

10.1.1

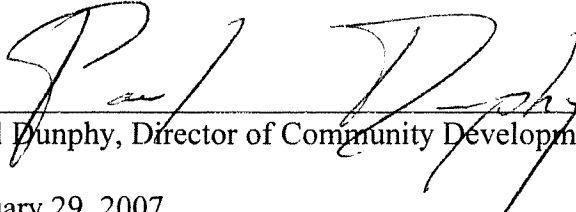


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
February 26, 2007

TO: Chair and Members of Western Region Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: January 29, 2007

SUBJECT: Case 00968: Telecommunication Tower - 225 Ketch Harbour Road,
Herring Cove

ORIGIN:

Application from Telus Mobility on behalf of Steve R. Murphy's Auto Service Limited to construct a new 65 metre (213 feet) self supported telecommunication tower and an accessory building at 225 Ketch Harbour Road, Herring Cove (PID No. 00622597).

RECOMMENDATION:

It is recommended that Western Region Community Council forward a positive recommendation to Industry Canada supporting the proposal by Telus Mobility, thereby allowing for the construction of a new 65 metre (213 feet) self supported telecommunication tower and an accessory building at 225 Ketch Harbour Road, Herring Cove (PID No. 00622597) as shown on Map 1 attached to this report.

BACKGROUND:

Telus Mobility would like to construct a new 65 metre (213 feet) self supported wireless telecommunication tower and an accessory building on lands leased from Steve R. Murphy's Auto Service Limited at 225 Ketch Harbour Road, Herring Cove (PID No. 00622597) which is a General Business (C-2) zoned site (see Map 1). To the rear of the site is crown land. On both sides are large properties zoned Herring Cove Residential (HCR). The purpose of the tower is to improve signal coverage in the cellular telephone network. A plan illustrating the overall site layout is attached as Map 2. A plan illustrating the Telus compound site layout is attached as Map 3. A drawing illustrating the proposed tower profile for this location is attached as Map 4.

The proposed tower will be:

- located on leased land at the rear of a General Business (C-2) zoned property (see Map 2);
- approximately 65 metres (213 feet) in height (see Map 4);
- accompanied by a new fiberglass equipment shelter located at the base of the tower that is 3.6 metres (11.8 feet) by 3.6 metres (11.8 feet) and expandable to 3.6 metres (11.8 feet) by 7.9 metres (25.9 feet);
- protected by a 1.8 metre (6 foot) high chain link fence, with appropriate warning signs, located around the new equipment building and the tower (see Map 3);
- set back from the road approximately 115 metres (377.3 feet);
- located within a wooded area which provides some screening; and
- a co-location site for Telus and Aliant in order to maximize the use of this telecommunication site. Telus is currently negotiating with Rogers.

DISCUSSION:

In accordance with constitutional law, the federal government has jurisdiction over all forms of telecommunication and, accordingly, municipal regulations or by-laws have little force or effect over such installations. However, as a matter of policy, Industry Canada, the federal licensing authority, has recognized that municipal authorities may have an interest in the location of antenna structures, particularly from the perspective of aesthetics. An opportunity is therefore provided for municipalities to review proposals and provide comment which may be taken into consideration in determining whether to issue a license, or upon what conditions a license may be granted.

The Planning District 5 Municipal Planning Strategy (MPS) does contain a Special Facility (P-5) Zone which allows telecommunication stations and facilities but it was not intended for the use of a single self supporting tower. The MPS has no specific guidance with respect to communication towers. Discussion will therefore be based on general planning principles. One of the purposes of zoning is to create areas where compatible uses can co-exist while excluding other uses which may not be compatible. From a land use perspective, communication towers do not appear to raise compatibility issues such as hours of operation, noise, traffic generation, or intensity of the use. The main issue of concern is the visual impact of the communication tower. Visual incompatibility between uses can be addressed through screening or separation of uses. Telus has made an effort to

locate on a property zoned General Business (C-2), to locate the tower at a substantial distance from the road and to retain existing vegetation for screening purposes.

Staff is of the opinion that this proposal would not appear to pose undue aesthetic or visual concerns. It is therefore recommended that no objections be raised by this proposal.

Public Information Meeting:

In accordance with this consultation policy, the Telus Mobility proposal was discussed at a Public Information Meeting held in the community on January 11, 2007. Four members of the public attended this meeting. Minutes of the meeting are appended as Attachment A.

