. It only includes the property lines and elevation plans. These plans are available on the HRM website. Ms. Salih provided a GIS map to show the area.

Mr. Doubleday asked if the applicants could provide a detailed engineering drawing super imposed on the site, showing the effect for up to 600 meters. He feels that the community doesn't know enough about the tower to feel comfortable having it there. He is worried about the radiation coming from the tower.

Alex Forrest (EastLink), when talking about Safety Code 6 and there is no fixed distance from an installation that would be considered in compliance with the regulations. It is based on a calculation of the emitted energy that comes from the installation based on the equipment that is there and the height of the tower, etc. They do a worse case and consider a place closest to the tower and through calculation, of the energy received at that point. That is where they have to show Health Canada and Industry Canada that they are in compliance. Usually with a tower such as this, they are well below the limits that are set, even at the base of the tower. In regards to a specific regulation, there isn't one.

Mr. Chisholm asked if collocating was sharing towers with other carriers. If so the emissions should be reviewed. He wonders how the residents will be affected.

Mr. Forrest stated that the structure EastLink builds is suitable for co-location, which means that other carriers can come along and mount their equipment. There is a mandate by Industry Canada to do that but that does not change the requirement to comply with *Safety Code 6*. This means that any additional installations would only be allowed if, in total, the energy emitted is still below the limits that are set. That is something that has to be shown every time additional equipment would be added to that structure.

Margaret Doubleday, Herring Cove, asked how the decision came about to choose this location.

Stephen Banks, (EastLink), stated that EastLink would get a map, within his organization, that indicates an area as to where they need to locate a tower in order to provide coverage to the area. The tower cannot be located too far from the population, for which they are trying to provide coverage to. EastLink looked at a dozen properties in the area and tried to select the property that would have the least impact on the existing establishments and people in the area.

Mike Parsons, Ketch Harbour Road, stated his concern for the distance of the tower to someone's home. He noted that the usable land on each side of the tower is within meters of the tower. He wondered if the 3 hundred meter policy was accurate. He feels that, if so, this doesn't make the land usable, for a residential area.

He noted that there was an article in the paper stating that *Safety Code 6* measures of thermal effects of radiation and not the biological effects on human health. Thermal effects are based on the amount of radiation that would heat or burn. Scientists from other countries have published evidence of the harmful effects of radiation from cell towers in the bio-initiative report, which outlines the safe distances from these towers.

He noted that in April, 2010, some of the same scientists made a presentation of the harmful effects of the radiation to the Federal Government and Health department. He asked why these scientists would quote that they are harmful effects from radiation and that Safety Code 6 does not protect the health of the people in the area. He feels that any kind of radiation is harmful and affect people's health. He feels that Industry Canada has the final say and they don't want to slow down the progress of industry, especially communications because it communications gives them the opportunity to let them do what they want, wherever they want. He would like to know how many people who worked in this industry lived close to these towers. He can't see the tower going that close to people's properties.

Ronald Harnish, Herring Cove, noted that there is a home missing from the map, on John O'Neill Drive and would like to see it added to any future discussion. He feels that the tower would be too close to the home in question. He asked why the home was not showing on the map.

Brian Dempsey, Herring Cove, asked if HRM had any policy for telecommunication towers.

Ms. Salih stated that there is no policy in the Municipal Planning Strategy but there are implementation policies that talk about land use compatibility and visual aesthesis impacts. The Halifax Regional Municipal Planning Strategy, which requires the Municipality to undertake a Functional Plan that deals with telecommunication towers in terms of the public consultation process and in terms of siting. It is something that is being worked on.

Mr. Dempsey asked if the minutes for the meeting would be attached to a Staff Report that will be sent to the Community Council. He asked if that report would go to Industry Canada.

Ms. Salih stated that he was correct.

He noted that HRM cannot do anything if Industry Canada wants to put the tower there. He feels that the only way the people can prevent that tower from going there is for all the people in Herring Cove to get together and refuse it.

Ms. Salih reiterated on the process explained in her presentation of proposal.

Mr. Harnish noted that any information sent to Industry Canada should include the missing house as it may affect the tower going there.

