

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

Item No. 12.1.1 Western Region Community Council June 25, 2012

TO:	Chair and Members of Western Region Community Council Original Signed
SUBMITTED BY:	Brad Anguish, Director, Community and Recreation Services
DATE:	June 14, 2012
SUBJECT:	Case 17167: Telecommunication Tower at 2699 Old Sambro Road, Williamswood

<u>ORIGIN</u>

Application by Bragg Communications Inc. (EastLink).

RECOMMENDATION

It is recommended that Western Region Community Council:

- Inform Industry Canada that they have no objection to the proposal by Bragg Communications Inc. (EastLink) to erect a new, 60 metre (200 foot), self-supporting telecommunication tower and associated equipment cabinet located at 2699 Old Sambro Road, Williamswood, as shown on Attachment A of this report; and
- 2. Forward a copy of this report to Industry Canada for background purposes and to inform them of the public feedback on the proposal as contained in Attachments G and H.

BACKGROUND

EastLink has submitted an application to locate a new 60 metre (200 feet) free standing selfsupport telecommunications tower at 2699 Old Sambro Road, Williamswood. The tower is proposed within a leased portion of the subject property, as shown on Attachments A and B.

The proposed tower:

- was originally proposed to be located approximately 575 metres (1,886 feet) from Old Sambro Road;
- is now proposed to be located on the western side of the subject property, approximately 805 metres (2,641 feet) from Old Sambro Road within a small leased portion of the subject property, as shown in Attachments A and B;
- will be free standing, self-supporting and 60 metres (200 feet) in height;
- will be constructed of steel lattice specifically engineered for the site;
- is not required by Transport Canada to have lighting and painting at this location;
- will be accessed from Old Sambro Road via an existing gravel driveway (Attachment A); and
- will be enclosed with 6-8 foot high steel wire fencing at the base and be equipped with anti-climb apparatus.

Site Features and Surrounding Land Use

The subject property is:

- vacant and approximately 8.35 hectares (20.63 acres) in area;
- located on the east side of Old Sambro Road in proximity to residentially developed areas;
- designated 'Residential' under the Municipal Planning Strategy for Planning District 5 (MPS) (Map 1);
- zoned R-2 (Two Unit Residential) Zone under the Land Use By-law for Planning District 5 (LUB) (Map 2); and
- bounded by the R-2 Zone to the north, east and south, and Crown landholdings zoned PA (Protected Area) to the west.

Existing MPS Policy

Land use compatibility is an important factor relative to any telecommunication tower. In this case, the tower is proposed within the Residential Designation which has been applied to established low density residential areas. Through the designation, the MPS promotes residential expansion and discourages intensive commercial and industrial development within Williamswood. Under the MPS, the designation has been applied to the majority of the privately owned lands adjacent to the major collector roads in the area as is the case with Old Sambro Road, in order to maintain a low density environment that enhances community form and character.

Furthermore, Policies RES-1 and RES-2 of the Residential Designation are intended to preserve residential neighbourhoods by restricting new developments to areas with low to medium density residential uses and to establish the R-2 (Two Unit Dwelling) Zone. These policies and zone requirements are included in Attachments C and D and are included to provide Council with the community planning context for the proposed tower location.

Municipal Process

The federal government has jurisdiction over all forms of radio communication (radio and television broadcasting, microwave communication, private radio transmissions, etc.). Provincial and Municipal governments have little jurisdiction to interfere with or impair communication facilities licensed under federal law. Industry Canada is the federal agency which licenses and regulates these facilities under the provisions of the *Telecommunications Act* (S.C. 1993, c.38).

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

The Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy (MPS) does not contain specific policies regarding the siting of telecommunication facilities. Instead, staff utilizes the general evaluation criteria of the MPS when reviewing such facilities and these criteria provide relevant guidance to Council and Staff. Of the criteria outlined, staff has identified the following matters for specific discussion.

Location

Initially, EastLink proposed that the tower be located approximately 575 metres (1,886 feet) from Old Sambro Road as shown on Map 2. In light of that location presenting issues of incompatibility due to its location in close proximity to wet areas on the subject property, established residential areas, and public concerns expressed through the Public Information Meeting (PIM) and resident petition, staff suggested to EastLink that additional locations be explored.

In response to staff's concerns relative to the tower's proximity to wet areas, EastLink submitted a Preliminary Report on Environmental Conditions of the subject property, prepared by a thirdparty environmental consultant. As a result of the information contained in the report, EastLink moved the tower away from the wet area to a more suitable location on the subject property approximately 230 metres further away from the original proposal (see Map 2 and Attachments A and E). Staff has reviewed the proposed new location and determined that it is acceptable due to separation distances from residential uses, the amount of vegetation on the property, and that wet areas on the property are not impacted.

Visual Impact

Where possible and appropriate, an overall architectural and landscape design should be undertaken to reflect the adjacent and neighbouring uses. Given the nature of telecommunication facilities, there are associated adverse effects to the surrounding landscape in Williamswood. 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 provide a sufficient buffer for the base and a portion of the height of the tower from adjacent residential uses.

The three closest dwellings, situated on Old Sambro Road, to the proposed tower are all located approximately 350 metres (1,148 feet) away (Attachment B). It should be noted that the subject property is undeveloped and has the potential for future residential development in close proximity to the proposed tower. However, the owners of these new residential lots will be aware of the tower before deciding to purchase their lots.

