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**Town of Cumberland
Board of Adjustment and Appeals
Minutes of Meeting
Thursday, March 11, 2010**

I. Call to Order:

The meeting was called to order at 7:10 p.m.

II. Roll Call:

Present: R. Scott Wyman, Chair, David Joyce, Andrew Black, Ron Copp

Absent: Adrian Kendall, Vice Chair, Matt Manahan, Mike Martin, Christian Lewis, (alternate)

Staff: Bill Longley, Code Enforcement Officer, Pam Bosarge, Board Clerk

Mr. Wyman welcomed the applicants and gave an overview of the rules of procedure for the meeting. Mr. Wyman stated there would be an opportunity for public testimony.

III. Hearings and Presentations:

1. Special Exception: Stephen E. Little requests a special exception for a riding stable at 49 Whitney Road, Tax Assessor Map R08, Lot 55B in the Rural Residential 2 (RR2) district.

Mr. Little presented an overview of his request. He and his wife who is a riding instructor purchased the property a year and a half ago. The property had a barn with stables and fenced containment area; there will be no changes to the property. In November they started a non-profit riding stable providing equestrian therapy for children and adults with emotional needs. Every dollar donated goes towards serving someone in the community.

Mr. Wyman asked if the barn had two stalls.

Mr. Little stated yes, and we have three horses.

Mr. Wyman asked if there would be an addition.

Mr. Little stated no.

Mr. Black asked if there would be signage.

Mr. Little stated no.

Mr. Black asked about traffic and if lessons be by appointment only.

Mr. Little stated yes, there will not be an increase in traffic. The house has plenty of off street parking and a family birthday party would have more vehicles than lessons. A portion of the lessons are taught off site. There might be two at a time for one to two hour intervals and the most vehicles would be four or five at a time.

Mr. Copp asked if the property behind the house was wooded.

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Mr. Little stated no, almost all of their two acre lot has been cleared and is fenced pasture.

Mr. Wyman asked for testimony that was in favor of the application. There was none. He asked for testimony that was against. There was none. He asked for testimony that was neither for nor against but neutral for informational purposes. There was none. The public portion of the meeting was closed.

The Board reviewed the Special Exception standards of Section 603.2.3 and 603.2.7 as addressed in the application. The Board determined that based on testimony and written responses that the application met the standards of Sections 603.2.3 and 603.2.7.

Mr. Black moved to grant the special exception request of Stephen Little for a riding stable at 49 Whitney Road, Tax Assessor Map R08, Lot 55B in the Rural Residential 2 (RR2) district.

Mr. Joyce seconded.

VOTE: UNANIMOUS

2. Special Exception: Maine Power Reliability Program: Central Maine Power Co., represented by TRC requests a special exception for a sub station and associated line expansion located off Greely Road:

Project Area # 1 Raven Farm Substation Site Tax Assessor Map R02, Lots 31, 34B, 34C, 34E, 34D, 38E, 38F, 35B;

Project Area # 2 CMP Corridor Northwest of Hillside Ave; Tax Map Ro4, Lots 27, 26;

Project Area # 3 CMP Corridor North of Mere Wind Drive; Tax Map R04, Lots 36, 37;

Project Area # 4 CMP Corridor Northeast of Acorn Lane; Tax Map R06A, Lots 35, 34.

Mr. Rick Paquette, of TRC Solutions stated he was present on behalf of Central Maine Power for the Main Power Reliability Program; he is a senior environmentalist with TRC. He also introduced other project team members present:

Mr. Brian Rayback, Esq. from Pierce Atwood

Mr. Steve Walker, from Power Engineers

Mr. Chris Marshall, from Burns and McDonald

Mr. Paquette presented a power point presentation and overview of the proposed project. (see attached power point presentation) The Maine Power Reliability Program (MPRP) is a project by Central Main Power Company (CMP) to upgrade Maine's bulk power transmission system. The proposed project consists of upgrades to the network of 345 kV and 115 kV transmission lines and associated substations to be constructed through CMP's service territory where particular needs have been indentified. In Cumberland, as part of the MPRP, CMP proposes to construct a new electrical substation (Raven Farm Substation), to construct a new 345 kV transmission line, and to realign and rebuild portions of existing 345 kV, and 34.5 KV transmission lines at the proposed Raven Farm Substation site. The current grid was energized in 1971; it is about forty years old. The 345 kV bring the higher voltage lines to the 115 KV lines in rural areas. The question of why the MPRP is needed.

