

Planning Board Meeting Minutes  
Town of Cumberland  
Cumberland Town Hall - 290 Tuttle Road  
Cumberland, Maine 04021  
Wednesday, January 26, 2011  
7:00 p.m.

**A. Call to Order**

The meeting was called to order at 7:00 p. m. by Mr. Neagle

**B. Roll Call:** Peter Bingham, April Caron, Bob Couillard, Ron Dillon, John Ferland, Tom Gruber, Chris Neagle

**Staff:** Carla Nixon, Planning Director, Pam Bosarge, Administrative Assistant

**C. Nomination of Board Chair and Vice-Chair**

Mr. Couillard nominated Chris Neagle as Board Chair.

Ms. Caron seconded.

VOTE: Unanimous 6 – 0

Mr. Neagle abstained

Mr. Bingham nominated John Ferland as Vice-Chair.

Mr. Dillon Seconded.

VOTE: Unanimous 6 – 0

Mr. Ferland abstained

Mr. Neagle welcomed the Board's three new members, Peter Bingham, Ron Dillon, and Tom Gruber.

**D. Approval of Minutes of December 14, 2010**

Mr. Couillard moved to approve the minutes of December 14, 2010 as amended.

Mr. Ferland seconded.

VOTE: Unanimous

**E. Consent Calendar / Minor Change Approvals: None**

**F. Hearings and Presentations:**

- 1. Public Hearing: Major Site Plan Review: Central Maine Power Raven Farm Substation at 37 Greely Road, Tax Assessor Map R02, Lots 34B, 34C, 34E, 34D and a portion of 38E and 38F in the Rural Residential 2 (RR2) district; Rick Paquette, Jr. P.W.S. of TRC Representative, Central Maine Power Company, Owner.**

Mr. Bingham stated he works for Iberdrola which is Central Maine Power's parent company; he recused himself with agreement of the Planning Board.

Ms. Nixon provided background information as follows: This is the fourth formal review of this project. The applicant has submitted a new binder dated January 6, 2011. CMP is requesting approval at tonight's meeting. It appears all outstanding concerns / comments have been addressed. Mr. Dillon e-mailed a question regarding financial capacity which was forwarded to Mr. Paquette; who will answer that question this evening.

Mr. Neagle asked the new Board members for a statement on how they prepared for the Central Maine Power hearing.

Mr. Dillon and Mr. Gruber both stated they had watched videos of previous meetings, reviewed materials and minutes and felt they were prepared to vote on a decision. No one objected to their participation.

Mr. Rick Paquette, P.W.S., Senior Project Manager at TRC Solutions presented a review of final items submitted as follows:

1. Landscaping and Buffer Plan: Terrance J. DeWan & Associates has prepared a revised buffer planting plan, dated January 4, 2011, that takes into account the recent comments from the Planning Board, the peer reviewer, and town staff. The plan provides the location, quantity, botanical name, common name, planting size, mature size, and spacing for the trees and shrubs that will be installed. The temporary 115 Kv line is eliminated, the clearing limits have been reduced; the curve was incorporated into the driveway; and the stormwater plantings are at a higher elevation.
2. Emergency Response Plan: CMP acknowledges and accepts all of the recommendations identified in the Chief's memorandum including the removal of recommendation # 4 as described in the Chief's 1/4/2011 email to the Planning Board.
3. Vacant Homes: CMP will demolish five of the six homes. The Greenwood property will be retained for possible re-sale and house # 5 will be used as an office during construction.
4. Property Deeds: CMP provided a list of deeds for the properties purchased for the properties.
5. Noise levels from the HVAC system at the control house and the proposed building color: The noise generated will be 30 decibels at the property line. The control house exterior walls will be painted a desert tan color. However, the building will not be highly visible from Greely Road, the proposed desert tan building color will allow it to blend more effectively with the overall light coloring of the substation including the metal framework and gravel substrate of the yard. A dark color such as a forest green would be more noticeable from a distance.
  - o The Board discussed the color of the building and agreed with the tan color.
6. Vegetation Clearing Reduction: CMP has modified the proposed vegetation clearing limits on the west side of the substation site to address the Town's concerns regarding the amount of tree clearing and the width of the vegetated buffer. The changes represent an overall reduction of about 4-acres of tree clearing at the substation site.
7. Abutter Complaint Procedures: Provided detailed information on how an abutter's complaint would be processed / resolved by CMP: Drew McMullin with Burns & McDonnell will oversee the community relations team for all work associated with the project. A project hotline (1-866-914-1944) is active and will remain throughout construction. The hotline number will be posted on roadside construction signs so that abutters, neighbors, or community residents can ask questions or raise concerns immediately. All questions via the hotline will be answered within 24-hours or less. John Marcotte will be the on-site supervisor.
8. Construction Work Hours: Construction hours will be Monday through Friday from 7:00 a.m. to 7:00 p.m. No Saturday, Sunday or Holiday work unless pre-approved by Town and required for a compelling reason.
9. Terminology: Describe terms "reactor bank" and "wetting agent": A "reactor bank" is not proposed for the site. Wetting agents will be used for dust suppression during construction. The primary wetting agent to be applied by the contractor at the site will be water. Calcium chloride is another wetting agent that could be used to control dust when freezing conditions exist.
10. Well Testing Plan and Timing of Well Monitoring Activities: CMP has committed to conducting well testing prior to the start of construction and following the completion of the site development activities including blasting. There will pre-construction testing prior to the start of any site grading or blasting. And post construction well testing six to twelve months after the end of site

