



Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON,
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August 30, 2013

Attention: Ms Kirsten Walli, Board Secretary

Re: Request for Intervention & Oral Hearing
Application File No. EB – 2013 - 0203
Niagara Region Wind Corporation (Niagara)

Phelps Homes Ltd. is hereby submitting this letter of request for intervention status and for an Oral Hearing based upon our following concerns.

Phelps Homes Ltd has a significant investment in land and urban growth projects which are located in the south and westerly quadrants of the Town of Smithville, Township of West Lincoln, including our Brookside, Streamside and Harvest Heights Communities along with a sizeable land bank for future development.

Our community projects implement the growth policies of the Township of West Lincoln through the provision of housing, parkland, environmental preservation areas and related infrastructural investment within the designated Urban Residential Area of Smithville. As a result, we have serious concern about the location, design, height and appearance of the Transmission Line which is proposed along the south, westerly and north-west boundary of the Town of Smithville, in particular alongside Townline Road, Grimsby Road 6 abutting the Township's Liesureplex Park; and adjacent to our Streamside Community at Regional Road 20.

Our specific concerns about the proposed transmission line are as follows:

1. The proposed hydro corridor plans and mapping show the corridor traversing the south (Townline Road), west (Grimsby Road 6) and north-west (Regional Road 20 / Grimsby Road 5) immediately abutting the boundary of the Town of Smithville and/or the Leisureplex Sports Park which is on the outside edge of the urban area. This hydro corridor is in very close proximity and will be in view from some existing and future residences; and will be in clear view of people using and / or visiting the Township Leisureplex Park or travelling through the Town of Smithville along Regional Road 20. This will have a negative impact on the image of a community which intends to protect and preserve the historical, rural and natural environment that its residents have come to know and expect.

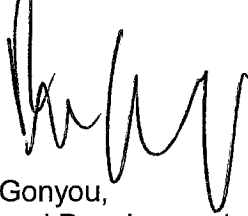
2. Township Council has adopted a "*Trails & Corridors Master Plan*" to provide for the eventual construction of interconnecting trails and pedestrian pathways throughout the Town of Smithville. As illustrated on Attached Plan #1, the pink areas on the periphery of the Town are potential urban area adjustments under study for future development. The proposed hydro corridor will abut the west and north-west potential expansion areas. In addition, as illustrated on Attached Plan #2, the Township has existing pedestrian trails and plans for additional trails to interlink the Leisureplex Park with the built-up area of Smithville; and has plans for other potential trails along Grimsby Road 6 to provide a north-south pedestrian walkway. In this regard, the proposed above-ground hydro corridor will be in full view of the potential new growth areas of Smithville and from the pedestrian trails which are planned for the future.
(See Attached Plans #1 & #2)
3. Township policies require all new development to be serviced with "underground infrastructure" including Hydro & Telecommunications, with the exception of street lighting in order to achieve appealing civic streetscapes, unobstructed with overhead wiring, cables and excessively high poles. To compliment this land development philosophy, consideration should also be given to installing the proposed new hydro corridor underground, especially in areas adjacent to the urban area of Smithville in order to compliment the new developing neighbourhoods.
(See Attached Plan #3)
4. In March of this year, Council of the Township of West Lincoln passed a resolution requiring applicants for use of road allowances to enter into a Road Use Agreements with the Township to ensure that all utility lines be buried in the Township of West Lincoln. Accordingly, similar to point 3 noted above, the proposed new hydro corridor should be consistent with adopted Township Policy.
(See Resolution on Attachment #4)
5. The hydro corridor plans show the proposed hydro poles to be approximately 20-25m (65'-82') in height with 4 above ground wires hanging thereon. In comparison, a standard 2-storey residential dwelling is approximately 7-8m (25') from ground to mid peak of the roof. In many cases therefore, the top of the poles could be up to 17m (55') above the nearby dwellings and potential future dwellings in the urban area expansions. As a result, these poles and wires would be highly out of scale and character with the adjacent urban built form.
(See Attached Plan #5)
6. The lowest wire hanging on the poles will be approximately 10m (33') above grade, with the space between the top wire and bottom wire being approximately 10m (33') as well. In this regard, the 4-wire bands, massive poles and insulator attachments are expected to be out of character and highly obvious and recognized as a prominent visual disturbance along the boundary of the Town of Smithville, and from view from the Leisureplex Sports Park and adjacent natural countryside. Accordingly, the general appearance of these lines and the public's negative perception of potential health concerns will have an impact on our housing sales and our long term investment in the Town of Smithville.

In order to conform to Township policy and a solution to the above-noted urban growth and amenity concerns, we hereby request that the proposed hydro electric transmission line should be installed underground, at least where the corridor is in the proximity of developing areas along the boundary of the Town of Smithville; or perhaps relocated to a more suitable area with lesser impacts on the municipality.

(See Attached Map #6)

- **Phelps Homes Ltd will be affected by the outcome of the Public Hearing as noted in the 6 points above.**
- **We request an Oral Hearing in English, as we believe this to be the most appropriate hearing vehicle for clarity and elaboration of the issues affecting adjacent owners and the municipality. We request written evidence to be provided to us in English.**
- **We may seek an award for costs to cover our legal fees for representation at the hearing. Our legal council has not yet been determined.**
- **We expect that our participation at the hearing will include a submission of information for consideration of the Board; request to ask questions and/or to cross-examine other presenters, in English, through our legal counsel.**

Respectfully submitted,
PHELPS HOMES LTD.



Ken Gonyou,
VP Land Development

Enclosed: 6 Attachments

Cc: Applicant: Niagara Region Wind Corporation
Peter Pickfield, Garrod Pickfield LLP
Brian Treble, Director of Planning & Building, Township of West Lincoln

Phelps Homes Ltd Contact Information:

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