Ms. Salih stated that the map was generally drafted to show the zoning. The appropriate maps will be sent with the Staff Report to Industry Canada. She noted that it will be available on

the HRM website.

Michele Raymond, Provincial Representative, a member of the legislative assembly, realizes that this isn't a matter of Provincial jurisdiction but feels that there is a lot of concern about the siting of this tower. She was advised that monitoring of the magnetic radiation is up to the proponent. She asked if this was true.

Mr. Forrest stated that the answer is yes.

She gathered that there is a possibility to sub-licensing and you indicated that it would be desirable as the towers are aesthetically unpleasing. She asked if the community has any type of assurance that there will be monitoring of the radiation when other carriers may be added to the tower.

Mr. Forrest stated that yes, they would have to monitor and meet the standards that are in place, no matter how many additional carriers come on the tower. As for engaging the public with every step, the answer would be no, unless there were significant changes to the tower itself.

Ms. Raymond stated that the report would be available but asked if the public would have access to the report and the decision made to Community Council and its recommendation to Industry Canada.

Ms. Salih stated that it would be available. Council's position has to move forward within 4 months. The next Council meeting, after the report has been reviewed, is when they would make a recommendation to Industry Canada.

Ms. Raymond asked how large the coverage area would be and what the alternatives sight are.

Mr. Banks noted that they were not able to secure any of the other sites. They ended up with the subject property as it suited their needs and they came to an agreement with the land owner. Typically the site coverage is a radius of 2 to 3 kilometers, which covers the Herring Cove area.

Margaret Doubleday, Herring Cove, stated that she is hearing a lot of questions from the public but she isn't getting all of the answers. She noted that this meeting is supposed to answer questions and concerns. She is concerned about her property value. What will a tower do to her property value? She is concerned about the noise. Is there noise from this tower? How often will there be maintenance done on the tower. Will there be access noise? Can the public have the answers at the meeting, not after the decision has been made? She asked if Ms. Salih was still accepting emails after the meeting.

Ms. Salih stated that all emails would be included with the minutes on the staff report. She advised her to email all concerns to her. HRM is using the implementation policy to assess these proposals. Policies do not speak about property values or assessments.

Ms. Doubleday asked if Ms. Salih knew if there was any noise from the towers.

Mr. Banks stated that there is no moving equipment and there is no noise that comes off the tower. Also there is no requirement for lighting. With respect to maintenance, after the tower has been constructed, most of the equipment on the tower is operated remotely. Unless there is an

equipment failure or routine maintenance, no one should be visiting the site on a regular basis.

Ms. Doubleday asked if the roads would be ploughed regularly.

Mr. Banks stated that it will not be ploughed unless there is an equipment failure and the trucks need to get in there.

Ms. Doubleday asked how long the construction would take and how many trucks are they looking at being in the area.

Mr. Banks stated that the normal construction is between a month and a month and a half. There will be some heavy equipment but nothing out of the normal, similar to a house construction.

Ms. Doubleday asked what the benefit would be for the residents.

Mr. Banks stated that they are trying to provide a service that can be bundled with the rest of the EastLink products. They would be a better coverage for the area, as it doesn't have a great coverage area.

Mr. Parsons stated that other organizations that have had representative come into the community to talk about other projects. One company that he can remember worked with the community. They provided a committee with all of the documents that came from the project. He suggested that it would make the residents feel more comfortable if they knew what was going on at all times. He feels that would take away some of the mistrust that residents have in dealing with the industry.

Mr. MacPhee stated that any and all of EastLink's submissions are available on-line under Case # 17166 for HRM, using Google. He noted that everything is already available. He also offered his contact information.

John Gorman, Haddie Lake, stated that the tower would be better located down Ketch Harbour Road as there are no houses there. He is living just a couple properties over from the site and has children. He stated that the maps match the notification that was sent out. He feels that Florence Street might be a better location. He noted that all houses should be shown on the map. He feels that the process is a little seedy.

Diane Gorman feels that the notification area wasn't large enough and thinks the 6 kilometer measurement should have been covered.