BUDGET IMPLICATIONS:

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

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

ALTERNATIVES:

1. Inform Industry Canada that Western Region Community Council has no objection to the proposal by Telus Mobility to erect a 65 metre (213 foot) self supported telecommunication tower and an accessory building at 225 Ketch Harbour Road, Herring Cove (PID No. 00622597). This is the recommended course of action.
2. Identify additional comments or recommendations with respect to the proposed tower. In this event, staff will notify the local office of Industry Canada of Council's recommendations.
3. Identify that the Community Council is not in favour of the proposal. This is not recommended due to reasons outlined in this report.

ATTACHMENTS:

Map 1 - Location Map
Map 2 - Overall Site Plan
Map 3 - Telus Compound Site Plan
Map 4 - Tower Profile
Attachment A - Minutes of the Public Information Meeting - January 11, 2007

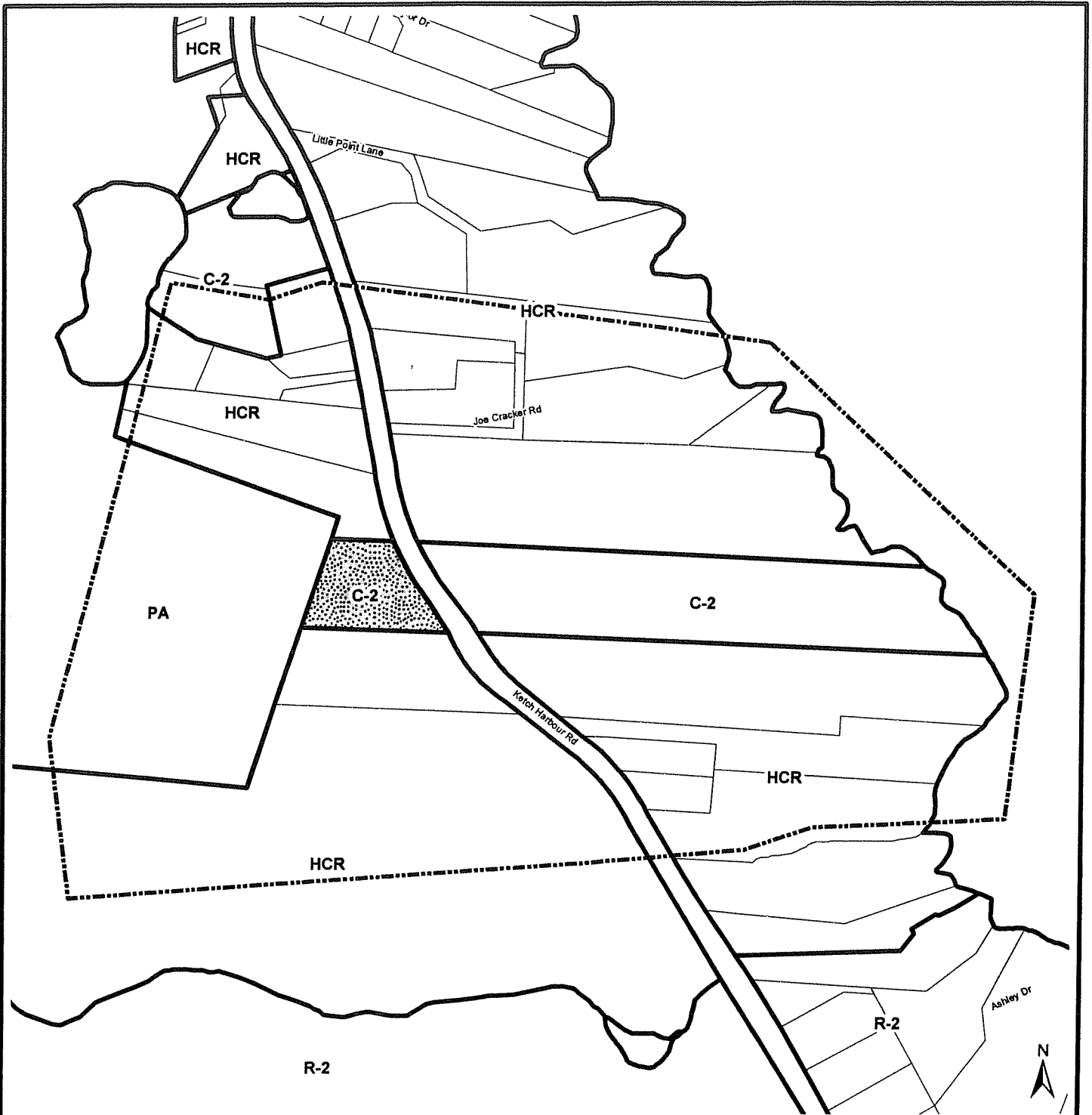
Case 00968
225 Ketch Harbour Road

4 Western Region Community Council
February 26, 2007

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

Report Prepared by : Randa Wheaton, Senior Planner, Planning Services, 869-4499



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



Map 1 - Location and Zoning

225 Ketch Harbour Road
Herring Cove

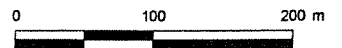
Planning District 5
(Chebucto Peninsula) Plan Area

-  Subject property
-  Area of notification

Zone

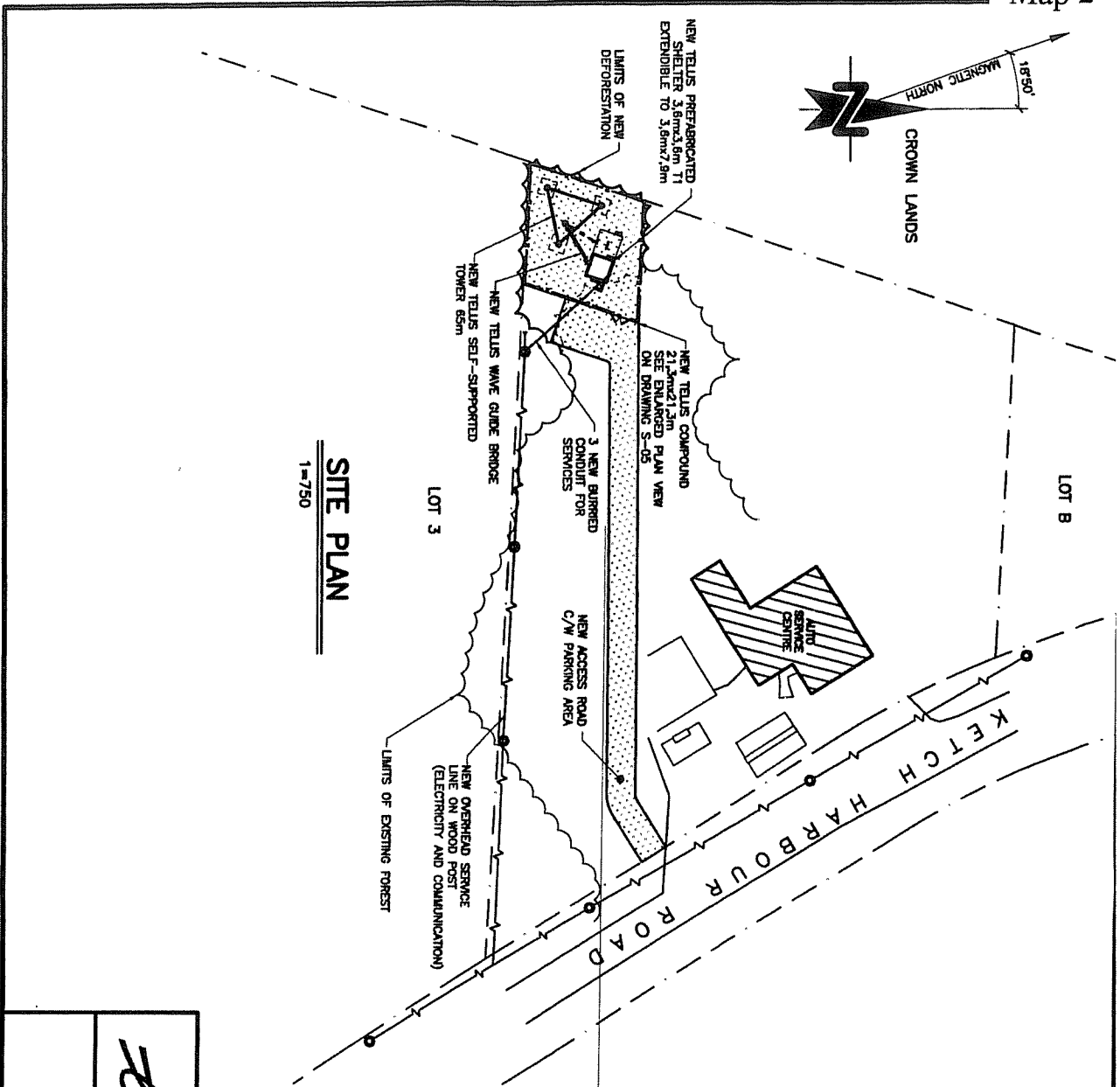
- R-2 Two Unit Dwelling
- HCR Herring Cove Residential
- C-2 General Business
- PA Protected Area

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Planning District 5 Plan Area.

