

Public Comment/Reply Summary Report

Proposed Telecommunications Tower: Rogers Site C6798 - Southgate & Clair Rd

- **Part Of PIN:** 712000036 (LT)
- **GPS Coordinates:** 43 28 35.8N 80 12 10.7W
- 4638 SIDEROAD 20 N., GUELPH ON N1H 6J3; PIN

The Township of Puslinch does not have a locally-enacted protocol for the siting of telecommunications facilities. Accordingly, the proponent is required under the stipulations of the default governing federal protocol (CPC-2-0-03 i5) to conduct and conclude a public commenting and reply process in accordance with Section 4.2 and 4.3 of the protocol. The Township of Puslinch is a commenting body only to the applicant and ISED Canada, and this does not represent a Planning Act development. As a federal undertaking authorized under the *Constitution Act* s. 91 and 92, and mandated under the *Telecommunications Act*, approval of the site and design falls strictly under the jurisdiction of ISED, and it is exempt from the application of otherwise-valid provincial and municipal legislation including *The Planning Act*, *OBC*, *Site Plan Controls*, zoning bylaws, etc. under the law of federal paramountcy and interjurisdictional immunity.

In this respect:

- Public Notification Packages required under s. 4.2.1 and 4.2.1.1 were mailed to **13** property owners on April 26th 2019, for which the Township of Puslinch provided mailing labels. **We note that of the 13 owners' names provided, only 3 fell within the protocol-defined "3x tower height" of s. 4.2.1.1 as "local environment" and the remainder were circulated voluntarily, to ensure that concerns for a broader area were heard.**
- Newspaper publication in the Wellington Advertiser of the Public Ad was May 2nd 2019 for the benefit of the general public. In accordance with CPC footnote 9: *"The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within 30 days of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance."*
- The 30-day initial commenting period concluded on June 7, 2019, allowing a 5 day buffer for first class mail delivery of the packages.
- Together, these stipulated methods of communication provided both local residents within the 3x radius, and the general public of a broader area the opportunity to participate in the process under the established rules. It is recognized that as respondents exceed setbacks of the defined consultation radius, their comments rapidly diminish in relevance with distance from the facility.
- The public was provided contact information for the submission of comments, together with the deadline dates for receipt. This process ensures that the appropriate review of public comments is done by copy of all correspondence to both the Township and ISED, such that secondary or competing processes do not interfere with the defined scope of federally-defined consultation.
- After the distribution of and/or commitment for all public forms of notice, the Township requested that the applicant voluntarily erect a property sign notice and participate in a Town Hall Meeting being hosted by Council, and the proponent agreed to both.

Consultation Process Summary:

- A total of 10 public respondents supplied “initial comments” within the commenting window. Three (3) of these parties fell within the defined local radius. The remaining seven (7) were well outside of the area to demonstrate any material impact. In practice, this is a relatively low number; there are sites which evidence as many as hundreds of dwellings within the 3x radius.
- Residents both within the local environment (3) and the general public area (7) shared notes and documents in an organized attempt to inflate the issues of concern, and they were further advised to reach out beyond the stipulated process to members of Council and Parliament. This had the effect that **each and every respondent essentially submitted the same comments relating to four (4) issues of concern:**
 - Visibility,
 - effect on property valuation,
 - health concerns, and
 - choice of location.
- Two (2) commenters also raised the additional issue of financial compensation to the facility landlord, which is not relevant to the tower siting exercise or scope of duty under the stipulated process.
- Each and every respondent was provided an acknowledgement of receipt and a formal reply to their concerns, and each and every concern was addressed, whether relevant or not. **The ISED protocol defines what is relevant and what isn’t.**
- Copies of all communications both incoming and outgoing were provided both to the Township and ISED Canada for review.
- Initial commenters are provided an additional 21 days to supply an additional response following receipt of our formal Comment1 reply. Only 2 parties did so; one raised the same issues again, and the second’s reply was not relevant, in that they expressed that they would cease to be a Rogers subscriber.
- All 21-day provisions for further commenting threads concluded before or by **June 12, 2019**, such that each and every respondent had both the opportunity for initial and second reply comments to be included in the completed process.
- The Township has not advised us that they had received any comments or concerns which we are to address.
- A “Town Hall” is scheduled to take place at Puslinch Town Hall, 7404 Wellington County Rd 34; Wednesday, June 19th, 2019 at 7:00pm to provide a summary of the issues raised throughout the stipulated consultation period. The process is now closed to the intake of new comments as each of the issues has been addressed in the stipulated manner.