Ms. Salih stated that HRM is required by the By-law to start at 250 feet away from the subject property, up to 500 feet. The notification area was up to 500 feet away from the subject property. We advertised in the Chronicle Herald and the notice is also available on the website.

Ms. Gorman feels that it should have been bigger as it involves more people than the map shows.

Mr. Harnish again asked about the missing property on the map. He feels that this is false information and again noted that it should be corrected for future meetings.

Julie King, Ketch Harbour Road, asked where the coverage isn't available. She has EastLink services and wondered what the coverage is that she couldn't currently get.

Mr. Banks stated that the EastLink network is going to work as a part of its own network. Although they talked about using other tower that are owned by other companies, they are not able to use their network to provide coverage on the EastLink network. He is referring to the cellular service. Each company has its own network that provides coverage.

Ms. King asked if EastLink was now getting into the cellular service industry.

Mr. Banks stated that she was correct.

James Kirby, Herring Cove Road, asked what the setbacks were from the nearest house to the tower. He doesn't buy that there are no regulations stating where you can and cannot place the towers. He stated that the missing properties should have been added. Scaling the drawings, the nearest property is about 30 meters away. He doesn't think that passes. He stated that he hasn't done much homework concerning the setbacks from the tower but he will.

He noted that there are other sites being proposed. He asked if the service area was lacking as there seems to be a few proposals for towers in such a small area.

Ms. Salih stated that in terms of setbacks, there is no specific policy that talks about telecommunication towers and suggested setbacks. From a land use compatibility point of view, HRM generally looks at the towers height, in case there is a structural failure. HRM encourages the applicant to consider double the height.

Mr. MacPhee stated they do require a fair number of sites. The radius of a site like this would be about 2-3 kilometers each way. This means that the towers have to space out accordingly. In an area such as Herring Cove and Halifax in general, the level of service they want to provide means that they have to boost the level of sites that they put in to make sure they get the coverage that they want. Also to provide 4G high speed to the area as it is important. This is what it driving EastLink.

Mr. Kirby commented that the tower does make a lot of noise in the wind as per a family member that has worked around them. They scream and howl. He asked why they don't have more powerful equipment as it would cut down on sites.

Mr. Forrest stated that they do have additional sites planned for the Sambro area. The type of equipment is fairly limited in terms of its power. The radios they use are only about 40 to 60 watts. It is relatively low power which limits how far they can cover with one site.

Ms. Doubleday stated that the tower is being built by existing homes. If you look at the missing houses, they are close to the site. There is a piece of land above the site and a piece below the site. Is there any rule in HRM that states that those lands cannot be developed because they are so close to the tower?

Ms. Salih stated that development depends on the property owner and what the zone allows. HRM is not aware of any development plans.

Ms. Doubleday asked for clarification. She stated that Crown Land was one of the sites looked at. She asked why the Crown Land was not acceptable.

Mr. Banks stated that Crown Land was not one of the options for this proposal. They are basing their judgments off the regulations that they are required to follow. Those regulations state that it is not an issue putting it next to someone's home.

Fran Ready Chisholm asked for more clarification on the health risk as she has done some pretty extensive research and spoke with a bunch of people. She feels that internationally, what we are seeing is that you can determine what the safe distance is because there hasn't been any long term study. The current way of thinking is that a house, people or animals should be any closer than 400 meters to a cell phone tower. This is common information with world renowned scientists. She asked if EastLink believes that there is no health risk at the base of the tower.

Jennifer Lowindoski (EastLink) stated that there are many concerns and the health and safety issues are a hot topic. She feels that it is completely natural to be concerned. She stated that the argument is really more of a debate. You can probably find arguments for and against towers. It depends on what you are looking for. She can tell the residents that EastLink absolutely adheres to the safety guidelines by Health Canada, known as Safety Code 6. This is regulated by the Federal Government. Industry Canada does not have say over the Federal Government as they are the guys regulating Safety Code 6. EastLink is listening to them.

She stated that in building closer to the lake, these structures do not release any pollutants at all. Furthermore, they do not construct within 30 meters of a body of water. EastLink will choose to co-locate whenever possible, but it is not always a valid option.