Physical Proximity

As there is no formal policy in the MPS to guide the location of telecommunication towers to ensure adequate separation from adjacent properties, it is prudent to review past practices which indicate that incompatibility between uses can be addressed through screening or separation of uses. Minimum separation distances between towers and residential properties have often been established based on the measured height of a proposed tower. The separation distance based on tower height is founded on a precautionary principle to minimize risk in the unlikely event of structural failure, while also helping to address incompatibility issues. The base of the telecommunication tower is proposed to be set back approximately 350 metres (1,148 feet) from the closest residential property, which is more than 5.5 times the height of the proposed 60m tower thereby far exceeding the acceptable standard.

Health and Safety

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

Prior to receiving a licence from Industry Canada, the operator must submit the calculations on the intensity of the radiofrequency fields to ensure that this installation does not exceed the maximum levels contained in *Safety Code 6* requirements. Information submitted in support of this proposal indicates no concerns in relation to *Safety Code 6* (Attachment F).

Summary

Staff has reviewed the proposal and are of the opinion that its location is consistent with the community land use policy relative to land use compatibility. Accordingly, staff recommends

that Western Region Community Council inform Industry Canada that they have no objection to the proposal.

It should be acknowledged that the public has voiced concerns relative to the proposed tower, however, it is important to note that Industry Canada requires the Municipality to conduct an evaluation of telecommunication proposals and provide comments based upon its <u>official land</u> <u>use policies and by-laws</u>. Staff has reviewed the concerns raised by the public and advise that they are not directly related to the applicable land use policy. That being said, staff will inform Industry Canada of the concerns raised by the public by forwarding a copy of this report which includes the minutes from the public information meeting and the petition submitted to Regional Council.

BUDGET IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated within the approved 2012/2013 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on October 19, 2011. Generally, questions and concerns raised at the meeting were primarily related to radiofrequency emissions and the location of the tower. 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 in not included in the telecommunication application process; Community Council simply forwards a recommendation to Industry Canada.

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

On December 6, 2011, a petition (Attachment H) opposing the construction of the proposed 60m tower was submitted to Regional Council by Councillor Adams. An information report acknowledging the petition was tabled with Regional Council on June 25, 2012. As noted above, the Municipality's comments to Industry Canada are to be based on official municipal policy.

ENVIRONMENTAL CONCERNS

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

ALTERNATIVES

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

- 1. Inform Industry Canada that Western Region Community Council has no objection to the proposal by Bragg Communications Inc. to locate a 60 metre (200 feet) telecommunication tower and associated equipment cabinet located at 2699 Old Sambro Road, Williamswood as shown on Attachment A. This is staff's recommendation.
- 2. Identify to Industry Canada that Western Region Community Council has additional comments or recommendations with respect to the proposed tower. In this event, staff will notify the local office of Industry Canada of Community Council's recommendations.
- 3. Identify to Industry Canada that the Western Region Community Council is not in favour of the proposal.

ATTACHMENTS

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

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, Planning Services, 490-1948

Report Approved by:	Original Signed Kelly Denty, Acting Manager, Development Approvals 490-4800



11 April 2012

Case 17167

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<u>ATTACHMENT C:</u> 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-2: Within the Residential Designation, **outside of the Herring Cove community** shall be the intention of Council to establish a two unit residential zone which permits single and two unit dwellings, existing mobile dwellings, open space uses, fishery support uses, day care facilities and home occupations of a limited size contained within a dwelling and operated by a resident of the dwelling. Home occupations will be subject to controls on signage and the nature and scale of the business, as well as prohibition of outdoor storage and display, in order to ensure that the home occupation is compatible with the residential environment.

<u>ATTACHMENT D:</u> Excerpt from the Land Use Bylaw for Planning District 5 (LUB)

PART 7: R-2 (TWO UNIT DWELLING) ZONE

7.1 R-2 USES PERMITTED

No development permit shall be issued in any R-2 (Two Unit Dwelling) Zone except for the following:

- Single unit dwellings;
- Two unit dwellings;
- Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings except in two unit dwellings where each unit is held under separate title;
- Home occupations in conjunction with permitted dwellings;
- Open space uses;
- Fishery support uses;
- Existing mobile dwellings.

7.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-2 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area • central sewer and water services 6,000 square feet (557.4 m₂) per dwelling unit • central sewer services 10,000 square feet (929 m₂) per dwelling unit o on-site water 20,000 square feet (1858 m₂) per dwelling unit \circ on-site services Minimum Frontage • central sewer and water services 60 feet (18.3 m) per dwelling unit • central sewer services 75 feet (23 m) per dwelling o on-site water 100 feet (32.84 m) per dwelling \circ on-site services Minimum Front or Flankage Yard 20 feet (6.1 m)

Minimum Rear or Side Yard8 feet (2.4 m)Maximum Lot Coverage35 percentMaximum Height of Main Building35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any R-2 Zone, the following shall apply:

Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	30 feet (9.1 m)

7.4 OTHER REQUIREMENTS: FISHERY SUPPORT USES

a) Where fishery support uses are permitted in any R-2 Zone, the following shall apply:

Minimum Side Yard 8 feet (2.4 m)

b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishery support uses in an R-2 Zone, no development permit shall be required.