development activities. There will be a total of 21 properties tested; one property is located in Yarmouth. A map showing the well testing areas was included in the meeting packet.

11. Blasting Contract: This has been provided; CMP will provide the Town with pre-blast surveys and notifications. The rock crushing will be a cut and fill operation; re using material on site. There will be water sprayers and enclosures around the engines to reduce noise.
12. Construction Schedule: Review of proposed build out schedule; the site development phase will be the most intense.
13. Types of structures and equipment that could be placed on the east side of the lot; an answer to the Burr's question from last meeting. The potential future equipment shown at this location on the conceptual build out plan includes additional bus work, equipment supports, and A-frame structures, similar to the equipment shown in the visual simulations for the proposed 345kV bay presented in the October 19, 2010 meeting. This connecting equipment would likely be constructed if a second autotransformer were proposed; it would be positioned in the center of the substation yard. No autotransformers would be located near the eastern fence line of the substation yard.
14. Yarmouth Properties: CMP has evaluated potential visual impacts from the Raven Farm to the properties located along Oakwood Drive in Yarmouth. Terry DeWan met with Julie Jackson and Janet Lyons (residents of Oakwood Drive in Yarmouth). There will be no view of the substation from the Jackson's rear deck, due to mature vegetation between their home and the substation site. The Lyon's home is buffered from the existing transmission line by dense softwood and hardwood trees, especially at the edge of the existing transmission line.
15. Photometric Lighting Plan: The lighting plan was reviewed.
16. Paving Areas: Mr. Paquette reviewed the curved road and proposed paved areas of the site.
17. Revised Site Plan and Drawings: Submitted.
18. Response to Curtis Ingraham Ledger of Issues dated 12/14/2010: CMP provided a spreadsheet addressing all of Mr. Ingraham's concerns listed on the spreadsheet.

Mr. Paquette continued stating they feel they have met the requirements of Major Site Plan Approval and requested final approval this evening.

Mr. Neagle asked Board members for questions and or comments.

Mr. Couillard thanked Mr. Paquette for information on the color of the building; stating he would like a different color but would defer to the opinions of his fellow colleagues.

Mr. Paquette stated the standard dessert tan color will blend into the site, however, if the Town so desires, color chips could be reviewed.

Mr. Neagle stated the review criteria doesn't allow us to tell an applicant color choices.

Mr. Gruber stated he had at first thought a darker color was better, but agrees the color should be as light as possible to blend in; the dessert tan is fine.

Mr. Neagle stated the color is a non-issue.

Mr. Ferland asked about parking and access to the site during construction, asking where the contractors who work during the day would park and what will be the impact on Greely Road.

Mr. Paquette stated the construction workers will use existing driveways and will not park along Greely Road.

Mr. Ferland asked if the workers would walk from the driveways.

Mr. Paquette stated yes, the driveways will be used for parking and staging equipment. Once the road is installed the construction workers will park on site.

Ms. Caron asked about clarification on the question of Financial Capacity.