CMP is proposing the MPRP to address five significant changes since the grid was built:

- Power consumption has doubled;
- Concentration of power demand in southern and western Maine;
- Generation restructuring in 2000 - based on economics not load;
- Geography - new generation built around the sate; and
- 2003 summer blackout resulted in new, mandatory federal standards.

MPRP Planning

- CMP conducted a needs assessment in 2007 with other regional utilities

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- Independent Systems Operator (ISO) of New England defines and oversees planning process.
- Study Result: Serious deficiencies were identified in the bulk power system.
- MPRP will address deficiencies to upgrade system reliability.

The MPRP Solution

- Upgrade 345 & 115 kV system in Maine:
- New 345 kV lines (240 miles)
- New 115 kV lines (75 miles)
- Rebuild 345 KV lines (12 miles)
- 5 new substations
- Expand / upgrade 7 existing substations
- Begin Construction in Cumberland - January 2011
- In service 2012

MRP Regulatory Overview

- Multiple permits and approvals needed;
- Maine Public Utilities Commission (PUC)
- Maine Department of Environmental Protection (DEP) (*draft permit was issued 3/11/10*)
 - Site Law and Natural Resources Protection Act.
- U.S. Army Corps of Engineers - Section 404/10
- Local Permits - 78 Towns in Maine including Cumberland

Cumberland Permits

- Board of Adjustment & Appeals - Special Exception for Public Utility
- Planning Board - Site Plan Review
- Code Enforcement - Issuance of Building Permit

MPRP in Cumberland

- Construct about 5,000 feet of new 345 kV line in CMP's existing Segment 19 corridor
- Construct a new substation off of Greely Road (Raven Farm Substation)
- Realign and rebuild portions of existing 345 kV, 115kV and 34.5 kV lines at the new substation site.

MPRP Design Approach

- Collocate MPRP facilities within existing CMP corridors where possible to minimize environmental impacts
- Project Area # 1 = Corridor expanded
- Project Area # 2, #3 & # 4 = No corridor expansion proposed
- Conducted extensive surveys to identify natural resources
- Located proposed poles and substation facilities to avoid or minimize impacts where possible
- Use existing corridor paths for temporary construction access

Four MPRP Project Areas in Cumberland

1. Raven Farm Substation
2. Northwest of Hillside Avenue
3. North of Mere Wind Drive & Aspen Crest Road
4. Northeast of Acorn Lane

Mr. Paquette gave description of a substation.

- Serve as connections between transmission line segments
- Sites where bulk power is stepped down to lower voltages for further transmission or distribution

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- Serve as switches to allow segregation and isolation of transmission lines for maintenance work and outages.

Project Area # 1

- Located at an important electrical node in CMP's bulk power system
- Will provide additional 345 kV to 115 kV transformation capacity
- Will increase the reliability of the system:
 - connect new 345 kV line
 - connect existing 345 kV and 115 kV lines
 - connect to Elm Street Substation
- Located in RR2 District and RI district
- MPRP Project Area # 1 = 75 acres
- Substation construction disturbance area = 25.1 acres
- Permanent substation yard and access road = 16.23 acres
- 26 acres of woodland clearing and 3.3 acres of permanent wetland fill
- Remove two houses on CMP purchased parcels (R02 - 34B and R02 - 34D)
- CMP purchased 7 adjacent parcels for the substation project

Existing CMP Corridor:

- Width = 450 feet
- CMP corridor currently supports: one 345 kV line, two 115 kV lines, one 34.5 kV line.
- Vegetated with low shrubs and herbaceous plants

Raven Farm Substation (Proposed Conditions)

- Connect new 345 kV (section 3030) line to Substation
- Three H-Frame supports with height of about 106 feet
- Add new 115 kV connector between Raven Farm and Elm Street Substation
- Connect two existing 115 kV lines and one existing 345 kV line to Substation
- H-frame support heights range from 85 feet to 115 feet

Mr. Paquette reviewed graphics showing existing lines and proposed lines entering and leaving the station. The Substation will be setback approximately 500' from Greely. The substation is approximately 16 acres including the:

- Fenced crushed stone / gravel yard
- Control house
- Electrical equipment (autotransformer, Breakers, Switches, Buswork)
- Dead- end A-frames 65 - 115 feet height
- Permanent gravel access road
- Stormwater management structures
- Well and holding tank

Mr. Paquette gave examples of the H-frame structures height which will be 75' in the corridor and heights will increase as they tie into the station they will be 85' to 115'. There are structures there now; these would be the rebuilt to connect. To accommodate the new substation, the existing lots will re-configure the existing lines. Mr. Paquette's graphic demonstrated the temporary configuration. Once the station is connected the temporary lines would be removed.

Project Areas # 2 NW of Hillside Avenue;

- Existing two 34.5 kV lines in corridor (existing width = 255')
- 135' width currently cleared
- Clear 120' of remaining woodland
- Construct new 345 kV line (75')

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- Corridor will not be expanded

Project Area # 3 North of Mere Wind Drive & Aspen Crest Road; and Project Area # 4 Northeast of Acorn Lane will consist of the following improvements.

- One 34.5 kV line in corridor now (35' height)
- Existing width = 355' with 135' width currently cleared of trees
- Clear 120' existing woodland
- Construct new 34.5 kV line (75' typical height)
- Corridor will not be expanded.

MPRP Environmental Protection Measures

- Best Management Practices:
CMP Environmental Guidelines for Construction & Maintenance Activities (E & S Measures)
Construction Restoration Procedures
Vegetation Management Practices
- Maine DEP Permit and 3rd Party Inspection
- U.S. Army Corps of Engineers Permit
- Substation Stormwater management Design
- MPRP Environmental Inspection Program
- Environmental Training for Contractors

Mr. Paquette concluded that Maine Power Reliability Program is before the Board this evening requesting a special exception as required by the Ordinance. The project will also be reviewed by the Planning Board for Site Plan Review.

Mr. Wyman thanked Mr. Paquette for the presentation and complete application. He asked about the issues of safety.

Mr. Paquette asked if Mr. Wyman was referring to safety during construction or during operation.

Mr. Wyman stated he is comfortable with safety during construction with current regulations; however, if his house was down there he would want to know if it is safe to have a substation of that size and the energy.

Mr. Paquette stated from a safety stand point electric and magnetic fields are a concern. The new line will increase the electric and magnetic fields. One of the purposes of purchasing the properties around the substation is to provide a buffer. Electrical fields and magnetic fields are different in the sense that electric fields are generated by voltage. Those actually are shielded by objects such as walls, trees, vegetation. Magnetic fields are not shielded, but drop off quickly when you move away from the source. The PUC also reviewed this issue; CMP brought in Dr. William Bailey to review and assess health risks with electric and magnetic fields. This project will not have significant EMF impact to be of a health risk. The electric and magnetic fields will be increased at the corridor; however the new EMF drops off quickly moving away from the source. Dr. Bailey conducted modeling and there will be increase at the corridor edge, there are no federal or state standards regulating EMF fields and CMP feels it is a safe operation.

Mr. Wyman asked about the expectation on electrical consumption for the future. Will this project need to be increased twenty years down the road.

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Mr. Paquette stated the exact purpose of this project is looking forward to 2012 and 2017 based on the projected growth and needs base.