7.5 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any R-2 Zone, the following shall apply:

- a) Any home occupation shall be wholly contained within the dwelling which is the principal residence of the owner of the home occupation.
- b) No more than three hundred (300) square feet (28 m) of gross ² floor area shall be devoted to any home occupation.
- c) No open storage or outdoor display shall be permitted.
- d) No materials or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- e) One (1) facial wall sign, not exceeding two (2) square feet (.2 m₂) in size, shall be permitted to advertise the home occupation and shall be constructed of wood.
- f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m₂) of floor area devoted to any home occupation. No portion of any parking space shall be located in any required side yard.

7.6 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-2 Zone, the following shall apply:

- a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principle residence of the operator of the dwelling.
- b) No open storage or display shall be permitted.
- c) One (1) facial wall sign, not exceeding two (2) square feet (.2 m₂) in size, shall be permitted to advertise the day care facility and shall be constructed of wood.
- d) One off-street parking space, other than that required for the dwelling, shall be provided.

7.7 EXEMPTION: BIRCHLEE MOBILE HOME PARK

Notwithstanding Section 7.1 and 4.10, Birchlee Mobile Home Park, LIMS Number 394767, shall be a permitted use in the R-2 Zone to the extent it is in existence on the effective date of this By-

law. (Any expansion shall be subject to Policy P-52 of the Municipal Planning Strategy, and Section 3.6 of this By-law.)





Safety Code 6 Attestation – NSA108

<u>Summary</u>

The below explanations and accompanying calculations are intended to demonstrate that Eastlink's radio installation at site **NSA108** complies with the radio emission limits as described in Health Canada's Safety Code 6.

Equipment

Eastlink's installation consists of the following equipment:

Item	Equipment Name	Max Power /Gain	Quantity
1	UMTS Remote Radio Head (RRU's)	47.8dBm (60Watt)	6
2	Kathrein 742-213 Panel Antenna (1710 - 2200MHz)	17.35 dBd (19.5 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:

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

Where:

Rs = 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 a 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:

$$W_{\text{max}} = \frac{EiRP_{\text{max}}}{4\pi r^2}$$
 [Watts / meter²] (Far Field Power Density)

Where:

 $W_{\text{max}} = \text{Maximum Power Density [Watts / meters}^2]$ 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 42.6dB less than the maximum.

Therefore, for Eastlink's installation on site **NSA108**, the maximum total power density at ground below the antennas for all EastLink's equipment (**6 RRU**@47.2dBm[60W]) is given by the following formula:

$$W_{\text{max}} = \frac{6*(47.6\text{dBm} + (19.5\text{dBi} - 42.6\text{dB}))}{4\pi(55)^2} = \frac{6*0.282}{38013.27} = 0.0000445 \quad [\text{Watts / meter}^2]$$

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 224,000 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-Dalphond **Date:** May 17th 2011

Company: EastLink

Original Signed

Signature: 🦟

<u>ATTACHMENT G:</u> Public Information Meeting Minutes

7:00 p.m. Wednesday, October 19, 2011 Captain William Spry Centre, Halifax.

IN ATTENDANCE:	Dali Salih, Planner, HRM Planning Services Shanan Pictou, Urban Design Technician, HRM Planning Services Donna Honeywell, Admin/PAC Coordinator, HRM Planning Services
ALSO IN ATTENDANCE:	Colin MacPhee, Supervisor, Municipal Planning and Regulations Stephen Banks, Eastlink, Site Acquisition Specialist Alex Forest, Eastlink, Manager, Radio Network Engineering Jennifer Lewendowski, Manager, Public and Media Relations
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ATTENDANCE:	Approximately 11

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

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

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

She stated that the reason for the meeting was to review an application by Eastlink (Bragg Communications) for a new 61 metre telecommunication tower to be located at the western side of 2699 Old Sambro Road in the community of Williamswood.

She noted that the purpose of the meeting was to inform the community of the proposal's details, to explain planning policy and the telecommunication planning process as it varies from the other planning processes, and for the applicant to present the proposal. This is also an opportunity for the public to ask questions and give feedback concerning the application.

She stated that the reason for the meeting was to review an application by Eastlink for a new 61 metre telecommunication tower to be located at the western side of 2699 Old Sambro Road in the community of Williamswood.

2. <u>Overview of planning process – Dali Salih</u>

Ms. Salih showed a map of the general area and provided background. She then showed an aerial view of the site showing property boundaries and where the telecommunication tower is proposed to be located. The site is located in a predominantly residential area. Ms. Salih showed the site plan submitted by the applicant as well as a layout plan and an elevation plan. A rendering submitted by the application, which showcased the size and shape of the proposed telecommunication tower which was taken from Old Sambro Road was also shown.

The property is currently zoned R-2 (Two Unit Dwelling) under the Land Use By-Law for Planning District 5. The property is bounded by the R-2 zone to the north, east and south, and a PA (Protect Area) Zone to the west. Ms. Salih reviewed the permitted uses under the current zoning. Uses permitted under the R-2 Zone (Two Unit Dweling) include: single unit dwellings; two unit dwellings; day care facilities for not more than seven children; dwellings except in two unit dwellings where ach unit is held under separate title; home occupations in conjunction with permitted dwellings; open space uses; fishery support uses; and existing mobile dwellings.