Mr. Paquette read the e-mail with updated 2009 financial capacity: CMP is a subsidiary of Iberdola USA, Inc. (formerly Energy East Corporation), which in turn is a subsidiary of Iberdola, S.A. Iberdola is Spain's number one energy group, one of the largest electricity companies in the world and a world leader in wind power. Iberdola operates in more than 40 countries, employs more than 33,000 people worldwide, and has a stock market capitalization in excess of \$45 billion. CMP is a financially strong company with total assets in excess of \$2 billion, credit ratings of BBB+ / Baa1 (from Standard & Poor's and Moody's, respectively), strong banking relationships and access to the investment grade debt capital markets. CMP has short-term revolving credit availability of \$200 million through a bank facility (\$100 million) and under an agreement with Iberdola USA (\$100 million). CMP has the regulatory authority to have outstanding at any time, up to \$500 million of unsecured, medium-term notes (MTNs), of which there were \$293 million outstanding at 9/30/09, and has provisional authority to issue up to \$1 million of first mortgage bonds (FMBs, rated A/A2 by Standard & Poor's and Moody's respectively), of which there were \$150 million outstanding at 9/30/09.

Mr. Neagle asked the cost of the project.

Mr. Paquette stated between twenty-eight and thirty million dollars.

Ms. Caron stated at the last meeting there was a lot of talk about potential build out on the east side. She asked if on the east side build out there will not be a transformer or a reactor bank in the future

Mr. Paquette stated that is correct based on potential full build out scenario the east side of the yard between the 345 bay and the fence line; that area would be occupied by metal bus work.

Ms. Caron asked if the Burr's landscaping and buffering issues were all settled.

Mr. Paquette stated yes, there was a question of the property line and as part of the package they provided an updated boundary survey which included a small wedge of property that is the Burr's property not the CMP property.

Ms. Caron thanked Mr. Paquette for considering Yarmouth residents, but was surprised the packet only included two Yarmouth residences on that street. Are there only two residences that are affected by this?

Mr. Paquette stated no, obviously not there are many homes; his understanding is those are the residents with particular interest on visual impact from the substation. There is an intervenor group consisting of residents from Yarmouth, North Yarmouth, Cumberland, and Pownal who are meeting with an ombudsman regarding buffering on the proposed future power line expansion. Drew McMullin has been working with these residents.

Mr. McMullin stated the Lyons' and Jacksons' are present tonight as is Mr. Woodward who has been participating in the public process with the ombudsman. The abutters in Yarmouth and Cumberland along the transmission lines as well as North Yarmouth and Pownal have been directly negotiating with Central Maine Power to come up with an alternative design, and discussing buffering; there will be conferences on February 8, 2011 to discuss those types of issues. The Jackson's were identified as the

family as most potentially impacted by the clearing of the former Greenwood parcel by the abutter's themselves conversations with Ms. Sprague the ombudsman; that is why that particular parcel was chosen. They felt because of the angle of their home it would be impacted the most; it points in the direction of the existing Elm Street station. If you are asking if we have addressed other issues within the Oakwood neighborhood yes, they have been participating in the process. The ombudsman was the person at the table representing residents.

Ms. Caron asked about the abutter complaint line, clarifying that Drew McMullin or a community relations staff person will return calls within twenty-four hours.

Mr. McMullin stated that is correct.

Ms. Caron stated she was appreciative that they added the wells and changed the timeline for the testing; and asked about the process for foundations. What is the time for photographs or video and what would abutters be responsible for keeping on their own home. If a homeowner had settlement issues or cracking in foundations what is the timeline post blasting.

Mr. Paquette stated the pre-construction surveys include water well testing, and structural surveys that will go on as well. All those 21 properties identified on the map will have both structural and well surveys done.

Ms. Caron asked what structural surveys involve and what kind of information do homeowners' provide if they think there is a problem.

Mr. Paquette stated he has not conducted a pre-blast foundation survey however; his understanding is they use video documentation to document the existing condition of the property. It is a standard survey done state wide.

Ms. Caron asked if the homeowners get a copy of the video.

Mr. Paquette stated yes.

Mr. Dillon asked about the accountability and responsibility of CMP and the blasting firm on what procedures will be used to correct water quality. I understand you are holding some money for that contingency. And where in your documentation do I find stated if this happens the owner can expect this as a remedy.

