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Melancthon close to turbine approval

By WES KELLER Freelance Reporter

An Ontario Municipal Board pre-hearing conference scheduled for the Melancthon Township council chambers Tuesday had to be moved to the Dundalk arena to accommodate the unexpected 100 residents who showed up for it.

But the hearing itself - at least with respect to Melancthon - might become unnecessary between now and August 2007, when three weeks have been scheduled for it.

The hearing might be an unusual one, if not unique, as it involves a single wind-generator project comprising 88 turbines in two townships, Amaranth and Melancthon

This means there have to be two pre-hearing conferences - Tuesday's for Melancthon and another today for Amaranth. In addition, the Board has scheduled a "procedural" meeting for April 5.

However, the main event - the August hearing - would "consolidate" the concerns of both municipalities if, indeed, both Amaranth and Melancthon continue to have concerns by then.

Melancthon Township appears close to approving zoning for as many as 66 wind turbines for the second phase of Canadian Hydro Developers wind farm. That township has all of the 45 turbines of Phase 1.

Amaranth Township appears poised to do battle against a transmission line to carry the electricity to the transformer substation, and against a second transformer. Those would be the remaining issues there, as up to 21 turbines of Phase 2 would be a subject of the environmental screening.

At an Ontario Municipal Board pre-hearing before Hearing Officer Susan Schiller Tuesday, CHD's lawyer, Tim Bermingham of Black, Cassels & Graydon, and Melancthon's lawyer, Andrew Osyany of Shelburne, took issue with the timing of the hearing.

Mr. Bermingham said CHD and Melancthon had resolved almost all their issues, but hadn't considered it appropriate to rezone prior to Ministry of Environment

approval of the Environmental Screening Review. Meantime, he said he'd been assured that the director of the Approvals Branch would be making his decision in early March.

What might have seemed an inordinate delay in the review had been forced by the discovery that the First Nations should have been consulted. Mr. Bermingham said neither the province nor CHD had been aware of that.

Mr. Osyany confirmed that some minor zoning issues would be resolved soon, and the only consideration remaining beyond ESR approval would be a financial one.

Toronto lawyer Jeff Wilker of Thompson Rogers represents Amaranth. He said he had no issue with timing. Amaranth was seeking party status to ensure that a decision with respect to Melancthon would not be binding on Amaranth.

Margaret Hutchison, a dispute moderator based in Singhampton, named about 15 individuals seeking party status, all of whom are in support of Melancthon's position on zoning.

Additionally, about a half dozen individuals are seeking party status in support of the township. There are about 10 others opposed.

In view of what might have been a record public attendance for an OMB prehearing in this rural area, Madam Schiller explained the roles and responsibilities of "parties" and of "participants" in hearings.

And then she chided the experienced lawyers and agents for suggesting the OMB could "pull a time out of the air" to accommodate their preferences for delays or deferrals.

OMB staff has been reduced a third in the past year, she said, and "time is precious." There are others, she said, in all parts of Ontario expecting their hearings to be scheduled.

On Wednesday, Melancthon CAO Denise Holmes conformed that the township supports the project in principle, subject to environmental approvals.

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