The property is designated Residential under Municipal Planning Strategy for Planning District 5. Currently, there are no specific Municipal policies to address telecommunication facilities. Most of the former County of Halifax area plans have no policies regarding such facilities. However, the Municipal Planning Strategy consists of Implementation Policies that focus on community compatibility. So, HRM Staff evaluates telecommunication applications in terms of adverse effects such as land use compatibility, visual and aesthetic impact. For example, HRM evaluates a proposed tower's height in relation to building locations, public open spaces, etc.

The Halifax Regional Municipal Planning Strategy contains policy which requires the Municipality to undertake a Communication Tower/Antenna Functional Plan. This Functional Plan is intended to address and consider establishing recommendations regarding a formal public consultation process and siting and design guidelines for the various types of structures.

Ms. Salih explained the importance of the Municipality's role in the 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 Municipal authorities have an interest. They require the applicant to notify the Municipality of its intentions which they have done by making an application. The Municipality has the opportunity to review the proposal, consult 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 a license is granted an, if so, if there are conditions. Health Canada is responsible for establishing standards related to health and safety.

They have a standard called Safety Code 6, which consists of a specific range of human exposure to Radiofrequency Electromagnetic Fields. All telecommunication facilities' applicants are required to submit an attestation that the proposed installation is within the range of 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.

With regards to the Municipal Planning Process - All planning processes, including the telecommunication planning process, start with an application. Staff does an initial review to ensure that the Municipal Planning Strategy allows us to at least consider the request. However, in the case of telecommunication towers, the Municipal Planning Strategy does not contain specific policies by which to evaluate the application. So, Staff evaluates the application against land use compatibility, visual and aesthetic impacts. Then, we hold a Public Information Meeting - that's where we are tonight. An important part of the evaluation is formed from the public's input that we receive tonight. After tonight's meeting, Staff will gather the feedback from the public and comments from other HRM departments. Along with the minutes from tonight's meeting, there will be a Staff Report that either recommendation, request modification or reject the proposal. Then, Council's position is forwarded to Industry Canada.

When Council's position is forwarded to Industry Canada and there is concurrence from the HRM, Industry Canada will likely approve the application, provided that the applicant fulfills other important obligations listed under General Requirements, which include: 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 Transport Canada/NAV CANADA aeronautical safety responsibilities. Then, everything moves forward.

If there is a request for modification, then there has to be some level of negotiation with the applicant to see if any adjustment can be made to improve the situation. Then, Industry Canada will make the final decision based on the results of the negotiation and the general requirements.

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 of the non-concurrence by gathering other relevant information. If the parties are unable to reach a solution, which is the Impasse stage, then Industry Canada makes a final decision. So, in all possible situations, Industry Canada is the main body that decides on approving or refusing telecommunications proposals.

3. <u>Presentation of Proposal</u> - Colin MacPhee (Eastlink)

Colin MacPhee, Eastlink Wireless thanked the residents for coming to the meeting. He introduced his colleagues Steven Banks, Senior Site Acquisition Specialist; Jennifer Lewendowski, Community Relations; Alex Forest, Manager of Radio Networking Engineering. Mr. MacPhee gave a brief description on who Eastlink is and what they provide to their customers across Canada, explaining that they now intend to expand current services to allow for wireless service.

They currently offer video, internet, local and long distance telephone. He explained that a few years ago Eastlink invested in a license to be able to provide wireless service in Nova Scotia and in PEI. Eastlink believes that they will be able to bring competition to the market place and that

it will be comparable or even improve the coverage at a better value. He added that there are over 100 Eastlink Wireless employees in Nova Scotia and this number continues to grow. They are currently in the network design phase in launching their wireless service.

Mr. MacPhee explained the criteria involved in selecting a proposed location. The factors include:

- 1. Elevation: The higher the ground makes for a better coverage in the area which leads to better service and fewer dropped calls.
- 2. Location: The number of customers for which they can provide coverage.
- 3. Land Availability: Local terrain (land, buildings, trees etc.,) causing the least amount of impact.
- 4. Environmental: Least amount of impact to the area while providing for the best possible coverage and service.

Mr. MacPhee explained that for safety and security concerns, Eastlink ensures locked gates to deter access; fencing around the base of the tower and equipment along with anti-climbing apparatus.

The distance from the roadway is approximately 200 metres with the closest dwelling being about 180 metres away from the actual antenna centre. The antenna is a 3-legged self-support structure with the structure at the very top.

Mr. MacPhee explained that Eastlink follows Health Canada guidelines very closely. They are legislated to comply. He explained that radiofrequency energy from cell phone towers is too low to cause adverse health effects in humans and the levels emitted from cell phone towers are typically thousands of times below those specified to be of any concern. He explained that there are no pollutants and that the installation would not release any pollutants.

Industry Canada oversees all the radio communications in Canada. When it comes to air traffic or a structure sticking up in the air (cell tower antenna) or some other kind of broadcasting equipment, Eastlink must make submission to Transport Canada and NAV-Canada. There will be no lights on this installation.

4. <u>Questions/Comments</u>

Ms. Salih advised of the ground rules, gave her contact information and opened the floor for questions and comments.