Mr. Black asked the total number of new poles to be located in Cumberland. In project area # 2 will there be two new poles.

Mr. Paquette stated yes, they will be 75' typical wooden structures.

Mr. Black asked if there were four new poles in project area # 3.

Mr. Paquette stated yes, they will be 345 kV same size. The existing line is a single pole and is a 34.5 kV line the new line is 345 kV lines.

Mr. Black asked if the new poles would be closer to the homes in Cumberland.

Mr. Paquette stated in this area that is correct.

Mr. Black asked if they would be clearing representing the shaded area.

Mr. Paquette stated that is correct.

Mr. Black asked in Project Area # 4 will it have new single poles.

Mr. Paquette stated yes.

Mr. Black asked if the Raven substation will replace the Elm Street substation.

Mr. Paquette stated this will not replace the substation it will be integrated into the system.

Mr. Black asked if this facility will be larger than Elm Street, and did he have any photos of what this will look like.

Mr. Paquette stated yes, it will be larger and he didn't have any photos of existing substations.

Mr. Black stated he assumes someone has drawings proposing what this will look like from a ground view.

Mr. Paquette stated there are drawings, but not present this evening.

Mr. Black asked the height of structures in the substation.

Mr. Paquette stated the structure heights for the 115 kV is about 65' for the 345 kV it requires taller lines and around 115'.

Mr. Black asked if the existing power lines had been in existence since 1971.

Mr. Paquette stated yes.

Mr. Black asked what happens if the Board denies their application.

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Mr. Brian Rayback, Esq. of Pierce, Atwood stated there is a process in State Law that allows them to receive approval from the PUC and can exempt the project from local review.

Mr. Joyce asked about noise.

Mr. Paquette stated the substation noise decibels may reach 60, the modeling done for DEP showed ambient noise levels in the mid 40 decibels. In the actual corridor the only potential for noise is from the conductors in wet or stormy weather.

Mr. Copp asked if the power was coming from Pownal.

Mr. Paquette yes, this will be an integrated grid connector to the Pownal substation this line will provide reliability and redundancy.

Mr. Copp asked where the power is generated does it come from Cousins Island.

Mr. Steve Walker, of Power Engineers stated yes one the lines connecting come in from Cousins Island.

Mr. Copp asked the life expectancy of the poles.

Mr. Paquette stated it varies based on weather, there are some poles in service over fifty years, but life cycle planning is for thirty to forty years.

Mr. Copp asked if there was going to be 5,000 feet of new line in Cumberland.

Mr. Paquette stated yes.

Mr. Copp asked if they would all be wood poles.

Mr. Paquette stated around the substation there will be tubular steel structures, on the right of way they will be wood structures.

Mr. Copp asked how the size compares with the Pownal substation.

Mr. Paquette stated the Pownal site is nine acres; the Raven substation is sixteen acres twice as large.

Mr. Copp asked if Raven substation would be visible from Greely or Middle roads; the amount of daily traffic and asked if approval is not given this evening do they apply to the PUC.

Mr. Paquette stated the substation will be 500' back from the road, and there may be some visibility depending on the angle. He stated this will not be a manned substation it will be visually inspected one or two times a week and other vehicles will conduct routine maintenance.

Mr. Rayback of Pierce Atwood stated the project requires PUC approval; which they hope to have in May. Today, they received a draft DEP approval and expect Army Corps approval shortly.

Mr. Black asked the duration of the temporary lines.

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Mr. Paquette stated construction is typically 12 to 18 months; the temporary structures will be removed.

Mr. Black asked if they could minimize the cleared area for the temporary lines.

Mr. Steve Walker stated the reason for the clearing is to have safe working conditions.

Mr. Black asked the estimated distance of existing poles and distance to new poles from the properties.

Mr. Walker s estimated current lines estimated 200' and proposed poles 100' to 105' feet.

The public portion of the meeting was opened.

