

**Western Region Community Council
December 3, 2007**

To: Chair and Members of Western Region Community Council

Submitted by:



Sharon Bond, A/Director of Community Development

Date: November 8, 2007

**Subject: Case 01036: Telecommunication tower at 79 Brunt Road,
Harrietsfield**

ORIGIN

Application by Bell Aliant Regional Communications Incorporated to construct a new 75 metre self-supported telecommunication tower and accessory buildings at 79 Brunt Road (PID # 40073090), Harrietsfield (see Map 1).

RECOMMENDATION

It is recommended that Western Region Community Council forward a positive recommendation to Industry Canada supporting the proposal by Bell Aliant Regional Communications Incorporated, thereby allowing for the construction of a new 75 metre (246 feet) self supported telecommunication tower and accessory buildings at 79 Brunt Road (PID No. 40073090), Harrietsfield, as shown on Map 1 attached to this report.

BACKGROUND

Bell Aliant Regional Communications Incorporated wishes to erect a new 75 metre self-supported telecommunication tower and accessory buildings at 79 Brunt Road (PID No. 40073090), Harrietsfield, which is the site of an existing radio transmission tower to be removed (see Map 1). The company wishes to install a larger tower to improve cellular signal coverage and provide a co-location for two other cellular companies. A plan illustrating the site layout is appended as Attachment B.

The proposed tower would:

- replace the existing tower;
- be approximately 75 metres (246 feet) in height (see Attachment C);
- in addition to the existing shelter have two new accessory equipment shelters;
- incorporate standard steady red obstruction lighting (not strobes) and be painted in accordance with Transport Canada regulations; and
- be protected by a new 8 to 10 foot high chain link fence, with appropriate warning signs, located around the equipment buildings and tower base.

Municipal Process

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

The federal government, however, has recognized that municipal authorities may have an interest in the location of antenna structures and this should be considered in the exercise of its authority. A consultation policy has therefore been instituted. The policy requires that an applicant notify the appropriate municipality of its intentions. The municipality is then given an opportunity to review the proposed antenna structure and site and provide comment. If any objections arise, the municipality is to provide written notice to the local office of Industry Canada. The submissions will be reviewed by Industry Canada, who will then determine whether or not a license is to be granted and/or upon what conditions such license is granted.

Site Features and Surrounding Land Use

The site has the following characteristics:

- The property has been owned by Bell Aliant since 1994;
- Due to its unique height above sea level enabling broad coverage, the land is considered to be an ideal location to service Halifax to Sambro and surrounding areas;
- The site is zoned R-2 (Two Unit Dwelling Zone) but most of the surrounding areas are zoned R-6 (Rural Residential Zone) under the Land Use By-law for Planning District 5 (Chebucto

Peninsula) which contemplates residential uses with allowance for agricultural, forestry, recreational and open space uses, among others;

- The property is surrounded by agricultural uses with residential uses to the east.

DISCUSSION

The Municipal Planning Strategy (MPS) for Planning District 5 contains 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 Impact

Staff believe there will be some minor visual impact given that the existing tower at this location is small and the installation of a 246-foot tower represents a noticeable height increase. Visual incompatibility between uses can be addressed through screening or separation of uses. Visual screening of a structure this tall is not feasible so the use of adequate separation should be provided to minimize any potential land use conflicts. Unfortunately, due to the limited size of the property, this is not possible here.

Physical Proximity

While no formal policy exists to guide the location of communication towers to ensure adequate separation from residential properties, a review of past practice indicates that a minimum separation distance between towers and residential properties has often been established based on the measured height of a proposed tower. The separation distance based on tower height is founded on a precautionary principle to minimize risk in the unlikely event of structural failure. The closest existing residential dwelling is in excess of 100 metres from the tower's proposed location.

Health and Safety

Aside from land use planning issues, there are often concerns about potential health risks from the placement of telecommunication facilities. Industry Canada requires that such systems are operated in accordance with the safety guidelines established by Health Canada's radiation protection bureau in its publication, *Limits to Radiofrequency Fields at Frequencies from 10kHz - 300 GHz*. This is referred to as Safety Code Six. Prior to receiving a licence from Industry Canada the operator must submit the calculations on the intensity of the radiofrequency fields to ensure that this installation does not exceed the maximum levels contained in the Safety Code Six requirements. Information submitted in support of this proposal indicates no concerns in relation to Safety Code Six. Such matters are within the jurisdiction of Industry Canada.