Tim Rose, Grover Drive, expressed concern regarding cancer risks. It was said that there was low radio levels within the FAC regulations but I think the Canadian Standards are 200 to 1,000 micro watts per square centimeter. From past experiences, cell towers have caused breast cancer, prostate cancer, pancreatic cancer, skin melanoma, lung cancer, and different other effects to your body. Some of the short term effects include sleep disorders, poor memory, mental exhaustion, confusion, anxiety, depression, appetite problems. There's studies done in Germany where a cell tower was erected in a field and the cattle stopped producing milk. When the cattle were removed from the location, their milk returned and again when they put them back near the cell tower, their milk stopped. These are my concerns because I live pretty close to this.

Ms. Salih explained that there is an attestation that the applicant is required to submit. Health Canada sets the standard and the range. Then, she forwarded the question to the applicant to address.

Alex Forest of Eastlink commented that they do adhere to the guidelines that Health Canada has put in place. There is a range (depending on the frequency in which we transmit) and an allowed level of energy that Eastlink can produce to meet those guidelines. Eastlink is well below the level set out by Health Canada. Concerning the studies found on the internet, as we are not medical experts, we rely on Health Canada. They review any studies that are made available to come to standard level which they set.

Mr. Rose asked how Health Canada bases their allowable levels and how do they know that this is ok?

Mr. Forest encouraged the audience to visit the Health Canada website where an explanation of how Health Canada has arrived at these numbers. He believes it is based upon studies and research that has been done.

Mr. Rose said that the radiation coming off the tower 24 hours per day, 7 days per week, over time will that not have an effect on your body. The constant radiation that comes off a tower, would it not affect your body in some way? We have cell phones, wireless, a microwave in our home, but this radiation when I'm sleeping. This will be 24/7 and that is my concern. They are all over the city but they are not in my backyard.

Mr. Forest, I cannot speak to the specifics, but I know that the levels are well below.

Mark Boudreau, Acres Rd, We moved out here in a wilderness area which is a beautiful area. I don't want to sit on my back deck and have a cell tower basically in my backyard. We can't use the wilderness area for 4-wheelers because they're not allowed. We can walk through the woods but can't make a path but I can get a cell tower in what looks to be in the wilderness area. From a GPS reading, my driveway is 19 metres above the roadway, so there will be another 41 or 42 metres above my property level and another 41 metres of cell tower sticking out above the earth. Just so you are aware, there's a stream along the edge of the road and I don't know if it will have any effect on the construction, but it's there.

Mr. Rose added that he went on a few web sites, that in the United States, the effects of the radiation are that bad that when you list your house for sale, you actually have to tell the real estate company that there is a cell tower within a vicinity. This has to be put in the real estate listing because of law suits that have been occurring. Our property value will go down. I pay a lot of money for my property and I don't want a company that's going to profit off of cell phone use and why should I have my property value lowered.

Sandra Billings Acres Rd. We moved to this beautiful area because it is rural. It doesn't have the city types of things we are trying to get away from. We are classed within HRM as well as our taxes; however, we don't have all the amenities we are already being taxed for and now we are putting a tower in our backyard, which is taking away from the view of our area that we were trying to stay within. Referring to the Safety Code 6, I would like to have something

showing what this Safety Code 6 is.

Ms. Salih directed the residents to the HRM website and her contact information and she will forward the link to read about Safety Code 6.

Ms. Billings commented about compatibility within the area where the tower would be located. She felt it might be compatible for Eastlink, but not for the residents within the area. Ms. Billings has a concern with the proximity of the tower relative to their homes. There is a road backing towards Harrietsfield which already has a big communications tower within there, and she sees no reason why this tower could not be co-located there. That area is not a residential area and the tower would fit in without having to bring it close to their existing homes.

Mr. Rose – The proposed land is a sanctuary, isn't it?

Ms. Salih said that she believes it is private land.

Mr. Rose – There was a building erected in 1994 which had a cell tower on the top of the 10 storey building. One year later, everyone on the 10^{th} floor had developed some type of cancer. On the 9^{th} floor, there was a significant difference (90%) development of cancer. As the floor got lower, the cancer levels decreased. I'm pointing this out as one of my biggest concerns being the health risks involved.

We all moved to this community because although it was close to the city, it was still a wilderness area. I'm not going to look out my front door/window and see this 61 foot tower.

Ms. Salih pointed out that the proposed land is considered private and the land adjacent to it is zoned PA (Protected Area).

Mr. Rose – Who is the owner of the land at this time?

Ms. Salih explained that HRM cannot provide that information and the applicant confirms that he is unable to provide the name of the land owner.

Mr. Boudreau – Were there other properties in the area suitable for this tower? Once you build your tower, will space be rented out on that tower for other companies or are there possibilities of more transmitted mounted on the tower?

Stephen Banks – There were other properties in the area that we did look at, however, this was the only property that we were able to secure and move forward with the application. As far as other carriers going on the tower; Industry Canada requires that all companies or businesses that own towers, make those towers available to other companies. With respect to other companies adding their equipment to the tower, no mater how much equipment is on the tower, we are still required to meet the regulations set for by Health Canada in terms of the amount of radiation levels.

