

Decision pending on Amaranth wind turbines

By RICHARD VIVIAN

The fate of 22 wind turbines in Amaranth will remain up in the air for at least a couple more weeks. After eight days of testimony, an Ontario Municipal Board hearing brought forward by Canadian Hydro Developers came to a close without a decision last week.

"I want to consider everything that was brought forward," hearing officer Norman Jackson said at the conclusion of a 12 1/2 -hour session Thursday evening, adding he expects to render a decision within the month. "You'll have to wait for that ... not an undue length of time."

As part of the Melancthon II Wind Project, Canadian Hydro is proposing to erect 22 wind turbines in Amaranth Township. When the municipal council declined to make decisions on planning matters related to the project within the timeline dictated by legislation, the developer filed an OMB appeal, which resulted in the recent hearing.

The bulk of the project rests in Melancthon Township, where a separate OMB hearing was held this summer and resulted in the approval of turbines there.

On what was supposed to be the first day (Sept. 11) of a seven-week Amaranth hearing, the board ordered mediation between the parties in an effort to narrow the issues. That process, which lasted four days, ultimately resulted in Amaranth throwing its support behind the project via a settlement agreement that was made public during last Wednesday's council meeting.

During that meeting, council also approved a site plan control bylaw for the turbines. In turn, the developer withdrew 20 appeals related to that matter at the onset of Thursday's OMB hearing. The site plan application for the proposed second transformer remains before the board, as an agreement has not been reached between the parties.

Under the terms of the settlement, which includes only Canadian Hydro and the township, turbines will not be built within four kilometres of the centre point of a registered aerodrome (airstrip) and shall be separated from unregistered aerodromes by "adequate space for an appropriate turning circuit."

Directions are also included for turbine setbacks of 450 metres from non-participating residences, as practicable, as well as the distance equivalent to the height of the turbine plus blade from non-participating lot lines and all public roads.

An amenities agreement was further reached through mediation. That agreement will see the township receive \$4,000 annually per turbine from Canadian Hydro, as well as reimbursement of legal and consulting expenses.

A couple of parties to the hearing withdrew following the mediation; in at least one case a confidentiality agreement prevents an explanation as to why.

"This was a difficult case for the township," Jeff Wilker, solicitor for Amaranth, said during closing arguments. "It has split neighbours in this municipality and it was raised at almost every council meeting [in the last 18 months]."

"Council was between a rock and a hard place and they made a decision," he added, asking Jackson to grant Canadian Hydro's appeals.

Wilker also requested Jackson withhold orders resulting from his decision so continued negotiations with Canadian Hydro can be completed. Among the issues, he said, are the requirement of several studies and the development of a protocol for dealing with complaints — all related to a noise from the Phase 1 transformer located in Amaranth.

“They subjected us to excessive noise amounts,” Paul Thomson, who lives near the transformer, said during closing arguments.

He suggested a second transformer shouldn’t be approved for the site because noise problems with the first transformer persist, despite the installation of a noise wall.

“Sometimes you can hear it all day,” Thompson said, suggesting the hum is audible, at various levels, almost every day.

Had the transformer been planned properly in the first place, noise wouldn’t be an issue, Thompson added.

Experts have been unable to determine the source of the hum, noted Tim Bermingham, solicitor for Canadian Hydro. He told the board the transformer is working as it should, and while investigations continue, there has been no explanation found for the hum or why it is more profound at different times.

“You have the most talented people in the province working on it... If it can be solved, it will be,” the solicitor said, noting the Ministry of the Environment has just issued a certificate of approval for the transformer.

“Which I’m still trying to get my head around,” Jackson said of the certificate.

“There’s pretty clear evidence there’s issues with it,” he added of the transformer.

When first built, a certificate wasn’t required for the operation but the MOE subsequently changed its position on the matter and Canadian Hydro sought to get one.

The deciding factor must be compliance with MOE guidelines, Bermingham told Jackson. “We need objectivity.”

The board also heard concerns about the potential impact of the turbines on pets, property values and human health, as well as on small airstrips.

Opposition to the project, pointed out Bermingham, hasn’t come from people who live directly around the proposed project, with the exception of Thompson, but from people who live elsewhere and are concerned about any precedent the case may set.

If OMB approval is granted, Canadian Hydro plans to begin erecting the Amaranth turbines next spring or sooner, so they may be on line by Oct. 30, 2008, in accordance with requirements of the Ontario Power Authority.

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