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



SITE PLAN
1=750

MAGNETIC DECLINATION	GEOCR. COORDINATES (NAD 83)
18°50' TO WEST IN 2006 ANNUAL CHANGE OF 0"8'00"	NORTH LATITUDE: 44°33'10.97" WEST LONGITUDE: 65°33'45.37" GROUND ELEVATION: 48.5m A.S.L. TO EAST.

GENERAL NOTES:

ALL INFORMATION PERTAINING TO THE LAND SURVEY IS TAKEN FROM SERVANT, DUNBRACK, MCKENZIE & MACDONALD, NOVA SCOTIA LAND SURVEYORS JOB NO. 1-10-2 DATED JULY 21, 2008
ALL DIMENSIONS SHALL BE VERIFIED BEFORE STARTING WORK.
ALL DESIGN AND WORK SHALL COMPLY WITH CAN/CSA S37-01 AND ALL GOVERNING CODES.
STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA G40.21-98.
GALVANIZATION: HOT DIP GALVANIZATION CONFORM TO CAN/CSA G184-M82 (R2003).
STANDARD OBSTRUCTION MARKINGS AND PAINTING: CONFORM TO TRANSPORT CANADA 621.19.
ALL STEEL, HARDWARE AND BOLTS SHALL BE NEW AND GALVANIZED.
FOUNDATION SHALL BE DESIGNED IN ACCORDANCE WITH GEOTECHNICAL STUDY FOR THIS SITE.
CONCRETE WORK SHALL CONFORM TO CAN/CSA A23.1, A23.3 LATEST EDITION.
REINFORCING STEEL SHALL CONFORM TO CAN/CSA G30.18M GRADE 400 AND A23.3.

Notwithstanding to whomsoever this plan may be sold, it shall remain the property of the undersigned and shall not be used for any other purpose without the written consent of the undersigned.
1508
K. Ethier, P.Eng.
1 June 11/2008

TELUS mobility™

AXONDA
consultants Inc.