Ronald Harnish believes that the supposed location of the new water storage tank would be a better location for the tower and could be co-located. He wanted to note that EastLink is number 81 on Canada's richest companies.

Mike Parsons stated that those who debate for cell phone towers are usually people who profit from the towers and those who debate against are usually people that do not have any vested interest. They are scientists and doctors who are concerned about the health of people. They have brought their concerns forward to many Governments and they are not always listened to. He feels that down the road people will find out that radiation from towers is really harmful to people and then it will be too late. He agrees that it is a debate.

Cameron Chisholm asked if HRM could contact the people who regulate the property values to come up with a factor of what the evaluation of properties is. He feels that it is based on perception. He feels that some organization must know what that factor is.

Ms. Salih stated that she will do her best to find an answer and contact him with the answer.

Mike Ferguson, Herring Cove, asked why EastLink hasn't considered Crown Land for this proposal.

Mr. Banks stated that they did look at that option but it wasn't involved in the group of a dozen

sites that they looked at. They looked at that land but it was disqualified for various reasons. One reason being the length of time that it takes to make an application to the Crown for the property and they could be looking at a year and a half to hear a response.

Mr. Ferguson asked if this site was easier in terms of access and asked what the applicant stood to benefit from having the tower on his property.

Mr. Banks agreed that the site was easier in terms of access and he could not go into any details of the agreement with the land owner.

Mr. Ferguson asked if the land owner owns the driveway.

Mr. Banks stated that they have secured legal access from the Ketch Harbour Road right up to the site.

Mr. Ferguson asked if it was a legal access or city owned.

Mr. Banks states that the road belongs to the Crown.

Ms. Salih stated that there is a legal easement and the property owner has a lease agreement with the Crown. She showed the property.

Harry Poole, Herring Cove Road, stated that the property owner is using the road as a driveway. EastLink is showing it as being a roadway. He feels that it is public land. He feels that the property owner should not be able to use it for a business.

Ms. Salih stated that HRM is aware that there is a legal agreement between the property owner and the Crown.

Mr. Poole stated that the property owner does not have permission to rent out property or subdivide the land.

Ms. Salih stated that there is a lease between the property owner and Crown lands to allow him to use a portion of the driveway because there isn't any access to the public road.

Mr. Poole stated that the tax payers own it so where does EastLink get the right to use the driveway.

Mr. MacPhee stated that they have a legal easement to go over top of that land for general access. It does not make it a public road.

Mr. Poole feels that it is unfair that the property owner has been granted access and is now using it to his advantage by renting it out.

Mr. MacPhee stated that he did not understand what Mr. Poole meant by saying that the property owner is renting out the land.

Mr. Poole stated that if the EastLink tower goes there, they will be using the road too.

Mr. MacPhee stated that it does not become a public road as per HRM. It allows access over that piece of property. There are no restrictions as to the uses there.

Mr. Poole stated that the property owner has access for a personal reason. Now EastLink will be using the road as they are renting a piece of land from the property owner. He feels that his access rights have changing.

Mr. MacPhee stated that it is not changing.

Mr. Poole stated that it is changing because a business will be on that land.

Mr. MacPhee stated that it is not a business. They are accessing the use of a piece of land. The access does not address any leased usage of the property. It is a legal easement that allows people access.

Mr. Poole stated that EastLink will be using the property owner's driveway and he will get paid for it. The taxpayers in Herring Cove own that property.

Mr. MacPhee stated that the Crown actually owns the property and this isn't anything that he can address.

Mr. Poole feels that it is a private driveway and the people who live next door will have to put up with it as being a roadway.

Alice Dempsey, Herring Cove, asked why there is such a thing as a zone for a property. She has had issues with the city in dealing with zones before. She asked why the city goes through all the work as it is clearly commercial.

Ms. Salih stated that generally telecommunications are different, in terms of the planning process. If the zone allows or doesn't allow towers as an industrial use, they have to go through Industry Canada. They will make the final decision.

Ms. Dempsey stated that this isn't a school or a church. She feels that it is a monstrosity in a residential area. It makes no sense to her.

Ms. Salih stated that HRM is following Industry Canada's guidelines.

Ms. Dempsey stated that maybe the guidelines should be changed.