Mr. Paquette stated in previous documents provided to the Board CMP committed to fix any damage to a well as a result of blasting. The pre-blast testing gives a base line. If an abutter calls the hotline stating his well has changed people will be sent to the site to examine the condition and make a determination.

Ms. Nixon stated she and Bill Shane the Town Manager had a met with Mr. Paquette and Engineers. In that meeting we discussed a statement of values; the money that will be set aside as a performance guarantee to make sure everything they say they are going to do gets done. A dollar amount is determined by the engineers.

Mr. Shane stated there is a percentage being allocated for well replacements; he thought it was \$100,000 dollars for well replacement and \$100,000 to \$150,000 dollars in the letter of credit plus a contingency as well. It is highly unlikely that we would have all twenty-one wells damaged with the project.

Mr. Neagle stated as he understands we have to rely on what the law is, if there is a pre-blast survey and conditions change that is compelling evidence.

Mr. Gruber apologized to the applicant, public, and board that his questions might have been asked in the past. However, he needs answers in order to vote properly. If I were having my well tested I might want the water tested sooner than six months after the project, with the concern of safety.

Mr. Paquette stated the water quality test is not a big cost item. It makes it simpler to test before and after; we want to take into account seasonality comparing apples to apples. CMP is willing to work with individual landowners and if there is a concern that requires an interim water quality test, that can be done.

Mr. Gruber asked if there were pre and post noise testing on the site.

Mr. Paquette stated no, there are no transformers proposed at this time.

Mr. Gruber asked if the Electrical Magnetic Interface (EMI) which may affect radio frequencies, pacemakers etc. are a concern in this project.

Mr. Paquette stated from CMP's opinion, no. We are dealing with an existing corridor there is a 345 kV line with two 115 kV lines as well. When the project is completed there will be a substation there and one additional 345 kV line. There is no documentation of adverse health implications from EMFS that would require any additional changes to this site development.

Mr. Gruber stated there are guide wires that come from the poles and asked about safety for snowmobiles, ATV's or foot traffic.

Mr. Paquette stated there will be yellow plastic sleeves for high visibility.

Mr. Gruber asked regarding environmental issues will oak trees be removed during this project.

Mr. Paquette stated there is a mix of white pine, red oak, and red maple trees.

Mr. Gruber stated he brings that up because there is a concern of fungi transmission if removed in early spring or summer.

Mr. Paquette stated we will be clearing in late February or early March.

Mr. Gruber asked if the temporary lines be metallic steel.

Mr. Paquette stated the temporary lines will be wood h-frame structures there will be one steel structure.

Mr. Gruber asked if the proper conductors would be used to prevent sagging wire.

Mr. Paquette stated there will be standard design for safety and functionality.

Mr. Gruber stated we are updating these lines after thirty years, if you look in your crystal ball where will we be in thirty years.

Mr. Paquette stated the project proposed at this point is based on CMP's projection of demand and usage through 2017, beyond that point it is only speculation.



Mr. Gruber asked if they had the property to do something more in the future.

Mr. Neagle stated we can only review the plans before us.

**Mr. Neagle opened the public portion of the meeting reminding residents that the Planning Board's task is to review the project in accordance with the twenty-four standards within the Site Plan Review Ordinance. Please keep comments relevant to the standards of review, please step up to the podium and give your name and concern.**

Mr. Dan Burr of 248 Middle Road thanked the Board and welcomed the new members stating he felt there was enough buffering so the color of the building didn't matter. He was fine with the color dessert tan. Mr. Burr thanked CMP for working with the neighbors to address their concerns.

Mr. Curtis Ingraham of 55 Greely Road thanked CMP and subcontractors for a lot of time and effort. And a few special thanks for the tree line clearing; I understand it better and appreciate the graphic tonight. I thank you for the water testing pre and post process that is a great relief to a lot of us. The emergency response plan is good and I am glad you worked out that process with our public safety officials. On that note the gate in the simulation photo looks really nice, I hope it stays that way and is not plastered with signs and orange reflectors and things that take away from the nice building. He also thanked them for the abutter complaint procedure which is important for customer service and neighbor relations. I will say I have chatted with Sarah your CEO and CMP's management supervisor and I think they are attuned with what is going on in the neighborhood. I do have questions on a couple of things; the hours 7am to 7pm are still not good; I have a spouse who is home all day long and that is a long time to be listening to construction. He asked where blasting notices can be found, is it a pull effort or a push effort; by that I mean do I have to go to a website and pull those notices off so I can find out what is going on. Or will you build an e-mail list of the twenty-one concerned abutters and send us notices.

