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OMB outlines wind hearing format

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Ontario Municipal Board hearing officer Susan de Avellar Schiller has delivered a procedural order for the hearings into the Melancthon II wind farm project.

In her decision, released Wednesday, she notes that the Canadian Hydro Developers proposals for Melancthon and Amaranth townships "share a number of issues, and have some overlap in the parties and participants who are interested" but the cases with respect to each township are to be kept separate.

However, she also says that the Board "may occasionally direct that certain matters relating to the cases" should be heard within the same hearing, "serially on the same day or days."

The CHD, with respect to Melancthon, is appealing under three separate sections of the Planning Act: 22 (7) over the township's delay in amending the Official Plan to permit construction of turbines on specific sites; 34 (11) for the same reason respecting zoning; and 41 (2) for the same reasons of "refusal or neglect" to act.

Ms. Schiller's decision is that those matters be consolidated.

For the hearings, Tim Bermingham of Blake Cassels Graydon is representing CHD. Jeff Wilker of Thomson Rogers is representing Amaranth, and Andrew Osyany of Shelburne is representing Melancthon.

Margaret Hutchison of Singhampton, a dispute resolution consultant, is representing 15 individuals who are in support of the project as "parties" to the hearings. Four additional parties (eight individuals) are selfrepresented. (Couples and families can be named individually as parties but can appear as a single unit.)

There are 23 registered as "participants," including Doug Fisher or Horning's Mills, who has in the past identified himself as something of a local watchdog for the Iroquois Nation. (It has recently been learned that developers are obligated to consult the First Nations.)

The Melancthon and Amaranth issues differ with respect to zoning procedures.

"CHD takes the view that the hearing can, and should, proceed at the point that (the Environmental Screening Report) is largely complete. Several opposing parties take the view that the hearing should not commence until after all environmental studies and reviews have been completed," the hearing officer noted.

The next hearing date is April 23, at 10 a.m. in the Amaranth municipal offices. (Melancthon was unable to provide space on that date.)

Prior to April 23, all parties have been directed to "file their Notice of Motion and Motion Record" with the Board no later than noon on April 3.

Replies, if any, must be served and filed no later than April 17.

A 15-day hearing has been set for July 30, but Ms. Schiller said both the timing and length of hearing are under review.

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