TELUS APPROVAL

Approved by CM: _____ Date: _____

Approved by RF: _____ Date: _____

Approved by OP: _____ Date: _____

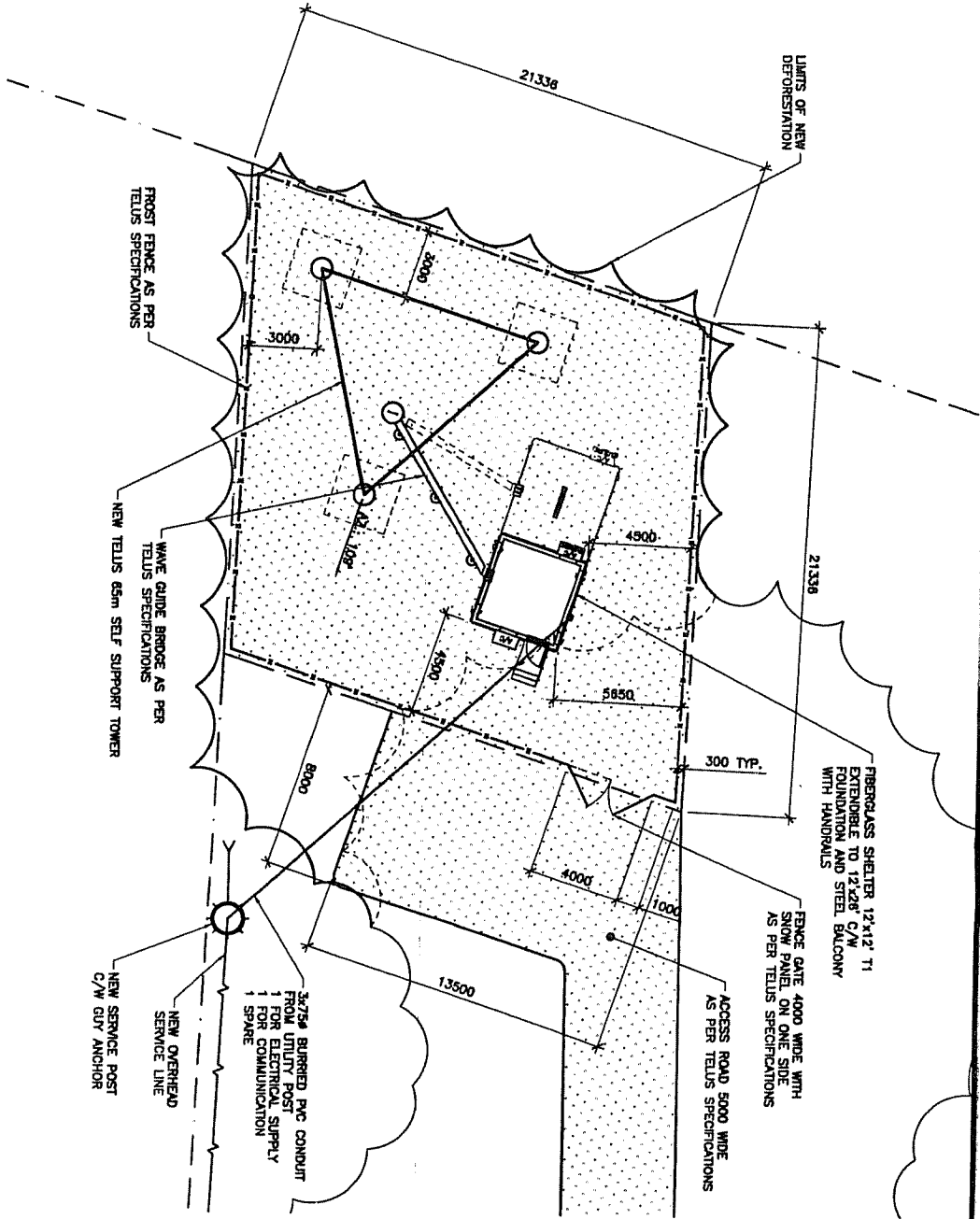
Approved by RE: _____ Date: _____

0 09/07 FOR PERMITS AND CONSTRUCTION
A 09/29 FOR APPROVAL

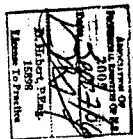
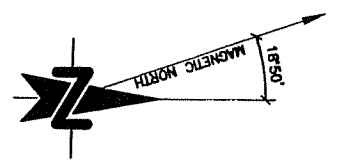
Site: **NS-0068 Herring Cove/Taylor Dr.**
Project: 223 Ketch Harbour rd, Herring Cove, Nova-Scotia
NEW PCS SITE
SELF-SUPPORTED TOWER 85m