Mark Stevens – Old Sambro Rd – Starting out with being way under the radiation levels when the tower is erected and then adding on to the tower could increase the levels to just below the allowable limits. It's not just what we're starting with; we need to consider what we will end

up with in 10 years time.

Mr. Banks – If companies were able to install their equipment, we would increase the levels of emissions slightly. However, even if the tower was fully loaded, it would remain well below the limits.

Mr. Stevens – In terms of the tower's setback, how far is it from Acres Road? Where would the perimeter of the fence be? Is the measurement from the tower or from the fence?

Mr. Banks – The measurement is from the very beginning of the Old Sambro Road into the center of the tower. This measurement is 280 metres.

Mr. Stevens – what was the reason you didn't chose other properties? Was it a money issue?

Mr. Banks – There are many reasons why we don't end up securing an individual property. When we're looking for a candidate to put the cell tower on the land, we start with a map showing where we'd like to provide coverage to a certain area. Then we look at the zoning for the land in that area, proximity of houses, businesses, and open spaces. We also take into account ground elevation, tree buffers. There's many factors that go into our decision. This is the site that we were able to secure.

Mr. Stevens – There is quite a bit of wildlife in that area and I hope you're taking that into consideration.

Mr. Rose – Is there any towers in the panel's backyards?

Ms. Salih – I do not believe that is an appropriate question as it is not related to the application.

Mr. Rose – All of our property values along with our health is declining. I hope that Councillor Adams (as I am a voter) does not let this happen. Is this project a done deal?

Ms. Salih explained that no decision has been made. We are at the initial stages and we want to know what the community thinks regarding this application. That's why we are here tonight. All comments and questions will be forwarded with the Staff Report to Community Council and then to Industry Canada.

Mr. Rose – Will this cell tower affect any other type of electronics in the area (my satellite, my cell phone – because I am not an Eastlink client)?

Mr. Forest explained that other electronics would not be affected. Eastlink is a licensed operated which we have a very specific set of frequencies that we have been granted permission to use, as part of this, we have to make sure we stick within those frequencies and ensure they do not interfere with any equipment.

Mr. Rose – If my house value today is \$300,000 and if the tower was erected and then I decided to sell my home and my house value decreased to \$280,000 can I go after the company that is erecting this tower for compensation?

Ms. Salih – with regard to property value, assessments and estimates, they are at the provincial level.

Mr. Rose – I'm not talking assessment value, I'm talking cash value.

Mr. McPhee – Eastlink is not in a position to speculate about real estate values based on any patterns.

Ms. Billings – Who posted the sign at the main road? It took me a good week to see the posted sign which was posted sideways. The sign is very small and it is turned sideways making it extremely difficult to see.

Ms. Salih – With any kind of application, the applicant is responsible for this. The applicant will investigate and make adjustments to its placement.

Mr. McPhee – The process for the signage is as follows. The text and dimensions of the sign are provided by HRM. We hire a sign company to fabricate the sign. Once it is put in place, we send a photograph of the location and placement of the sign to HRM. HRM then knows it is time to schedule a public information meeting.

Ms. Billings commented on the value of her house. If her house is going to lose value because of the tower, residents should be compensated. Also, regarding the water area - where the sign was placed, directly across the road the brook runs right there. Why is there a concern for a water area going through there? What is the concern that would be to the water flowing through that location? If there is a concern for that, why isn't there a concern for anything else in that area?

Ms. Salih explained that when HRM reviews applications for telecommunication towers, HRM looks at land use compatibility as well as aesthetics and impacts. If this application had an adverse affect on the residential area, then we would evaluate it. HRM reviews the relationship of the tower in relation to the surroundings (close proximity from houses, open public spaces, etc).

Ms. Billings referred to the small amount of emissions and this tower is within the guidelines. We purchased our house in order to have no emissions, not a small amount, not an acceptable amount, not within the limit.

Delores Rose agreed with all residents' comments. People were concerned about the wildlife, but my family and friends and community's health is my number one concern. Seeing the tower is a concern but not my number one concern. It is health. As we all know, there is too much cancer and radiation in the air now and when the tower is that close to our homes, I'm not convinced that it could be in any way good for anyone. Most towers aren't planted right in the centre of a community. If people are worried about the wildlife, what about us, our family, our grandchildren? The internet, your local hospital, everyone will tell you all about the dangers.

Ms. Billings understands this is the first session and there is a process. She inquired about wanting to have a petition and wondered when the residents would be given the opportunity to present the petition.

Ms. Salih – All of the comments and questions will be in the minutes attached to the Staff Report and forwarded to Community Council and then to Industry Canada. You can email me any comments, questions and information regarding the petitions will also be included in the Staff Report. But please keep in mind there are time limits as the Municipality is required to forward the Staff Report with a recommendation to Industry Canada within 4 months.

Mr. Rose – Is the Municipality gaining monetarily from this application?

Ms. Salih – No, the property is private and not owned by HRM.

Mr. Rose – Can I ask the applicant what their projected revenue will be on this tower.

Mr. MacPhee explained that with regard to land owners and financial matters, we are not at liberty to discuss or divulge anything to financial matters.

Mr. Rose – With regard to my property value, if it is going down and a large corporation's value is going up, again it doesn't make sense. I want to reiterate that as a Municipality resident, this application cannot go through because along with me and the community members, Councillor Adams will lose votes.

