



Community Planning and Development Department

Wednesday, October 04, 2023

Subject: Request for Letter of Concurrence - Proposed
Telecommunications Tower at 1022 Pelham Street

Recommendation:

BE IT RESOLVED THAT Council receive this Report #2023-0216 Request for Letter of Concurrence – Proposed Telecommunications Tower at 1022 Pelham Street, for information;

AND THAT a copy of this report be provided to Innovation, Science and Economic Development (ISED) Canada as concurrence with the location, siting, and design of the proposed telecommunications tower at 1022 Pelham Street subject to obtaining site plan amendment approval and building permit approval and a copy of this report be provided to the proponent, Shared Tower Inc.

Summary:

The purpose of this report is to provide information to Council regarding a proposal by Shared Tower Inc. for a telecommunications tower to be located at the southwest corner of 1022 Pelham Street. The federal agency Innovation, Science and Economic Development (ISED) Canada is the approval authority for telecommunications towers. As part of their approval process, proponents of telecommunications towers are required to consult with the local municipality and nearby community. This report provides an overview of the Town's Protocol for Development or Redevelopment of Telecommunications Towers and recommends conditions of approval to be forwarded to ISED Canada for consideration as part of their approval of the facility.

Location:

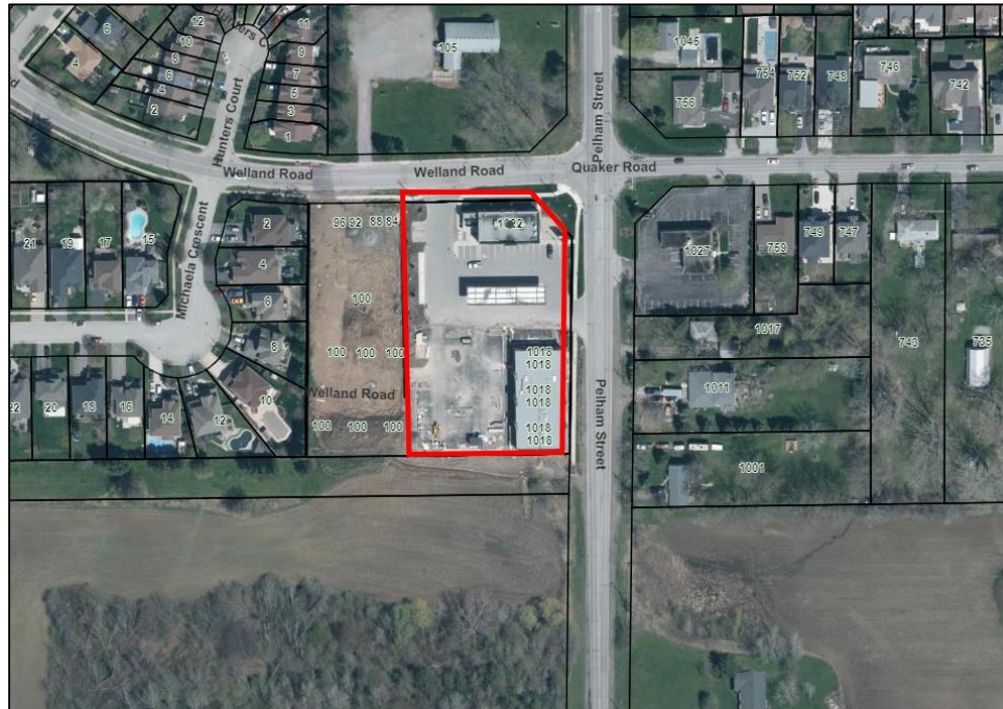
The subject lands are located on the southwestern corner of the intersection of Welland Road and Pelham Street in the settlement area of Fonthill. The lands are described as Part Lot 1, Concession 10, being Part of Part 4 59R10892 in the Town of Pelham.

The lands are located within the urban settlement area of Fonthill. The lands are designated Urban Highway Commercial in the Town Official Plan and zoned Neighbourhood Commercial (NC-108) in the Town's Zoning By-law 4481 (2022), as amended.