Title: **GENERAL SITE LAYOUT PLAN VIEW**

Drawn: S. Ethier Date: 06/08/29
Checked: L. Beaulieu Date: 28107
Drawing: S-02



COMPOUND ENLARGED PLAN VIEW
1=200

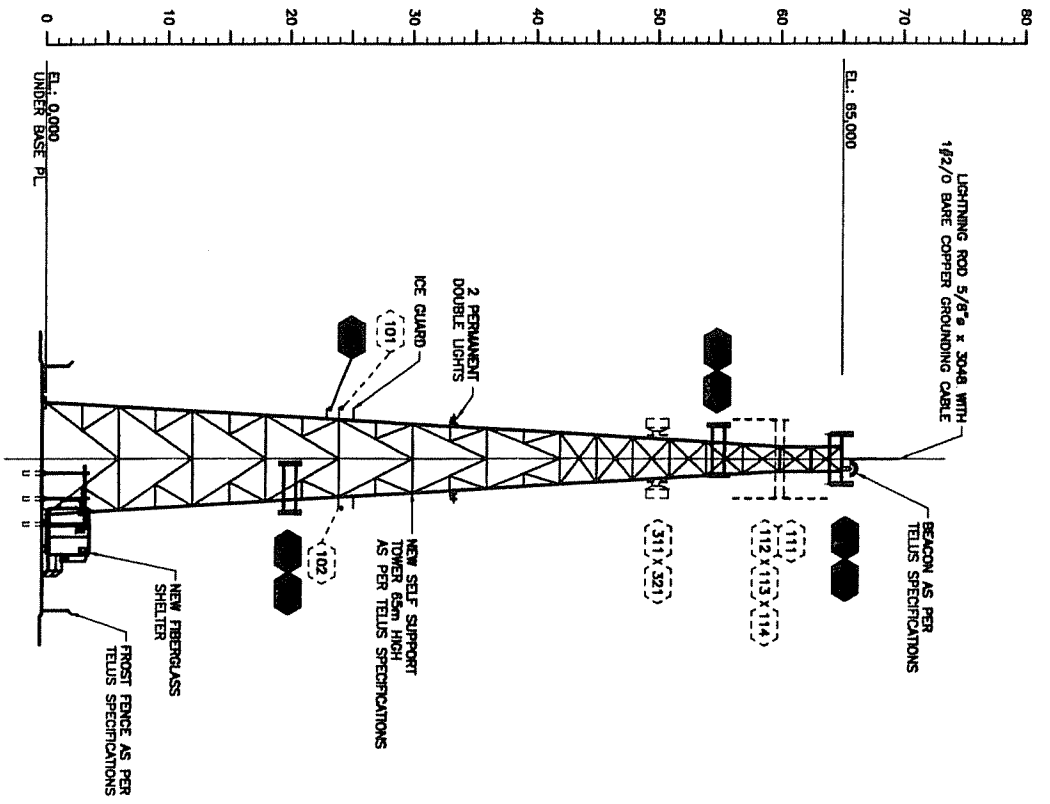


TELUS mobility™
AXDOR consultants Inc.

TELUS APPROVAL	
Approved by CM:	Date:
Approved by RF:	Date:
Approved by OP:	Date:
Approved by RE:	Date:
0 09/07	FOR PERMITS AND CONSTRUCTION
A 09/29	FOR APPROVAL
No	Issued
By	SE

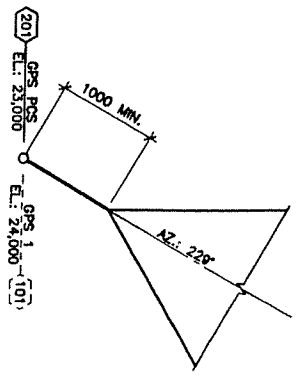
SITE: **NS-0068 Herring Cove/Taylor Dr.**
 225 Ketch Harbour rd, Herring Cove, Nova-Scotia
 Project: **NEW POS SITE**
SELF-SUPPORTED TOWER 65m
 Title: **COMPOUND ENLARGED PLAN VIEW**

Drawn: S. Ethier Date: 09/09/29
 Checked: L. Beaulieu File: 26107
 Drawing: **S-05**



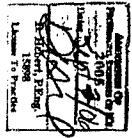
SITE PROFIL
1=400

GPS ANTENNAS ARRANGEMENT
1=50



DESIGN CRITERIA:

THE TOWER, FOUNDATIONS, ANCHORS AND ALL OTHER STRUCTURAL COMPONENTS OF THE TOWER SHALL BE DESIGNED IN ACCORDANCE WITH CSA S37-01.
WIND AND ICE LOADINGS:
WIND: q = 551 Pa (ENV. CANADA - SITE SPECIFIC WIND DATA)
ICE = CLASS IV - 50mm (CAN/CSA S37-01 - RECOMMENDED BY ENV. CANADA)



TELUS APPROVAL

Approved by CM:	Date:
Approved by RF:	Date:
Approved by OP:	Date:
Approved by RE:	Date:

NO	DATE	FOR PERMITS AND CONSTRUCTION	SE
0	09/07	FOR PERMITS AND CONSTRUCTION	SE
A	08/29	FOR APPROVAL	SE

TELUS mobility™

AXDRA consultants inc.

TELUS APPROVAL

Site: **NS-0068 Herring Cove/Taylor Dr.**
 225 Ketch Harbour rd, Herring Cove, Nova-Scotia

Project: **NEW PCS SITE**
SELF-SUPPORTED TOWER 65m

Title: **GENERAL SITE PROFILE AND ANTENNAS LAYOUT**

Drawn: **S. Ehlhar** Date: **09/09/29** Drawings: **S-03**

Checked: **L. Beaulieu** File: **28107**

ATTACHMENT A

**Public Information Meeting
Case 00968
January 11, 2007**

In attendance: Councillor Adams
Randa Wheaton, Senior Planner, Planning Applications
Gail Harnish, Planning Services
Philippe Leggett-Bachand, Telus Mobility
4 members of the public

Ms. Randa Wheaton called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Herring Cove Recreation/Fire Hall, noting we are here this evening to discuss a telecommunication application.