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

Public Information Meeting

In accordance with this consultation policy, the Bell Aliant proposal was discussed at a Public Information Meeting held in the community on June 21, 2007. Two members of the public attended this meeting. Minutes of the meeting are appended as Attachment A.

BUDGET IMPLICATIONS

None. The costs to process this application are covered under the C310 operating budget.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

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

1. Inform Industry Canada that Western Region Community Council has no objection to the proposal by Bell Aliant Regional Communications Incorporated to erect a 75 metre (246 foot) self supported telecommunication tower and accessory buildings at 79 Brunt Road (PID # 40073090), Harrietsfield. 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 and Zoning Map

Attachment A - Minutes of the Public Information Meeting - June 21, 2007

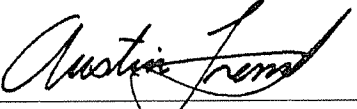
Attachment B - Site Plan

Attachment C - Tower Profile

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate 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, 490-4499

Report Approved by:


Austin French, Manager of Planning Services, 490-6717

ATTACHMENT A

Public Information Meeting
Case 01036
June 21, 2007

In attendance: Councillor Adams

Randa Wheaton, Senior Planner, Planning Applications

Gail Harnish, Planning Services

Rod Winters, Bell Aliant

Ms. Randa Wheaton called the public information meeting to order at approximately 7:05 p.m. at the Captain William Spry Centre. We are here to discuss an application to construct a new telecommunication tower on land owned by Bell Aliant at 79 Brunt Road, Harrietsfield.

Ms. Wheaton advised communication towers are a matter of constitutional law. The Federal government has jurisdiction over all forms of radio and cellular communication. Provincial and Municipal governments have little constitutional jurisdiction to interfere with or impair radio 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*.

Ms. Wheaton indicated the Federal government has recognized that municipal authorities may have an interest in the location of antenna structures. A consultation policy has therefore been instituted. The policy requires that an applicant notify the appropriate Municipality of its intentions. The Municipality is then given an opportunity to review the proposed antenna structure and site and provide comment. If any objections arise, the Municipality is to provide written notice to the local office of Industry Canada. The submissions will be reviewed by Industry Canada, who will then determine whether or not a license is to be granted and/or upon what conditions such license is granted.

Ms. Wheaton advised the Municipal Planning Strategy for Chebucto Peninsula (Planning District 5) does not contain specific guidance with respect to telecommunication towers. Staff's review of this proposal is therefore based on general planning principles and has regard for the visual impact of the communications tower and safety from the risk of structural failure of the tower. Industry Canada, in consultation with Health Canada, is responsible for all health considerations related to communication towers.

Ms. Wheaton reviewed the application process for telecommunication towers:

- there was a preliminary review
- we are now at the public information meeting
- Planning Services will prepare a report, with a recommendation, which will be tabled with Western Region Community Council
- Community Council's recommendation is forwarded to Industry Canada

Mr. Chris Caines stated he was concerned about the visual aspect.

Ms. Wheaton responded that from a planning perspective, we look at the aesthetics. Because of the size of the structure, there is generally not a lot you can do about them. There are also safety concerns in the event there is a structural failure.

Mr. Rod Winters advised there will be three buildings at the base. Their towers are designed to CSA standards. He was not aware of any tower that failed.

Mr. Caines questioned how many people are in the area that would be affected.

Ms. Wheaton, referencing the map, pointed out the area of notification within the dotted line. We generally use an area of 500' as a guide. The land owned by Bell Aliant is shown in grey.

Mr. Caines indicated he understood they need 75% of the people to sign that they do not want the tower put there which they would see out their front window.

Mr. Winters responded that if there is a petition, it should be forwarded to Industry Canada. They are now consulting with the Municipality.

Mr. Caines expressed concern that he just received the letter of notification last night. He did not want the tower there. He had a beautiful sunset. He did not want to look out his front window and see a tower with a flashing light. He used to go to the top of Main Avenue where there was a huge tower. It is ugly and it is an eyesore.

Ms. Wheaton advised that if he wanted to submit a petition or a letter, Mr. Caines could either send it to her or Community Council and we will make sure it gets circulated to the other Council members.

Councillor Adams indicated that if a petition is submitted, it would be part of the public record when this comes to Community Council and they will read it into the record. It would then be sent as part of the package to Industry Canada. Ultimately, Industry Canada makes the decision.