Mrs. Rose – The sign and how it was posted, I never did see the sign. My biggest concern with that is there are not a lot of people at this meeting. I checked my mail this morning and that's the only reason we are here. We received the notice just this morning in the mail. Will there be another meeting? Will our community be notified? When will residents be advised of the next meetings?

Ms. Salih – When there is an application, the Municipality always notify the neighbours and adjacent property owners. HRM is required by our by-law to notify residents within a minimum of 250 feet away from the proposed location through written notices. In this case, we notified residents within 1,000 feet. We are also required to post an ad in the Chronicle Herald. All ads must be submitted one week to 10 days prior to the Public Information Meeting. Also, the ad and the written notices go out to the residents at the same time.

Mrs. Rose mentioned that a lot of residents do not have access to the Chronicle Herald. Most don't receive the newspaper. There are a lot of seniors in the community and along the Old Sambro Road that don't have access to the newspaper.

Ms. Salih explained that now is not the only time to submit comments. Tonight, you are making your voices heard, and all of your comments and questions will be included with the Staff Report, but you can also contact me as I mentioned before. We are still at the initial stage of the application. You can definitely contact me within the next month and all comments will be included in the staff report.

Mr. Boudreau inquired if the application does go through and the tower is erected, what type of area coverage will be realized. How many more people do you expect to get through this cell tower coverage?

Mr. Forest wanted to clarify that Eastlink doesn't currently offer wireless service. Wireless in another product that Eastlink will offer to its customers. This would cover roughly 2 to 3 km in radius. There is also mention of a tower in Harrietsfield which we also plan on using. This is a network of sites working together to provide coverage. Into the future, we don't anticipate building any more sites but companies such as Bell and Rogers may be looking to get on our towers.

Ms. Billings wanted clarification that currently Eastlink is proposing one tower but in the future, other carriers could potentially get on the tower site.

Mr. Forest explained that the one tower itself can be used by multiple companies. Industry Canada mandates that if there is an existing tower, additional towers will not be added.

Ms. Billings asked if the community could end up with more towers.

Mr. MacPhee said that in Eastlink's view, it would be unlikely that other towers in the area would be permitted. Other companies would be forced to look at using Eastlink's tower first.

Ms. Billings commented that other companies could also put up a tower of their own.

Mr. MacPhee explained that other companies could try but if it is anywhere within the vicinity of Eastlink's tower, other companies would have to give very good reasons why they can't use the existing tower.

Mr. Rose asked the applicants if they donate some of their money to community events and services contributing to that community.

Jennifer Lewendowski of Eastlink replied that they are involved in several different community events. We sponsor and take part in many events in local communities.

Mr. Stevens asked what the possibilities of the tower being fully loaded and then being extended higher.

Mr. Forest replied that it would be unlikely that it would be fully loaded anytime real soon. However, any time a tower is to be changed in terms of height, if it's extended more than 25% of its original height, we would need to reapply to a similar process as this, as if it was a new structure. The regulations are written such that if the extension is less than 25%, it could go ahead without any new application.

Mr. Rose asked if the applicant could show him where, on the map, the sign was erected.

Ms. Salih showed on the map where the sign was located.

Mr. Rose expressed that he was disappointed that the Municipality would think that putting the sign where it was, was appropriate. He said the sign was placed past where people would not even see it.

Donna Bageton Old Sambro Rd expressed that she does not see the people who live right beside

the tower at this meeting tonight. She believes that they are more than likely not aware of what's been proposed.

Ms. Salih reiterated that HRM is required to notify the neighbours within a minimum of 250 feet from the proposed property. For this particular application, HRM notified residents up to 1,000 feet from the subject property. There was an ad placed in the Chronicle Herald. The ad and the notification letters were sent one week to 10 days prior to the information meeting.

Ms. Billings Acres Rd commented that something has seriously failed in the process if notification was sent out 10 days prior to the meeting as we have only received the letter today.

Ms. Salih said that we are required to send out letters through Canada Post 10 days prior to the meeting.

Mrs. Rose commented that in reference to the signage that it should be posted in several places. Let's take for example, when it's voting time, signs are all over the place. Instead of one sign being posted for the proposed telecommunication tower, there should be signs posted at the end of everyone's driveway.

Mr. Rose mentioned that in the research he did today, he wanted to let everyone know that over 100 scientists and physicians at Boston and Harvard Universities of Public Health have called cell phone towers a radiation hazard. There must be something to this if over 100 scientists and physicians call cell phone towers a radiation hazard.

Ms. Salih went over the planning process once again.

Mr. Stevens wanted clarification on the petition process. If there were 500 signatures on the petition, are the only signatures that would be looked at would be the ones where their homes are within the map notification area.

Ms. Salih explained that with regards to petitions, HRM doesn't simply look at the notification area. Staff would look at all of the signatures on the petition. Once you have the petition ready, you can send it directly to me or the Clerk's office.

Mr. Rose asked if it was true that cell phone towers are not allowed by government regulations to be erected near schools, daycares, community centres and playgrounds, etc.

Ms. Salih answered that the Municipal Planning Strategy doesn't contain policies that set how we evaluate telecommunication towers. There isn't any specific policy that addressed these towers; therefore we look at implementation policies. Those policies requires Staff to look at land use compatibility and visual impacts and concerns from the residents. Industry Canada makes all decisions with regards to telecommunication towers.