Ms. Wheaton advised the telecommunication process is not as a result of the *Municipal Government Act*. Communication towers and equipment are a matter of constitutional law. The Federal government has jurisdiction over all forms of radio and cellular communication. Provincial and municipal government have little jurisdiction relative to radio communication facilities because they are legislated by Federal law. Industry Canada is the group that licenses and regulates these facilities.

Ms. Wheaton indicated the Federal government has recognized that municipal authorities may have an interest in the location of structures and a consultative process has been instituted by Industry Canada. The policy requires that the applicant notify the Municipality of its intention and the Municipality is given the opportunity to review the proposal and provide comments to Industry Canada. If any objections arise, the Municipality has to provide a written letter to Industry Canada. The submissions are reviewed by Industry Canada who will determine whether or not a license is granted or any conditions upon which the license is to be granted. The municipal planning strategy does not contain any specific policy regulations pertaining to telecommunication towers.

Ms. Wheaton advised staff's review is based on general planning principles and there is regard for the visual impact of communication towers and the safety risk from potential structural failure of the tower. Anything to do with health is not something the Municipality has any control over. That is addressed by Health Canada, and Industry Canada is the one that ensures those standards are met before they issue any license.

Ms. Wheaton reviewed the process:

- we received an application
- there was an initial review by Planning Services
- there is a decision to either hold a PIM or a notification letter is sent
- the PIM is being held this evening

- staff will prepare a report with a recommendation, which is tabled with Western Region Community Council
- there is no public hearing, although Community Council may decide to allow members of the public to speak if they feel it's important to do so
- Community Council's decision is forwarded to Industry Canada

Mr. Philippe Leggett-Bachand stated he was responsible for the development of their cellular network in the Maritimes. They have forty sites similar to this one in Halifax and this is to cover service to customers for their communications. A telecommunication site is generally made of equipment which is in a little shed or room. The structures do not transmit or receive any information.

Mr. Leggett-Bachand advised the site they are proposing is at 225 Ketch Harbour Road behind Steve Murphy's garage. It is located in the back near the limits of the Crown land and approximately 115 m from the street. It is a wooded area and they will keep as many trees as possible to hide the base of the tower/shelter.

Mr. Leggett-Bachand indicated they wanted to locate here to make the link on Route 349, Ketch Harbour Road, and Herring Cove Road up to Portuguese Cove. Their nearest site will be in Harrietsfield and this will link up to the City.

Mr. Leggett-Bachand advised they have an agreement with Aliant so they can use their network. Usually what they do is offer it to the competitors as well to try and minimize the number of towers. If there is a building of a certain height they will try and use that as opposed to building a tower. Their business is to give service to their customers and not build towers. Rogers is also interested in renting some space from the tower.

Ms. Wheaton questioned how high the structure would be. Mr. Leggett-Bachand responded 65m. He referred to a picture of a similar tower in the Quebec region. It is a self-supporting tower which takes up a bit of space at the base, usually 8-10 metres.

Ms. Wheaton questioned if there is lighting. Mr. Leggett-Bachand responded Transport Canada would decide if it is a corridor for planes. If it is, they have to put a light on top. They will know that later in the process.

It was questioned how much power there would be. Mr. Leggett-Bachand responded he did not have the information on the power.

The individual commented he would like to research that after he knew how much power there would be.

Mr. Leggett-Bachand indicated a site like this is approximately fifty times below what Health Canada considers acceptable in terms of emissions. He volunteered to provide the number of watts.

Mr. Louis de Montbrun questioned whether the transmission tower would interfere with communications or equipment in the area or if it would affect TV reception.

Mr. Leggett-Bachand responded Industry Canada manages the spectrum/frequency available to them. That spectrum is provided to them so that it would not interfere with stuff in the area. He confirmed it would not interfere with televisions. Telecommunications are used more and more. In the past year, they have received ten to fifteen letters from the Municipality saying they need this service. People want to use their cellphones for security and for business.

It was questioned when the tower would be built.

Mr. Leggett-Bachand responded they wait for comments from the Municipality which are forwarded to Industry Canada. It takes a few months and then there is construction. It takes about one to two weeks for the tower to be built. The tower would probably be built over the summer.

It was questioned whether there would be a ladder there.