Ms. Wheaton stated even though they are a Federal body and have certain powers to make a decision, they have in the past been very concerned about going against the wishes of the local Municipality. If they know the Municipality has a concern about a specific tower, they will ask the applicant to try and work something out with a better solution.

Mr. Caines indicated he would circulate a petition.

Mr. Winters stated that 35% of emergency calls are coming from cell phones. There is an issue with coverage to their customers in this area. If this is turned down, they know their competitors will be looking for another tower and if they cannot do it collectively, they will do it individually. At the end of the day, they would likely end up with three towers.

Ms. Wheaton noted that if they were to do that, they would have to go through this public process. From a municipal perspective, all towers are treated the same. She recognized they are trying to co-locate so they are trying to get the three parties together to do one facility instead of three.

Mr. Winters indicated this is a site that they own and it is an existing use.

Mr. Caines questioned why the tower couldn't be put further back.

Mr. Winters responded they would have to buy or lease land to do that. He circulated a photo of the Telus tower at Otter Lake.

Ms. Maria Caines encouraged that they find another site that is less visible. There is space further down where there is not much development.

Mr. Caines suggested they look at the Club Road area.

Mr. Winters stated it would be a fairly substantial capital cost for them to move. Also, it is a matter of being strategically located. This site provides them with the coverage they need. It will provide coverage towards Halifax and towards Sambro.

Mr. Winters indicated they have not looked at another location because they own this property. For them to find a location that is satisfactory for the three carriers is pretty significant. They know that if this request is turned down, the other two carriers will be looking in this area for a tower.

Mr. Caines reiterated they should look at the Club Road area.

Mr. Winters responded he suspected that is getting too close to their other tower. He suspected he would be told they would have an issue if they moved 1 km down the road. They do not want or need to be too close to other installations. Their infrastructure is in place now.

Mr. Caines commented he understood they are trying to upgrade.

Mr. Winters indicated all of their equipment there now would be put on the new tower. Because of the height of the current tower, they are limited. If the proposal for this tower is not approved, their competitors will be looking in the area. This will eliminate two unnecessary towers. It is proposed to have three carriers on this tower - Telus, Rogers, and Bell Aliant.

Mr. Caines questioned whether this is the optimal site for all three carriers.

Mr. Winters responded he did not know where optimal is. It is good where they are now.

Ms. Caines asked Mr. Winters if this was the view he would want to see out is front window. They would see this out their picture window.

Mr. Winters responded there has been an installation there for twenty years.

Mr. Caines stated it is probably about 100' high. If you go down the Old Sambro Road, it looks like a power line. He moved out of the City to get out of the city. He could not make fires now and now

they want to get rid of cats. He said he would knock on everybody's door. Land is cheap down there and they could probably buy an acre of land for \$16,000.

Councillor Adams concurred communication towers do not look good. The regional police and fire services will support this proposal. The less imposition the better. People look at their own property first when they want to do something. Industry Canada will ultimately make the decision.

Mr. Caines expressed concern that it would also take away from their property value.

Ms. Caines stated they would not have bought a house there if there was a tower there.