The lands currently contain an existing commercial development, including two (2) commercial buildings and a gas bar. The property is 7,134.15 square metres (1.76

acres) in area and has approximately 55 metres of frontage along Welland Road and 89 metres of frontage on Pelham Street.

Figure 1 – Location of Site



Project Description and Purpose:

Community Planning and Development staff received a request for municipal concurrence for a proposed telecommunications tower from Shared Tower Inc. A 30-metre (98.5 feet) tall monopole telecommunications tower is proposed. The tower is proposed in the southwest corner of the property. The proposed tower includes a secured fenced-in compound, housing electronically monitored mechanical equipment. The compound is to include the proposed circular steel 30-metre monopole and a pre-fabricated galvanized steel walk-in radio equipment cabinet structure. Fencing will be installed around the base of the tower and the equipment shelter will include a locked gated access point. The secured fenced-in compound is proposed to occupy an area of 64 square metres (689 ft²).

Lighting on the tower is to be confirmed through ISED Canada. Access to the tower will be provided via a 6m wide access aisle, through the existing parking area of the site. The access driveway will utilize the existing driveway serving the property.

Should the telecommunications tower receive approval from ISED Canada, an amendment to the existing site plan agreement will be required prior to issuance of a building permit. Approval of an easement is not required as the property will be leased for a 20-year period.

WELLAND ROAD

PELHAM STREET

CONCESSION ROAD

1022 PELHAM STREET

FOXHALL, ON

WELLAND ROAD (FORMERLY QUAKER ROAD)
ESTABLISHED BY BY-LAW NO. 128-1985 AS IN POST NO. 108-1985
PLAN 800-108-1985

PELHAM STREET
PLAN 84-588-0111
PLAN 84-587-0204
PLAN 84-587-0202
PLAN 84-587-0206
PLAN 84-587-0209
PLAN 84-588-0107

SUBJECT PROPERTY PLAN
DATE 1/18/18

PROPOSED COMPOUND LAYOUT PLAN
DATE 1/18/18

CONDOMINIUM BLOCK 64597
NATIONAL TRUST MORTGAGE LEND
CONDOMINIUM PLAN NO. 157

PART 1, PLAN 599-15347

PART 4, PLAN 599-10852

CONCESSION ROAD

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Surrounding land uses include commercial, institutional, and residential uses to the north; commercial and residential uses to the east; and residential uses to the south and west.

Policy Review:

Planning staff note that telecommunication facility proposals are not regulated by local municipal Official Plans or Zoning By-law documents; instead, they are federally regulated and approved by ISED Canada. While the public and local municipalities are consulted, ISED is the approval authority. It is acknowledged that any concerns or suggestions expressed by municipalities are important elements to be considered by proponents regarding proposals to install or make changes to antenna systems.

The Town's 'Protocol for Development or Redevelopment of Telecommunications Towers' (July 2009) was reviewed to ensure that the Town's requested public consultation was duly met. As telecommunications towers are under federal jurisdiction, the Town's protocol is not a regulatory document; however, it is an important tool in reviewing proposals. The protocol includes site selection criteria and requirements for pre-consultation and public notice/consultation, which must be satisfied prior to Council providing their support to ISED Canada for the proposed tower. The intent of this process is to ensure potential adverse impacts are mitigated, while encouraging the growth and expansion of wireless networks throughout the municipality. Per the site selection criteria identified in the policy document, the following shall be considered:

- Maximizing distance from residential areas, public and institutional areas such as schools, community centres, day care facilities, and seniors' residences;
- Avoidance of natural features, significant vegetation and hazard lands (floodplains or steep slopes);

Further, the telecommunications facility must comply with:

- Health Canada's Safety Code 6 Compliance
- Canadian Environmental Assessment Act (2012)
- Transport Canada/NAV Canada Aeronautical Safety
- Engineering Practices, including structural adequacy
- Innovation, Science and Economic Development Canada's Spectrum Management

Submitted Reports:

A site plan was submitted illustrating the location of the proposed tower, fenced compound area and access driveway, along with a photo simulation of the effect the proposed telecommunication tower will have on the surrounding area. In addition, a Planning Justification Report and Design Impact Analysis (shadow study) was prepared to analyze the impact of the monopole on adjacent properties, streets, and public spaces.