Mr. Neagle asked if we could give the applicant an opportunity to answer that particular question.

Mr. Drew McMullin stated it is both a push and pull system. Everyone who would like to send me their e-mail addresses; my e-mail address is [amcmullin@burnsmcd.com](mailto:amcmullin@burnsmcd.com); we can create an e-mail chain and send it out every time there is a blast test. The door to door notifications are a push; all the identified houses will get a door hanger; that includes specific information with what is going to occur in a letter with the hotline contact information on it. If the resident is not home it is left at the door with a *please call us* to follow up on information. As a pull, the Town has a very good website that Mr. Ingraham has been using. We could provide notices to the Town and it can post them on its website. We can take advantage of every type of notification available to us.

Ms. Caron asked if the notification is only for the twenty-one houses that have already been identified or are there more people affected by the blast.

Mr. McMullin stated those are the houses that have been identified however; I am responsible to discuss issues with all abutters. There are people from Cumberland that are further up the line they could also be a part of this notification process. These are the people through this process that have been identified as most critical. If there are others they can be added.

Mr. Curtis stated if you need assistance building a web server I can help with that, communication is a major key to this project. On the project plan there is a rock crushing plan, assuming you are approved this evening that would continue through December 2011. And that would be the jest of real disruption as far as construction; is that a fair assessment? We will be hearing this through the long hours of summer.

Mr. Paquette stated the most intensive part is the site development which is scheduled to be from March through September 2011.

Mr. Ingraham again voiced concern of 7:00 a.m. to 7:00 p.m. construction hours during summer. He asked about seeing details for the inductor or reactor bank. He understands this filed with the PUC in case that moves forward. It would be nice to know what its harmonics are and the decibel level at stratified distances. This information would help abate some of the neighborhood concerns.

Mr. Neagle stated it is possible this project will get approved this evening and I don't think it is reasonable to ask them to give you more information at a later date unless they choose to. Future changes are not before us this evening.

Mr. Ingraham stated he understands but his request has more to do with good will and good communication. Mr. Ingraham stated the process has been arduous at best it's been through and little has been untouched. He thanked the applicant for their interest in their concerns. The neighborhood waits to see what this brings to them.

Mr. Neagle told Mr. Ingraham he has done an exemplary job rising issues for the neighborhood, you have been organized, willing to listen and are a model for public participation.

Mr. Arthur Woodward of 69 Mere Wind Drive stated he is not an abutter to the Raven Farm Substation he abuts the transmission lines and is familiar with the project to date. His question was one of logistics for construction vehicles around the substation site. He understands the main driveway access is proposed off Greely Road. Has there been consideration to use the pass through of the D.O.T. property with access from Route One, and through the existing West Elm Station. This alternative might lessen the construction traffic burden on Middle and Greely Roads.

Mr. Paquette stated no they haven't explored that route, we will make a note and explore options.

Mr. Jeff Young of 111 Greely Road stated he was late to this process and apologized for asking any questions that might have previously been answered. Will there be any significant wetland impacts as a result of the project.

Mr. Paquette stated the estimate is about 3.3 acres .

Mr. Young stated all of the homes except for the one I used to own are being destroyed, is there any possibility for the homes to be donated to an organization such as Habitat for Humanity.

Mr. Paquette stated that is a good question, and has been raised in previous meetings; if we receive approval tonight the demolition schedule is slated to begin as early as Monday.

Mr. Young asked if there are problems in the 1000 foot well area. Are there future opportunities for those of us beyond the area that might be on the same aquifer?

Mr. Paquette stated we used the template the Town used for Range Road and certainly if there was a situation where someone located 1,300 feet away had well issues it would be addressed on a case by case basis.

Mr. Young thanked the Planning Board for all of their hard work on the project and for the CMP engineers and look forward to future communications.