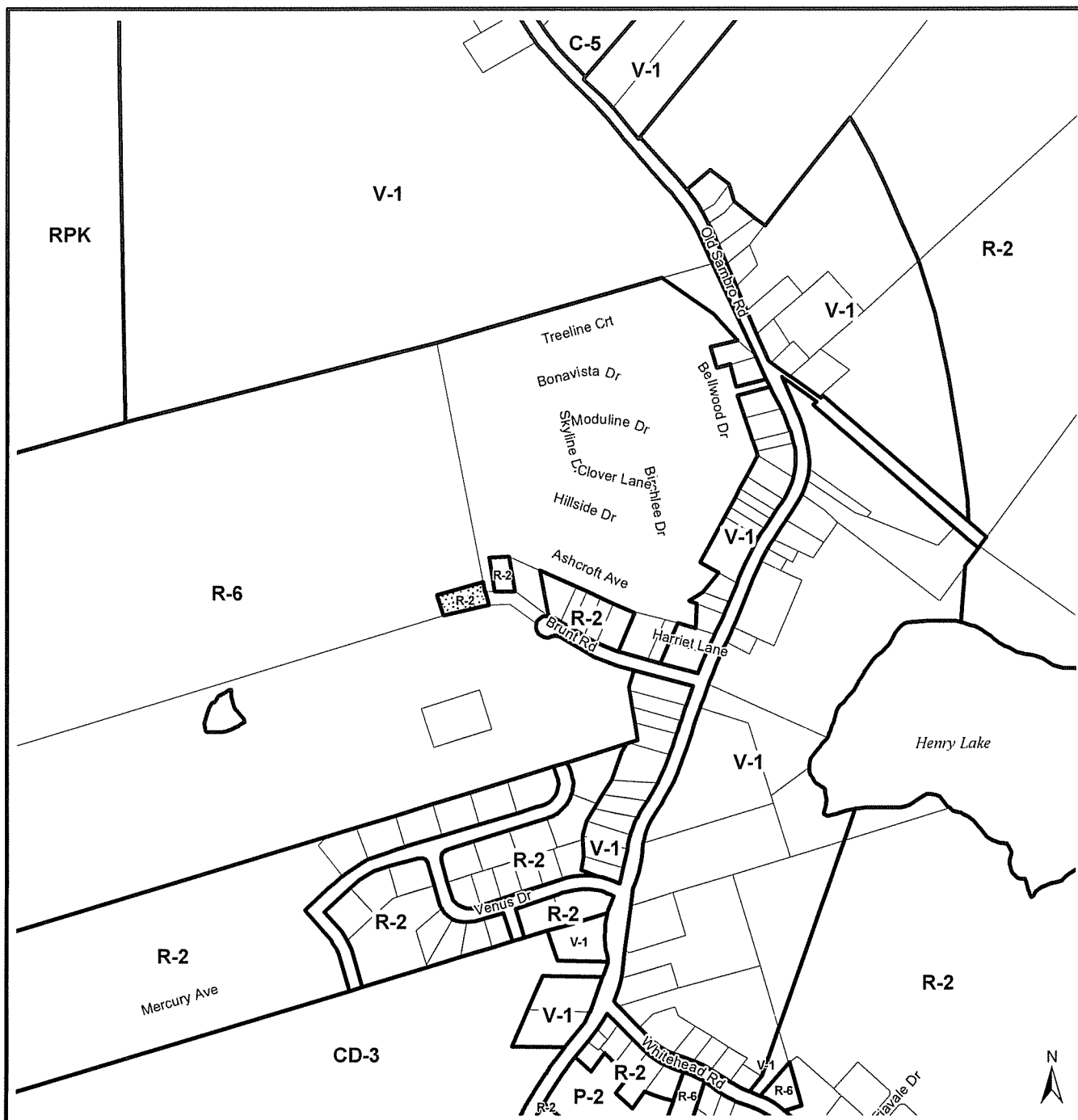
Councillor Adams indicated he would get the number of people on the mailing list, and would check on the date the letters were sent to the mailroom. If there is a petition submitted, it will be part of the package forwarded to Industry Canada.

Ms. Wheaton advised she was concerned about notification to the trailer park, so she went out there herself and put notices on the supermailboxes.

Ms. Caines questioned whether they had any specifications for the proposed tower.


Mr. Winters responded it would be similar to the Telus tower at Otter Lake.