Ms. Salih stated that there was a Functional Plan that is currently taking place to decide the guidelines for telecommunication proposals. This would be very helpful in the future.

Ms. Dempsey stated that there is currently a lawsuit against Bell Aliant for health reasons, the devaluation of her property and everything that she lost. She asked of the applicant was entertaining any lawsuits at this time.

Ms. Lowindoski stated that the information is proprietary and they could not comment on that.

She stated that the roadway would be used very, very frequently, unlike the public road. When travelling on the roadway, it will be for maintenance. This happens quarterly or just every few months.

Ms. Dempsey stated that she used to live on Ocean view Drive. She stated that a well drilling company moved in next door. She thought it would only be a matter of time before the city would see a violation. She thought it would be as simple as a phone call. She was told, after calling the city, which she would have to get her own council and make a suit against that other person. She left her home, with four small children because the noise was terrible. He was allowed to build a garage that was taller than her house. It was clear than that it was not an R-2 zone. She wants the people to know that once the tower is up, health problems may occur and you might have to move, just like she had to once before.

Ms. Salih stated that HRM has general processes or development processes. There is a chance that a planning process went ahead. If not, it may have been a compliance issue. However, she is not fully aware of the situation.

Mr. Harnish wanted to note that another property is missing from the map. He would like it corrected.

Mr. Doubleday wanted to know if the property values go down after the tower goes up, will the assessments go down with their real estate values and would they be reassessed at a lower rate.

Ms. Salih stated that she was not sure but she would look into it. She requested that he send her an email.

5. Closing comments

Dali Salih gave her contact information and encouraged the public to contact her with any other questions and comments.

6. Adjournment

The meeting adjourned at approximately 8:40 p.m.

ATTACHMENT H:

Additional Public Correspondence

From: Margaret & Peter [REDACTED]
To: salihd@halifax.ca

Subject: Case # 17166 - Concerns

Dali;

Peter and myself wanted to follow up with you after the meeting on Thursday 13th, evening at St. James Hall in Herring Cove.
Peter and Margaret Doubleday, [REDACTED] Herring Cove, NS B3V 1J5

We had a number of concerns in regards to the proposal to install a 200 foot telecommunications tower behind our home.

Concerns as follows:

1/ Location: We are not convinced that there has been enough research done to confirm that 105 Ketch Harbour Road is the best location - since it is residential area. There must be other areas that are not so close to homes that would be more suitable, just because it takes longer to get permission on "Crown Land" - should not be an acceptable reasons for not choosing a site away from homes.

2/ Zone: Is it confirmed that the tower can be installed on residential zoning? As we would not want to see the zoning changed behind our house. There is a number of trucks that go up and down the Crown Lane to the address of 105 Ketch Harbour road at this present time - which are very noisy and a lot of hauling fill takes place there which as well is very disturbing with the immediate houses next door. If the zone gets changed - this will allow more machinery and trucks and create a lot more noise. Has the home owner - Scott Gray applied for a new zoning for his property to install this tower?

3/ Property Value: We are very concerned that having the tower installed behind our house - will cause our Property value to fall, thus making it harder to sell a home with a tower standing in the back yard in plain site. I know we would certainly think twice before purchasing a house with a large tower in view of it. Can you please confirm that property value will not fall once a tower is installed.

4/ Well Water: We are presently on well water and have concerns that the construction of this tower will have run off from the digging and landscaping that will be required to install this tower. As the site is up hill from our 3 houses that are still on well water - there is concern that the wells may be effected.

5/ Noise: we are concerned that there will be noise from this tower (wind whistling through the guide wires, humming, etc)

6/ Maintenance: Concern for more large trucks travelling up the Crown Lane to perform maintenance on a periodic bases. As I previously said in my email - there is presently a lot of trucks and machinery noise already on the lot at 105 Ketch Harbour road.

7/ Future Development Laws: What laws are there out there that would cause people to not build on their presently owned land - due to the tower once it is installed.

We would appreciate if you could find the answers to our questions and justify our concerns.