Ms. Elise Kiely a real estate broker with Remax by the Bay stated she is representing some clients on Greely Road. The houses purchased by CMP on Greely Road have at different times had large spray paintings on them that make an approach to some of the houses I am listing a little challenging. I heard those would be demolished upon approval as early as next. What is the clean up schedule for those houses will there be piles of lumber, or will it be cleaned up quickly. My second question; is there a photo simulation of what the substation will look like from Greely Road and Middle Road.

Mr. Neagle stated yes we have photo simulations from Greely Road, he wasn't sure the substation would be visible from Middle Road.

Ms. Kiely asked if she could get a copy of the photo simulations.

Mr. McMullin stated the spray paint has been removed. The houses have to be marked for safety reasons. We moved the spray paint to the side of the house. The demolishing of a house usually only takes about three days to a week to demolish and remove debris.

Mr. Tim Rose of 51 Greely Road asked Mr. McMullin to explain what happens to the sites after the house is demolished, will the foundations be filled in.

Mr. McMullin stated the site is remediated; the foundations will be filled in. To minimize parking along Greely Road the areas will be used temporarily for parking. Eventually there will be plantings brought to the sites.

**The public portion of the meeting was closed.**

Ms. Caron stated at the last meeting there was a resident at 218 Middle Road, the Colby's, who was not included in the initial properties for well testing; is that one of the properties added.

Mr. Paquette stated yes.

Mr. Couillard retracted his request for a different color for the building.

Mr. Neagle stated staff has concluded it appears all outstanding issues have been addressed. At this time it would make sense to review the findings of fact.

The Board reviewed the findings of fact.

**SITE PLAN APPROVAL STANDARDS AND CRITERIA**

**Sec. 8 Approval Standards and Criteria**

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

**.1 Utilization of the Site**

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development.

Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

***The project is located on a site where three transmission lines intersect and where there is a significant load on the system. The PUC approval indicates that an expansion of the existing public utility use of the site is required. The substation yard has been located so as to minimize impacts to wetlands, vernal pools and a perennial stream on the property. The applicant has reduced the amount of clearing needed for the project. There are no designated significant wildlife habitats at the Raven Farm substation.***

***The Board finds the standards of this section have been met.***

.2 Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

- .1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- .4 The intersection of any access/egress drive or proposed street must function:  
(a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
- .5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.
- .6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
  - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
  - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

***During construction, vehicles and equipment will access the site via the proposed permanent driveway off of Greely Road and will use sites of former houses as staging and parking if possible. The substation will be accessed from the permanent driveway off Greely Road during operations and maintenance activities. Operation of the substation will generate little vehicle traffic and have no impact on the Town's transportation facilities, including vehicular and pedestrian traffic. All of the above standards have been met.***

***The Board finds the standards of this section have been met.***

#### **.3 Accessway Location and Spacing**

Accessways must meet the following standards:

- .1 Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

***There is only one proposed entrance and it is located approximately 1,200 feet from the intersection of Greely Road and Middle Road.***

***The Board finds the standards of this section have been met.***

#### **.4 Internal Vehicular Circulation**

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- .1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

- .2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

***The entrance drive to the project has been redesigned so that the view of the internal portion of the site where the substation will be is better shielded. There will be no regular delivery or visitors to the site. The entrance drive is appropriate for the level of service required. Access will be provided to the Fire Department per its request.***

**The Board finds the standards of this section have been met.**

#### **.5 Parking Layout and Design**

Off street parking must conform to the following standards:

- .1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- .2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.  
**No new parking spaces are located within 15' of the side, rear, or front property lines.**
- .3 Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

**N/A**

- .4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.

N/A

- .5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

N/A

- .6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

N/A

***There will be no visitors to the site other than occasional CMP employees. There is adequate parking proposed.***

***The Board finds the standards of this section have been met.***

**.6 Pedestrian Circulation**

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

***The substation will be a fenced, restricted access facility. No pedestrian ways are proposed or permitted at this facility.***

***The Board finds the standards of this section have been met.***

**.7 Stormwater Management**

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- .2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of

flow from the site after development does not exceed the predevelopment rate.