Public Consultation/Comments Received:

Shared Tower Inc. contacted the Town with regards to the proposed telecommunications tower. A pre-consultation meeting was held on May 18, 2023, with Town staff and the applicant. In the pre-consultation notes, staff expressed concern with the proximity of the tower to nearby residential uses. However, due to the distance to other existing towers, topography, and requirements to maintain the existing level of service, the proponent moved forward with submission of a formal request at the current location without revision.

Public consultation was conducted in compliance with the Town Protocol for Development or Redevelopment of Telecommunication Towers. A public information open house was scheduled. Public notice was provided to all registered landowners within 120 metres (393 feet) of the proposed tower, thirty days prior to the public information meeting. Information regarding the proposal was also posted to the Engaging Pelham project page.

On August 30, 2023, a public information open house regarding the proposal was held at Town Hall Council Chambers with Planning staff and representatives from Shared Tower Inc. in attendance.

Thirteen (13) members of the public attended the public open house. The meeting included presentation boards displaying information about the proposal, a slideshow presentation, and printed hand-outs with additional information. The Representative from Shared Tower Inc. gave a presentation detailing the proposal and gave members of the public an opportunity to ask questions directly during a Q and A period.

Public feedback was largely positive. Positive comments received from members of the public included:

- comments in support of the tower as a welcomed proposal to address service challenges in the area;
- discontent at the current service levels in the area;
- questions about services the proposed tower is to provide and whether additional towers are proposed (e.g., is the tower proposed in response to poor cellular coverage; are additional towers proposed in the area as the coverage in the area is poor);

Members of the public also raised concerns which are summarized below:

- safety concerns of the tower being in proximity to residential uses;
- proposal's alignment with the Town's policy with respect to maximizing distance to residential uses;
- required setbacks to residential uses;
- what other sites were considered (Harold Black Park, Woodlands of Sunset, commercial operations along Foss Road);
- potential impact/signal interference with home WiFi networks;

Staff Comments:

Staff reviewed all submitted materials including the proposed site plan and renderings of the proposed telecommunications tower. With respect to the Town's Protocol for Development or Redevelopment of Telecommunication Towers and concerns raised by the public, the following analysis is provided:

The Town's Protocol for Development or Redevelopment of Telecommunication Towers states that proposals shall consider maximizing distance from residential areas, public and institutional areas such as schools, community centres, day care facilities, and seniors' residences. It is the intent of this provision to reduce visual impacts of telecommunications infrastructure, as well as to mitigate potential health impacts of the tower. Since telecommunications towers are regulated by the Federal government, the Town's Zoning By-law does not regulate the siting or location of telecommunication towers.

The proposed tower is a monopole with antennas flush-mounted to the pole. This design limits the visual impact of the tower, recognizing that the placement of the tower is in proximity to adjacent residential areas. The applicant indicated the monopole structure was chosen to have the least visual impact on the surrounding area. Staff note the tower is located to the rear of the property and will have minimal visual impact on adjacent properties and on the travelling public along Welland Road and Pelham Street. Further, the tower is not located within a sensitive natural heritage feature or within a designated natural heritage feature identified by Provincial Plans or Policies, the Regional Official Plan, or the Town Official Plan.

The highest potential for conflict is with respect to the residential land uses to the west of the subject site. Staff note that the tower is located approximately 4.6 metres from the neighbouring residential property to the west (100 Welland Road). Further, site plan approval has been given for a block townhouse development on that property with the closest townhouse dwelling (yet to be constructed) to be located 1.2 metres from the lot line. Some visual impacts are addressed through siting, screening, and the monopole tower design. Wooden privacy fencing is proposed around the compound. The required equipment to support the telecommunications tower will not allow for additional landscaping for a visual buffer at ground level. The applicant provided a sun shadowing analysis which demonstrates that the proposed telecommunication tower will not cause adverse shadowing impact to adjacent uses. This is partly due to the monopole design which is tall and thin and therefore moves across properties within a short period of time.