Mr. Rose commented that it is illegal to put a cell phone tower or telecommunication tower next to a school, playground or daycare because of the radiation it emits.

Mr. Rose asked if there was any sound or sound wave that is emitted from the tower.

Mr. Forest explained that the cabinet that houses the equipment contains a cooling fan, which on a hot summer day, you may get some sound from the fan.

Ms. Billings asked if the residents can get a copy of the presentation.

Ms. Salih recommended that anyone wishing a copy of the presentation, contact her via email and she would send it .

Todd Pye, Old Sambro Road commented that he is concerned about the health risks. He doesn't believe that the tower should not be in their area. There must be a better place where there are no houses. There should have been more effort to contact residents. Even a registered letter would have been more appropriate. How many people actually get the Chronicle Herald? The way HRM advertised this meeting was inappropriate.

Mr. Rose said in closing that he hoped the next time there is a meeting that Councillor Adams will attend.

Ms. Billings wanted clarification about when it goes to community council.

Ms. Salih explained that when the application is on Community Council's agenda, it will be posted online. All supporting information that the applicant has submitted is currently online. With regard to the Staff Report, when it is officially on Council's agenda, it will also be posted online.

Bruce Irons Old Sambro Road asked where the next nearest tower to our neighbourhood is. What is its range and why does this one have to be on our roof because there is lots of crown land right behind us.

Mr. Forest indicated that there is another tower in Sambro and another in Harrietsfield. With regard to the range, it is typically 2 to 3 kms and we were not able to develop the crown land because it is protected crown land.

4. <u>Closing comments</u>

Ms. Salih asked for any other questions, gave her contact information and thanked everyone for attending the meeting.

5. <u>Adjournment</u>

The meeting adjourned at approximately 9:05 p.m.

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Petition to <u>DECLINE</u> 61 meter Communication Tower Councilor Adams Nov. 28, 2011

	Proposal for 61 meter communication tower within Williamswood, residential area and rural wilderness, located off Old Sambro Road and Acres Road.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to decline the proposed communication.

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Submitted by Cllr. Adams Dec. 6/11 Council session.

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14. ERIC ALBERT	2560 OLD SAMARULD	OPPOSED	NOUISI
15 BRYAN CRRAton	2588 OLD SAMBRO	OPPOSEND	NOJ 15/11
16 DALE BEXNET	2590 OLD SAMBRO KA-	opposed.	NN15/1
17. Mark Goodwin	2596 DId Sambro	opposed	World 4
18. PIERRE ALANTE	Dec as SAMPro	offesed	Nov/15
19. Brad Brown	2595 old Sambro	OPPosed	Nov 15/1)
20- Samic Pelvin	2611 old Sambro	opposed.	Nou K/11
21. Sara Hollett	2602 ald Sombookd	opposed	Nov 15/1
22. Carole Stevens	2614 Old Sambro Rd	opposed	Nov 15/11
23. 1. Jany Willion	2624 Old Sambro Rd	Opposed	Nov 15/11
24Susanne Pye	2638 old Sambro Rd	Opposed	nov15/11
25. Jodd Pye	2638 Sambro Rd	opposed	Nov 15/11
26 Jason Rya	2638 odd Sam pro Rd	Opposed .	Noi15/11
27. Chris Rye.	2638 old Sampro Rd.	opposed	Nov15/11
28. Karon Darnich	2463 Old Santo RL	opposed	par15/11
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21.	NouloBoinar		15 Honey Ct.	Oppostol	NN 13,2011
22.	Ray Gallent		14 Honey Ct.	Oppos-cc/	NW13.11
23,	Vorwyn Mackinnon	 A set of the set of	14 Honey Court	Coposed	Nov. 13,2011
24.	oral op Goodwin		le Honey Court	Opposed	Nov 13,2011
25		Kiesti Tibbo	2672 Old Somero Rd	Orposed	Nav 13201
		Brandon Slaun white	2678 old Sambro Rol	DRPOSED	Nou IS/11
2		BERNIE DORT	2684 ald Sambro Rd	Opposed	Nov15/11
28		Donna Carter	2579 Old Sambra Rd	Opposed.	Nov 15/11

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Petition to **DECLINE** 61 meter Communication Tower

Petition summary and background	Proposal for 61 meter communication tower within Williamswood, residential area and rural wilderness, located off Old Sambro Road and Acres Road.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to decline the proposed communication.

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12 T. N. Cholsin		82 Birchisond Kd	Opposed	Nov. 11
18. J. IRONS		68 BIRCh 260 d R		NoV 1
19. Scott Gran		60 Birchwood rd	Oppi Lev 1	Nov i
20. K. Wahh		37 Burchwood Rd.	opposed	Nov.1
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5. MARK BOUDREAN	- 75 Acres Rd	opposed	Oct24/11
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8. GORDUE MCKAP	67 Acres Rd	Opprese-d	0c+24/11
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Petition to **DECLINE** 61 meter Communication Tower

Petition summary and background	Proposal for 61 meter communication tower within Williamswood, residential area and rural wilderness, located off Old Sambro Road and Acres Road.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to decline the proposed communication.

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