- .3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
- .4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- .5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- .6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- .7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

***The stormwater management plan has been reviewed and approved by the Town Engineer. MDEP has reviewed and approved the proposed plan.***

***The Board finds the standards of this section have been met.***

#### **.8 Erosion Control**

- .1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- .2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

***Construction of the project will require a substantial cut and fill operation to develop the site. The impacts of this will be managed and mitigated through implementation of erosion and sediment control measures, proper site and project design and special***



***construction procedures which have been reviewed and approved by the Town Engineer.***

***The Board finds the standards of this section have been met.***

**.9 Water Supply Provisions**

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

***Water will be supplied to the site by a new subsurface well to be drilled along the southern substation fence line. This well will provide a potable water supply for the control house building.***

***The Board finds the standards of this section have been met.***

**.10 Sewage Disposal Provisions**

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

***Due to engineering constraints, a holding tank will be installed for wastewater. This design is allowed under both state and local laws//ordinances.***

***The Board finds the standards of this section have been met.***

**.11 Utilities**

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

**CMP will install the required overhead electrical, telephone, and telecommunication service for the operation of the substation.**

**The Board finds the standards of this section have been met.**

**.12 Groundwater Protection**

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

***There will be no on-site septic system.***

***There is a concern that the amount and location of blasting could impact surrounding properties' wells. A condition of approval is proposed to address this concern.***

***No hazardous materials will be stored at the proposed substation. There will be no fuel storage, vehicle/equipment parking and maintenance and refueling activity within 100 feet of a protected wetland and within 200' of a private water supply without special exception approval from the MDEP.***

***The plan does call for herbicide applications to control re-sprouting of cut vegetation. The herbicides will not be used within 100 feet of identified wells or drinking water sources. Abutters may enter into a "no-spray" agreement if desired, however CMP then expects the property owner to assume the cost and responsibility of maintaining vegetation to CMP's specifications.***

***The Board finds the standards of this section have been met.***

**.13 Water Quality Protection**

All aspects of the project must be designed so that:

- .1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.**
- .2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.**

***The project involves no storage for fuel, chemicals, chemical or industrial waste of biodegradable raw materials. No discharges of unsuitable materials are contemplated. The erosion control plan contains appropriate procedures to reduce the risk of spills or other threats to stormwater or groundwater.***

***The Board finds the standards of this section have been met.***

**.14 Capacity of the Applicant**

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

***The estimated cost of the MPRP is estimated to be \$1.4 billion; the cost of the Raven Farm Substation is estimated at \$24 million. CMP will be financially responsible for the project. CMP is a subsidiary of Energy East Corporation and has access to equity***

*capital through a large energy company, Iberdrola; a 2008 Annual Report is available upon request. Technical expertise was provided by TRC Engineers, Owen Haskell, LLS, Terrence DeWan, RLA, Power Engineers, Inc., Burns and McDonnell, and CMP.*

*The Board finds the standards of this section have been met.*

.15 Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

*A review of the Maine Natural Heritage Program data revealed “no known rare or unusual features on the property.”*

*The Board finds the standards of this section have been met.*

.16 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use, and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

*The site is not located within the 100 year floodway of any river or stream.*

*The Board finds the standards of this section have been met.*

.17 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

*The substation is designed with three levels of lighting, but only one level is used as a matter of routine operations. That is the Level 1, exterior control house lights that consists of a small (70 watt) entry light to be located over each of the two control house doors that will operate on a dusk-to-dawn mode. Other outdoor lights will be used on an as-needed basis for security and for maintenance purposes only. A full photometric plan for the three levels of lighting has been submitted. The Town Engineer has reviewed the lighting plan and found it to be in conformance with the ordinance.*

*The Board finds the standards of this section have been met.*

.18 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

***The applicant has hired a landscape architect to design a landscape, grading and buffering plan that attempts to buffer the structures on the site from abutting properties and from Greely Road. The Town engaged a peer review landscape architect to review the plan and several substantial modifications were made to the original plan.***

***The Board finds the standards of this section have been met.***

.19 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

***Construction noise will occur, but this noise is temporary. A condition of approval has been proposed to limit hours of construction work to between 7:00 a.m. and 7:00 p.m., Mondays through Fridays. The application provides detailed noise mitigation information relating to rock crushing.***

***The Board finds the standards of this section have been met.***

.20 Storage of Materials

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

***Any equipment or materials stored at the substation will be kept within the secured fenced-in substation yard.***

- .2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

***The will not be a dumpster on site.***

- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

***No access to the fenced area will be allowed.***

***The Board finds the standards of this section have been met.***

**.21 Landscaping**

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

***The applicant has hired a landscape architect to design a landscape, grading and buffering plan that attempts to buffer the structures on the site from abutting properties and from Greely Road. The Town engaged a peer review landscape architect to review the plan and several substantial modifications were made to the original plan.***

***The Board finds the standards of this section have been met.***

**.22 Building and Parking Placement**

- .1** The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
- .2** Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

***There is minimal need for parking, and the area where the infrequent parking of vehicles will occur does not appear to be visible from Greely Road or from abutting properties.***

***The Board finds the standards of this section have been met.***

**.23 Fire Protection**

The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance once the applicant has met the design requirements of the Town's Fire Protection Ordinance.