Town staff have reviewed the site plan agreement for the 100 Welland Road property and the proposed telecommunication tower will abut the rear yard of the proposed townhouse dwelling. Additional tree plantings could be provided in the rear yard of the future dwelling to provide further visual buffer should it be desired. Adverse noise impacts to the future residential use are not anticipated. The walk-in radio equipment cabinets associated with the telecommunication tower will have fans for cooling which would be the equivalent to an air conditioner for a residential dwelling and only run as needed. If any lighting is included in the compound, it will be limited to a mounted

fixture. The site plan agreement will require the light to be directed down to avoid adverse lighting impacts to the adjacent residential use.

It is also worth noting that lands directly south have recently been brought into the urban area and will be the subject of a Secondary Plan to determine highest and best use for the land. While a portion of these lands contain a Provincially Significant Wetland and a woodland, future development is anticipated on the remainder.

Health concerns regarding exposure to radio-frequencies are mitigated through Health Canada's Safety Code 6, which require all output waves to be considerably lower than the lowest amount posing risk to human health. Health Canada sets the standard for public exposure to radio frequency electromagnetic energy to a limit 50 times lower than the threshold for potentially adverse health effects. There is no minimum setback requirement from a residential use as all towers are required to comply with the Safety Code 6 requirements.

During the open house, the applicant provided an overview of their site selection process. The applicant indicated site selection is dependent on several factors including: expected usage patterns and proximity to users, topography, line-of-sight requirements, opportunities to use existing structures, availability of willing landlord, and areas of coverage overlap/poor coverage. Prior to proposing a new tower, the applicant also indicated they reviewed the location of existing telecommunications towers for co-location opportunities. The closest existing towers to the proposed location are located approximately 1.7 kilometers to the east, and 1.5 kilometers to the southeast. According to the applicant these distances typically depict a gap in capacity. Further, a review for other suitable existing structures in the area was undertaken (e.g., rooftops, utility poles, etc.). There were no rooftops or utility poles of sufficient height within the search radius that were adequate for the purpose of the applicant.

The current site was selected as it was identified by the applicant as exhibiting the optimal criteria to meet their and future carrier needs. Constructing the tower in this location will serve multiple carriers so that additional towers are not required in the surrounding area. The area is currently experiencing poor coverage, and as such a location was chosen as it is proximate to users to ensure coverage. Unfortunately, better serving residential customers requires telecommunications facilities being located closer to those users. There are many locations outside of the Town of Pelham where telecommunications towers exist near residential uses.

Alternative locations were investigated further away from residential uses, however, were ultimately excluded from consideration for several reasons. The following alternative sites were investigated:

Woodlands of Sunset (920 Pelham Street, Welland)

- Property was identified as being too proximate to existing carriers, which would result in overlapping service areas and therefore, less likelihood carriers would co-locate on the tower resulting in the need for more towers.

Commercial Uses Along Foss Road

- This area was identified as being too far away for the carriers to provide adequate coverage for the area.

Harold Black Park (953 Haist Street, Fonthill)

- This area was identified as having potential environmental constraints (wetland/woodland) resulting in the need to locate a tower on the western portion of the property which was too far away for the carrier to provide adequate coverage for the area.

Staff are sensitive to the fact that the proposed tower is close to existing and planned residential uses. However, staff are of the opinion the applicant has mitigated the visual impact of the proposal to the extent possible, while balancing the need for improved coverage proximate to users. Alternative locations were explored, and the site was ultimately identified as the optimal location for the proposed use. Public input was largely in support of the proposed tower.

Based on the poor coverage that exists in the area and the information respecting site selection provided by the applicant, the 1022 Pelham Street property seems to be the best available location for the proposed telecommunication tower. While the tower will be very close to future residential use planned at 100 Welland Road, staff are satisfied that the proposed monopole tower design, site location, and screening are adequate for mitigating visual impacts of the proposed tower to the extent possible. The primary focus of the 1022 Pelham Street property will remain the existing commercial use. Staff are satisfied that the proposed site and tower design are appropriate given the coverage needs and locations available.

The applicant is advised that approval for an amendment to the existing site plan agreement for 1022 Pelham Street is required along with building permit approval from the Chief Building Official prior to commencing any construction of the proposed telecommunications tower.

Alternatives:

Council could inform Innovation, Science and Economic Development (ISED) Canada that it does not concur with the location, siting, or design of the proposed telecommunications tower.

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