

ORANGEVILLE CITIZEN

YOUR COMMUNITY NEWSPAPER SINCE 1974

September 13, 2007

Amaranth turbines go to mediation

By WES KELLER Freelance Reporter

On a motion by Amaranth lawyer Jeff Wilker, the Ontario Municipal Board hearing into the township's portion of the Melancthon II wind farm will go to mediation next Tuesday.

The Thomson Rogers lawyer said it was township council's desire, following a closed-door session during last week's regular council meeting, to resolve some of the outstanding issues - of which there are now 36.

The OMB hearing had been scheduled to begin Sept. 11 and to span seven weeks, with a break for the last week of September. Mr. Wilker said he hopes to shorten the hearing, and reminded Hearing Officer Norm

Jackson that the Melancthon portion of the wind farm hearings had been reduced to two days through the mediation process.

Four days have been set aside for mediation in the township hall at Laurel, with a half-day dedicated to advising participants and unrepresented parties about the process.

Tim Birmingham, representing Canadian Hydro Developers, concurred with Mr. Wilker. Andrew Osyany, representing Melancthon, also had party status for the hearing but hadn't been instructed by the Township.

Other parties at the table were Paul Thompson (also representing Theresa Kidd), and Roy and Theresa Brownell. As unrepresented parties, their concerns were that their rights would be protected.

Ian Reid, a private pilot and former resident of Amaranth who has been opposed to the development, complained that the council had agreed to mediation without notifying the public.

Mr. Thompson and Ms. Kidd are primarily concerned about what they say are excessive noises from the existing transformer at CHD's substation at 15 Sideroad and the 10th Line of Amaranth. They are worried that the noise levels would increase with the addition of a second transformer.

Complicating the issues for them, the substation has the required zoning and the second transformer needs only a site plan agreement. Although the site plan might not come within the OMB's mandate, Mr. Jackson agreed that their concerns should be heard.

Some of the other items to be mediated include, but are not restricted to, access roads and setbacks from publicly traveled roads, wetlands and environmentally sensitive areas.

Some of those may be mediated by moving towers where feasible.

The one issue for which CHD and turbine opponents appear to remain miles apart concerns airstrips, whose owners want setbacks of 400 metres from the ends of the strips plus 250 metres on either side whereas CHD wants a 250-metre setback all around. (The existing Official Plan would appear to favour the airstrip owners, more or less. This has been one of the more contentious issues from the outset of planning.)

Mr. Wilker said experts on both side of all issues have been meeting, and have reached a consensus on some issues.

In mediation, said Mr. Jackson, the experts and all of the parties and their witnesses can speak openly "without prejudice." All of the issues are "on the table," he said. At the end of the day, the parties will either have agreed on most issues or will be left to fight before the Board.

Mr. Jackson is not the mediator, although he is the hearing officer assigned to the case. He said in effect he would not be able to wear both hats, as he might be influenced at the hearing by statements made in mediation.

All persons with interests were invited to attend, purely on a voluntary basis.

Mr. Jackson encouraged those with common interests to appoint a single spokesman - presumably to speed up the process. (Charles Burbank and Paul Lamond, with registered airstrips, have in fact filed joint statements.)

Neither Mr. Wilker nor Mr. Birmingham had any objections to the appearance of participants along with parties, but were concerned that too many taking part repetitiously could make the mediation process unwieldy.

The mediation gets under way next Tuesday, Sept. 18, at the Amaranth Township building near Laurel at 10 a.m.

The full hearing is expected to begin Oct. 1 and continue to Oct. 25.

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