Regards,
Peter & Margaret Doubleday
[REDACTED]
Herring Cove, NS
[REDACTED]

From: Cameron Chisholm [REDACTED]
To: salihd@halifax.ca

Subject: Opposing plans for Case # 17166 - Proposed new 61 m telecommunication tower at 105 Ketch Harbour Road, Herring Cove

Good afternoon, Dali Salih:

My name is Cameron Chisholm, and I was one of the participants that spoke at the public information meeting held last Thursday, Oct 13th at the St James Anglican Church Hall, Herring Cove. As indicated at the meeting, you had suggested that we could send an e-mail(s) to your attention if there were any additional items to bring up, and / or clarify issues not fully presented at last Thursday's information meeting and resulting discussion. For your information, a follow-up "Emergency Community Meeting" has been scheduled for this evening (Oct 17th, 7:00 PM @ St James Anglican Church Hall) to allow community members to voice their concerns, issues, etc and to organize an action plan to have this case # 17166 reassessed or dismissed by the involved parties.

This memo requests that the following items be included in your summation package to be presented in your staff report to the Western Region Community Council [WRCC].

1.. I would like the HRM Community Development Planning Services group to canvas the Nova Scotia Provincial Real Estate Board regarding the history (??) of property evaluations as a result of a new telecommunication towers erected in their areas. There have been a large number of towers installed throughout the province over the last number of years, and a portion have been in residential zones. Surely the governing real estate board can identify the change in property assessments and values resulting from actual or proposed installation of telecommunication towers in residential areas. The perception of property assessments decreasing is a REALITY in the general public's opinion. If possible, the Nova Scotia Provincial Real Estate Board should be able to gather similar information from other Canadian provinces. There have been 2 recent articles in the Chronicle Herald detailing opposition to the installation of cell phone towers in north-end Halifax (near / on 3468 Robie Street) and Hammonds Plains. There are also petitions registered with the Government of Canada opposing the installation of cell phone towers in both the provinces of Quebec & Ontario.

2.. The site plan presented at last Thursday's meeting was very detailed for the subject property of the proposed tower location. The same level of detail should have included the surrounding properties within a radius of 400 meters from the exact location of the proposed tower. The layout should clearly identify all the residential properties within the 400 m radius and layout plan should identify and include the 100 m, 200m, and 300m perimeter grid lines.

3.. The justification for the site selection (parcel NSA051) for the telecommunications tower was based upon a review of ONLY two (2) site properties [EL- Herring Cove & EL - Herring Cove Wilson Gas Stop]. I may have misunderstood, but the client did state at last Thursday's meeting that a total of 12 sites were evaluated prior to selecting candidate NSA051. Please clarify.

4.. Prior to the meeting, it was not realized (by myself, anyway) that the road off the Ketch Harbor Highway was on Crown Land, and serves as a right-of-way access for four (4) property owners. Does the client [Bragg Communications Inc / Eastlink] require approval to access the property of Scott & Kristal Gray (PID 40055386) from a governing body for both installation and maintenance of the proposed telecommunication tower?

5.. One slide of the presentation showed an elevation view from Ketch Harbor Road showing the top of the proposed tower just above the trees elevation. Anybody driving on the Ketch Harbor Road would have a difficult time spotting the new tower behind the trees. That cannot be said from adjacent property owners. I would request that several other slides be prepared to show elevation shots from north, east and south orientations at the 400 meter perimeter line. I personally would allow an elevation view from our property (36 John O'Neill Lane) and am sure that other neighbors on this 400 meter perimeter line would also be in agreement to a similar identification plan. Can that be arranged?

In summary, the residents of Herring Cove are not opposed to the installation of a new telecommunications tower in order to provide advanced 4G wireless services, but cannot accept the selection criteria. It is recommended that the new tower installation(s) be located on Crown Land further away from residential homes, and would accept higher tower height required to achieve the desired results. There must be more options to achieve the coverage objective with a (slightly less) cost effective wireless solution. Their proposed NSA051 site for the self supporting 61 m high tower has minimum access costs compared to other options and recent installations.

Thank you for taking the time to read this memo. I would greatly appreciate a response acknowledging receipt of this email.

Yours truly:
Cameron Chisholm
[REDACTED]
Herring Cove