Mr. Leggett-Bachand responded yes, but noted there are security devices. It will be fenced all around with a 6' high fence.

It was questioned what the colour of the tower would be.

Mr. Leggett-Bachand responded they usually galvanize it so it becomes a grayish blue. Their experience is that paint does not last.

It was questioned if there is a minimum height requirement for the antenna.

Mr. Leggett-Bachand responded no. They place them on one and two storey buildings in urban areas. It depends upon the density and the population. Towers are becoming smaller and smaller.

It was questioned whether there would be any cutting of trees.

Mr. Leggett-Bachand responded he has asked their surveyor to locate the tree line. Referencing a sketch, he pointed out an area that would be cleared but noted they would keep the trees as much as possible. They don't have an interest in showing their equipment. That is more tempting for people to come closer to the site. This is why they chose this site. The landlord wanted it up in the middle of the site but it would have required more tree-cutting.

It was questioned whether the elevation at the base of the tower was below the garage or if the elevation was higher.

Mr. Leggett-Bachand responded the elevation of the land is fairly straight back. There is a bit of a hole in this area (pointed out) which they might have to fill in.

It was questioned whether the tower would be 65 or 68' high. It was clarified the project was for a 65' high tower.

It was questioned whether that height included the communication equipment on top or whether that was the height of the structure.

Mr. Leggett-Bachand responded the antennas are on the structure. There is a little pre-fabricated shed.

It was questioned whether these towers got hit by lightning very much.

Mr. Leggett-Bachand responded there is a lightning rod installed. He has been with the company for seven years and was not aware of any damage.

Mr. de Montbrun asked for confirmation that the land behind was Crown land.

Mr. Leggett-Bachand responded yes. Referencing the map, he pointed out residences in the area, wooded areas, and a house on Lot B. According to Mr. Murphy he does not plan to expand his garage so the woods should stay.

Mr. de Montbrun, referencing the shading on the map, asked if that was the whole lot belonging to the landlord. Mr. Leggett-Bachand responded yes and pointed out the area where the tower would be located.

It was questioned whether they are required to build communication towers on commercially zoned lands.

Mr. Leggett-Bachand responded no. They try and avoid building towers in residential areas. In the City they try to build on buildings as much as possible or in silos on churches.

Mr. Leggett-Bachand indicated the engineers give them a range when they are looking for a site and they try to get something more compatible with the use. They also need a landlord who is willing to rent.

It was questioned whether they are planning any more transmitters in this area.

Mr. Leggett-Bachand responded they have a partnership with Aliant. There is a tower in the Harrietsfield area and there is one in the Bald Rock area. They call these fringe sites. They also have a similar arrangement with Bell in Western Canada.

It was questioned how much of an area this tower would cover.

Mr. Leggett-Bachand responded 1015 kms, depending on the topography.

An individual commented it appears the Municipality is just a liaison. There is no legal avenue. Industry Canada is in control of the whole process.

Mr. Wheaton responded pretty much. The Municipality could say it has real problems with the proposal but Industry Canada could over-ride that and give them the license anyway. Generally they won't do that. They want the communication company and the Municipality to get together and try and work it out. They don't want to go against the Municipality's wishes but the bottom line is that the Federal government can do what they want.

Mr. Leggett-Bachand commented that rarely happens. Generally there is a meeting with the various parties to try and arrive at a solution.

Ms. Wheaton referenced an instance where there was a transmission tower proposed for close to a residential area. The Municipality wanted it shifted further away from the residents which they did and everybody was happy. Usually there is some negotiation involved but mainly all we can do is look at aesthetics and compatibility concerns. We have no authority over health concerns.

It was questioned whether consideration was given to wind exposure. They get pretty strong and gusty winds. How would this be attached to the ground?

Mr. Leggett-Bachand responded they will hire an engineering contractor to prepare plans for the site according to the conditions for the area and there are soil tests and they look at wind loads. Every site is considered unique.

It was questioned if the design could change.

Mr. Leggett-Bachand responded no, indicating the material could be thicker or stronger or more nuts and bolts used. The Code is more restrictive for towers than buildings.

It was questioned whether the structures would trap air. Mr. Leggett-Bachand responded there is no signage to cause a wind restriction. There is a standard called S37 which is what they comply with.

Ms. Wheaton advised the next step would be for her to prepare a report with a recommendation for Western Region Community Council.

The meeting adjourned at approximately 7:40 p.m.