***There were several meetings between the applicant and the Fire Chief regarding this project. An emergency response plan has been developed and approved by the Fire Chief.***

***The Board finds the standards of this section have been met.***

.24 Aquifer Protection (if applicable)

If the site is located within the Town Aquifer Protection Area a positive finding by the board that the proposed plan will not adversely affect the aquifer, is required.

***The parcel is not located in the Aquifer Protection Area.***

***The Board finds the standards of this section have been met.***

.25 Route 100 Design Standards (if applicable)

All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals.

N/A

.26 Route 1 Design Guidelines (if applicable)

All development in the Office Commercial North and Office Commercial South districts is encouraged to be consistent with the Route 1 Design Guidelines.

N/A

Mr. Ferland moved to adopt the findings of fact as read and amended.

Ms. Caron seconded.

VOTE: In favor 6-0 Unanimous

Mr. Ferland moved to approve the seven waiver requests stated in the application.

Mr. Couillard seconded.

VOTE: In favor 6 – 0 Unanimous

Waivers granted:

- Location, dimension of ground floor elevation of all existing buildings.
- Location, dimension and # of spaces of proposed parking areas, including handicapped spaces
- Snow storage location
- Solid waste storage location and fencing/buffering
- Location of all fire protection
- Traffic Study
- Market Study

Mr. Couillard moved to grant major site plan approval subject to the standard and fifteen conditions of approval for the Central Maine Power Raven Farm Substation at 37 Greely Road, Tax Assessor Map R02, Lots 34B, 34C, 34D, 34E, and a portion of 38E and 38F in the Rural Residential 2 (RR2) district; Rick Paquette, Jr., P.W.S. of TRC Representative, Central Maine Power Company, Owner.

Mr. Ferland seconded.

VOTE: In favor 6 -0 Unanimous



## **Standard Conditions of Approval**

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

### **CONDITIONS OF APPROVAL**

1. That the hours of work be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday and no construction on State Holidays.
2. That an estimate of values be provided by the applicant and reviewed and approved by the Town Engineer and Town Manager prior to the pre-construction meeting.
3. That a performance guarantee be provided to the Town prior to the preconstruction conference.
4. That a pre-construction meeting with Town Staff be held prior to the start of construction
5. That a building permit be issued prior to the start of construction
6. That all vegetation clearing limits be flagged prior to the start of construction
7. That all 21 wells depicted on the final plan undergo pre and post construction water quantity and quality testing. In addition, interim well testing shall be conducted at the request of a homeowner if water quality concerns develop.
8. All foundations of the 21 houses will have a pre-blast survey of the structural integrity of the buildings.
9. That a blasting permit be obtained from the Code Enforcement Officer prior to the start of construction.
10. That the applicant complies with recommendations numbered 1, 2, 3, and 5 of the Fire Chief's memo.
11. That all fees be paid prior to the issuance of a building permit.
12. That the applicant submits electronic as-built plans to the Town upon the completion of construction.
13. The applicant will be held to all statements in its January 6, 2011 submission and all statements made at the January 26, 2011 public hearing.
14. That no parking be allowed on Greely Road excepting vehicles utilized for construction of the permanent road. All Construction workers parking to be located off Greely Road.
15. That the applicant complies with the recommendations of the Peer Review Landscape Architect as stated in her letter dated January 10, 2011.

### **Limitation of Approval**

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

***G. Administrative Matters: None***

***H. Adjournment:***

Mr. Couillard moved to adjourn at 9:15 p.m.  
Ms. Caron seconded.

VOTE: 7-0 Unanimous

A TRUE COPY ATTEST:

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Christopher S. Neagle, Board Chair

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Pamela Bosarge, Board Clerk