Summary of Public Concerns raised:

As all respondents raised the same issues, it is easy to contain the responses:

1. **Visibility:** Infrastructure undertakings are projects developed for the public good, and while it is impossible to entirely mitigate factors of concern and complaint entirely, the proponent’s obligation is to design and defend its actions in mitigating factors to the extent of its ability within the technical limitations of coverage requirements and land use opportunities. The proponent has effectively used large areas of old growth forest for substantial mitigation of tower visibility issues, such that all that remains visible of the tower is the top section which must be above the trees to provide coverage. Detailed studies were conducted of the visibility issues for each and every respondent’s home location to provide meaningful photo-renderings and quantified visual size measurements that in all cases (even the closest residents) demonstrate a visual structure size that would be a fraction of the visual size of a single wooden hydro pole on their property. There are no cases

which demonstrate a **visual or objectionable monstrosity of significant material consequence to property value or safe use, as claimed**. The use of surrounding bush provides far greater mitigation of visibility issues than is common on virtually all comparable facilities. Moreover, in relation to comparable sites, the residents are situated sparsely and at a great distance from the tower, such that visual concerns diminish to negligible. **No further mitigative issues are available to better this issue in the aggregate of considerations.**

2. **Effect on Property Valuation:** In accordance with CPC section 4.2 Public Reply Comments, ***“Concerns that are not relevant include:***

...

• ***potential effects that a proposed antenna system will have on property values or municipal taxes;*** “

3. **Health Concerns:** The proponent’s obligation as it relates to health concerns is one of *compliance with governing regulations at all times*. In this respect, the proponent has met this duty and provided a copy of the Engineer’s SC6 certification indicating that the site will operate at 1.397% of the established limit = ~71.6 times below the allowable SC6 limit at the base of the tower. Each of the respondents have been advised of this and given further information and links should they want to understand it better. The proponent’s obligation of addressing this matter has been fully complied with. In accordance with CPC section 4.2 Public Reply Comments, ***“Concerns that are not relevant include:***

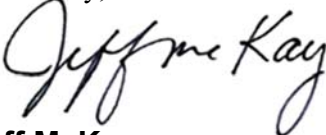
...

• **questions whether** the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, **procedures or processes are valid or should be reformed in some manner**. The proponent has provided the necessary proof that this site represents **no health risk to any member of the public at any accessible location**. Accordingly, any further debate about the process is offside with the proponent’s obligations under the protocol.

4. **Choice of Location:** The respondents’ collective response is that this area is a residential area that is not appropriate siting for a telecommunications facility. **The Proponent has sited this facility on agricultural-zoned property and is entitled to rely on the official designation of this property for compliance with siting guidelines**. This area is neither zoned residential nor rural residential, and complies fully with the siting guidelines, and does not demonstrate residential density. In the countryside, agricultural zoning is the designation for commercial farming operations which allow such structures as the commercial chicken farming operation co-existing on this property, and telecommunications facilities are routinely sited in this manner.

Public suggestions were made that the proponent should relocate the site some 1.2kms or more to the east in a yet-undeveloped commercial area, where the proponent had no commercially available candidates and no subscribers to service, and the orderly development of the network would be impaired by coverage misalignment. **The proponent asserts that in the aggregate, it has selected the site location that mitigates relevant factors of concern to the greatest extent possible, within the limitations of the technical coverage requirement and available real estate opportunities, and compliant with ALL siting guidelines.**

Sincerely,



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Scope of the Public Commenting and Reply Process: *(Reprinted from CPC 2-0-03 i5)*

4.2 Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. public notification);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. responding to the public); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. public reply comment).

Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 1) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc.

The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?

- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

C6798 - Southgate & Clair Rd : Public Consultation Summary

Within Consultation Radius	1st Response	Via	Date Received	Infrastructure Visibility / Aesthetics	Effect on Property Valuation	Health Concerns	Location	Financial gain to the Landlord	Date of Formal Response	21 day 2nd Reply date	2nd Reply Rec'd	Consultation Concludes
✓	Christie, Donna	email	07-May-19	x	x	x	x		07-May-19	28-May-19	13-May-19	13-May-19
	Geremia, Mario & Joanne (Baggio)	email	08-May-19	x	x	x	x	x	09-May-19	30-May-19		30-May-19
	Smith, Jim & Sharon	email	12-May-19	x	x	x	x	x	12-May-19	02-Jun-19		02-Jun-19
✓	Briggs, Michael & Dorothy	email	12-May-19	x	x	x	x		13-May-19	03-Jun-19		03-Jun-19
	Mitro, Peter	email	13-May-19	x	x	x	x		13-May-19	03-Jun-19		03-Jun-19
✓	Neundorf, Dan	email	13-May-19	x	x	x	x		13-May-19	03-Jun-19		03-Jun-19
	Pady, Sandra	email	13-May-19	x	x	x	x		13-May-19	03-Jun-19		03-Jun-19
	Brunnmeier, Frederick & Lisbeth	email	14-May-19	x	x	x	x		14-May-19	04-Jun-19		04-Jun-19
	Lawson, Scott	email	18-May-19	x	x	x	x		21-May-19	11-Jun-19		12-Jun-19
	Gillingham, Scott	email	27-May-19	x	x	x	x		27-May-19	17-Jun-19	28-May-19	28-May-19

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Within Consultation Radius	2nd Response	Via	Date Received	Infrastructure Visibility / Aesthetics	Effect on Property Valuation	Health Concerns	Location	Financial gain to the Landlord	Date of Formal Response
✓	Christie, Donna	email	13-May-19	x	x	x	x		13-May-19
	Gillingham, Scott	email	28-May-19						x