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



Map 1 - Location and Zoning

79 Brunt Road
Harrietsfield

 Subject property

Planning District 5
(Chebucto Peninsula) Plan Area

Zone

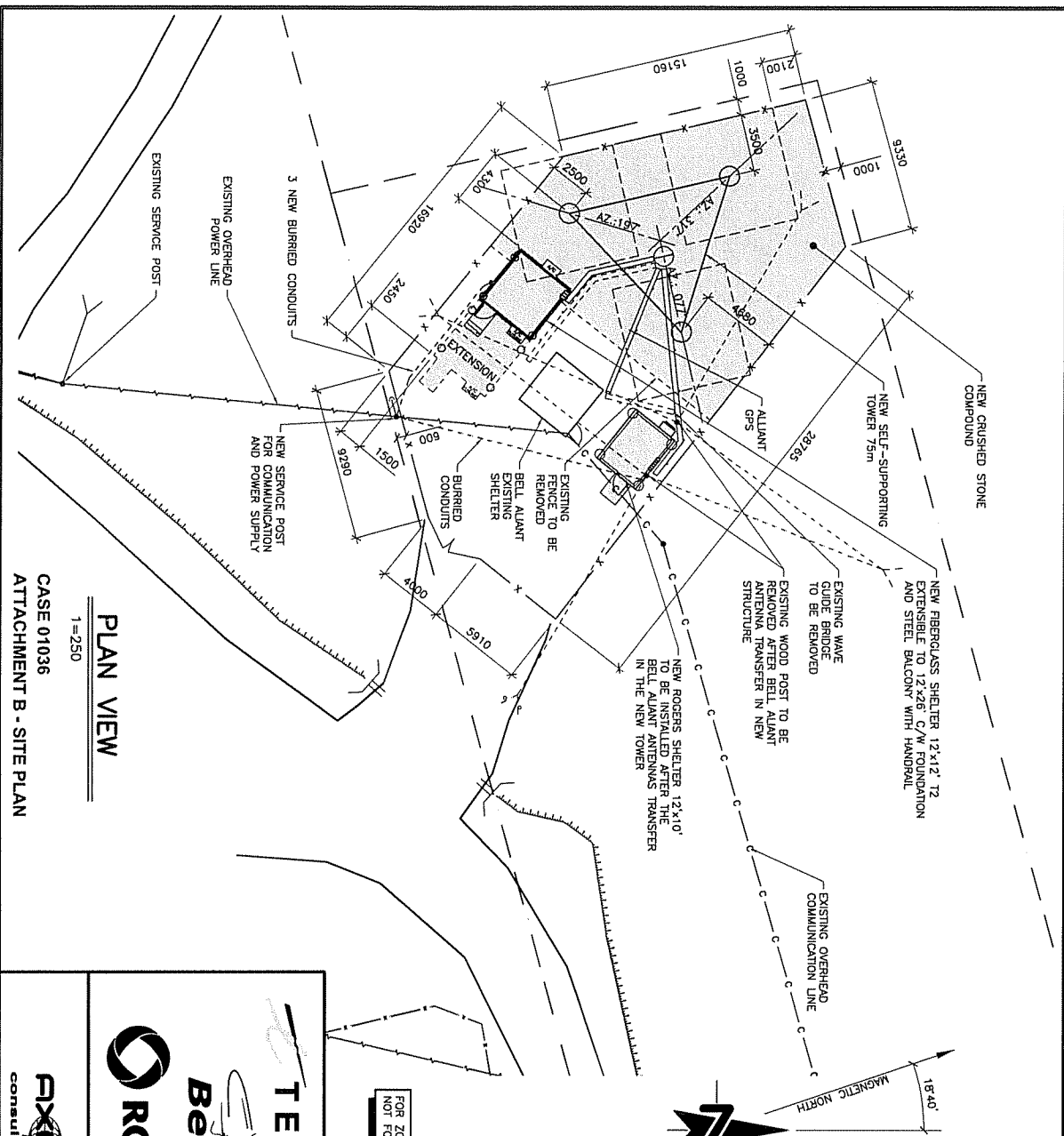
R-2 Two Unit Dwelling
R-6 Rural Residential
V-1 Harrietsfield Village Centre
C-5 Industrial - Commercial Mix
CD-3 C&D Materials Disposal Sites
P-2 Community Facility
RPK Regional Park

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 100 200 m

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



PLAN VIEW
1 = 250
CASE 01036
ATTACHMENT B - SITE PLAN

MAGNETIC DECLINATION	GEOGR. COORDINATES (NAD 83)
18°40' TO WEST IN 2007 ANNUAL CHANGE OF 0°8'00" TO EAST.	NORTH LATITUDE: 44°34'15.05" WEST LONGITUDE: 63°38'21.79" GROUND ELEVATION: 123.5m A.S.L.

GENERAL NOTES:

ALL INFORMATION PERTAINING TO THE LAND SURVEY ARE TAKEN FROM THE SEVEN (7) HURON, NOVA SCOTIA AND MACDONALD LTD. NOVA SCOTIA AND SUPERIOR CONSULTING ENGINEERS JOB NO. 1-10-14 (23272) DATED JANUARY 24, 2007

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 G164-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.

FOR ZONING PURPOSES ONLY
NOT FOR CONSTRUCTION

Bell Aliant
 SANS - FIL

TELUS mobility™

PCLINOR
 consultants inc.

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

Project: HARETSFIELD - SAMIRO RD./BRUNT RD.

Title: NEW PCS SITE
75m SELF-SUPPORTED TOWER
GENERAL SITE LAYOUT
PLAN VIEW

Drawn: M. Bellisle
Checked: S. Ethier

Date: 07/01/12
File: 26163

Drawing: S-02