Mr. Wyman asked for testimony from the public that were in favor of the application.

There were none. He asked for testimony from the public that was opposed.

Len Jordan and Terry Girard of 21 Greely Road, Tax Map R02, Lot 30 which is right next to the proposed substation. Mr. Jordan stated this will be right behind them; and the access road will be right at the edge of their property. He had two questions:

1. How much of the towers are going to be in that area close to their house
2. Why weren't they notified; the first notification they received was when they were surveying the property. They were surprised. Why weren't they part of the buffer zone and approached about the project; and what is the impact going to be on their home. He would like to know what 50 to 60 decibels sounds like.

Mr. Skip Howison of 61 Mere Wind Drive representing his wife the owner of 61 Mere Wind Drive and Mr. Arthur C. Woodward of 69 Mere Wind Drive, he asked if the Board was going to read Mr. Woodward's letter.

Mr. Longley asked who was the letter given to and when.

Mr. Howison stated he mailed a letter to the Board of Adjustment & Appeals on March 6, 2010.

Mr. Longley stated the letter has not been received.

Mr. Howison read the letter into the record as follows:

Dear Board Members;

I am away on the day of the public hearing; my neighbor is reading my concerns.

1. *Many of the existing sub transmission / distribution lines on the existing wooden poles are beyond half their replacement life, and since the lines from these poles between the substation and Hillside Ave. appear in the proposal to be suspended from the new towers (and existing wooden poles removed), why would the plan not be to carry all lines in the corridor on new towers? This would provide for removal of existing higher maintenance poles and clear the low level view of the ROW.*
2. *Since the ROW corridor between Hillside and Depot road, abutting mere Wind and Aspen Crest property owners on the West side, proposes such a significant woodland removal, why not place the towers over the existing pole track and pull wires up as in section South of Hillside Avenue? Locating the towers on the Eastern side of the corridor also provides the least encroachment to abutting property owners in terms of visual / proximity impact. Note that there are no homes on the Eastern side of the*

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corridor that would be as impacted as those on the Western side, in terms of distance from tower bases and visual impact.

3. *One property owner is particularly impacted by the woodland removal and tower placement. This could be mitigated significantly by constructing towers on Eastern side of the ROW as noted in 1 & 2 above.*
4. *The plan to provide an access road to the West of the new tower construction should be reconsidered. Terrain varies significantly at the edges from that in the existing access road that is in the middle of the ROW. Tower location to the Eastern side of the ROW would again be advantageous here in allowing existing access road location in the middle of the ROW.*
5. *Is there a planned intent to place a second set of 345 kV towers running parallel to those in this proposal, since an extraordinary effort is being made to clear all the wooded portion of the ROW?*
6. *Is the substation land area and equipment going to be fully utilized with this proposal, or is there planned intent to size it for a second set of 345kV towers in the future?*
7. *Does this substation implementation support rebuild / expansion / fuel conversion of Wyman Station or another generating facility in the local area?*
8. *What is expected tax revenue opportunity to Cumberland from new substation and have any incentives been provided to or by the town for its location?*

With modification to the location of the towers as noted above, the fewest land owners would be disadvantaged and considerably less forest vegetation would have to be cleared.

Thank you.

Arthur Woodward.

Mr. Skip Howison continued stating his property is R04 / 35E. Mr. Howison asked:

- Will existing 34.5 kV lines remain in this area in addition to the new lines, and will there be two sets of poles?
- Has CMP received DEP approvals?
- Health Concerns, referencing the Dr. who provided studies for CMP indicated the EMF fields were not a hazard for abutters. Mr. Howison read a fact sheet from California on Electro Magnetic Fields “concern about possible health hazards from electric power use is supported by results of some scientific studies, but the evidence they provide is still incomplete and inconclusive and in some instances also contradictory. A good deal of research is underway to help resolve these questions and uncertainties; most but not all studies show an association between leukemia and an indirect estimate of high magnetic field exposure such as living very near a type of power line that could cause a high magnetic field or working where there is high electric exposure.” He is a stage three cancer survivor and voiced his radiation is pretty well topped off.
- Federal and State regulations in regards to distance from power lines; he read a paragraph from the State of California study. “The California department of education enacted regulations that require minimum distances between a new school and edge of transmission line right-of-way for the area immediately surrounding lines that utility companies need to access the lines for maintenance and repairs. The setback distances are: 100 feet for a 50 to 133 kV line; 150 feet for a 220kV to 230kV line; 350 feet for a 500kV to 550 kV line. These distances were not based on specific biological evidence but on the known fact that the strength of magnetic fields from power lines drop to near background levels at these specified distances, given that no other major sources are present.”
- The proposed lines are 34.5 kV which gives 380 kV which puts you in the 350’ setback range. Some will be concerned; the Jordan family on Aspen Crest will be approximately

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ninety feet from the new transmission line and this will be a significant problem for those people.

- Financial concerns: there maybe significant reduction in market value on our properties. A house on Mere Wind Drive recently sold for 73% of assessed tax value; a portion of this was related to the proposed project. The Jordan's have lost a sale as a result of the proposal.
- Significant wildlife impact on the two deer wintering yards. He could not have a farm pond because of sickle back fish in the stream; however, CMP will clear cut to the stream, he doesn't understand that.
- Temporary access road - will there be fences or gates he is concerned about all terrain traffic, and debris
- Sensory Issues - visual impact on the hayfield with taller poles
- Noise - what is 60 decibels

Mr. Howison suggested that the existing 34.5 kV lines be removed and new poles be placed in the existing cleared corridor.

Mr. Black asked the age of the subdivision and length of time Mr. Howison had resided there.

Mr. Howison stated he has lived there for six years, and the subdivision was developed approximately 15 years ago.

Ms. Cathy Briggs of 13 Acorn Lane is in project area # 4, she stated the new pole will be approximately 100 feet from her home, currently the neighborhood she lives in is Greely Woods which was established in the late 70's. She has resided there for 16 years and the power lines are not visible. The pole that will be placed 100 feet from her property line will visually destroy that part of the neighborhood; which is a cul-de-sac with four homes. She voiced concerns:

- Height of the poles
- Health Concerns

Mr. Black asked who owned lot R06A, lot 34 and the distance her house is located from the property line.

Ms. Briggs stated she didn't know the owners of R06A, Lot 34 and she wasn't sure on distances, but her house is probably 25' to 30' from the property line.

Mr. Joe Jordan of 20 Aspen Crest, project area # 3 which is R04, Lot 35K, presented background stating he has lived in Cumberland for forty-five years of his life as well as his three siblings, all have attended Cumberland schools, and there is a total of eight children who also attended schools in Cumberland. The majority of his family has spent their lives in Cumberland. He has met over the last three days with representatives from Bernstein, Shur in Augusta who work on behalf of CMP.

- Proximity - the northern border of his house which is the lot line parallel to CMP lines which are going to have 1,000 feet of clear cut, this is approximately 30 feet from his house. He received a variance when he built his house to locate the house thirty feet from the property line. There will no longer be a border line of trees. The transmission lines will be exactly 89 feet from his house. The 75 foot poles are less than and exactly 196 feet from his house with a clear shot out his back living room window. They are not proposing any buffering.
- Temporary access road - will be 40' away from his house.
- Noise levels - transmission lines have an audible noise that emits an average of 16 decibels in fair weather, and 40 decibels during fowl weather (comparable to a quiet office) under adverse conditions these emit only a slight crackling sound at the border of the lines. He

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researched on the internet what is acceptable for noise, breathing is 10 decibels, whispering in a room is 20 decibels, a normal conversation in a room is 60 decibels, rush hour traffic is 80 decibels. The Town of Cumberland allows 60 decibels at property lines.

- Electric Magnetic fields - there hasn't been any studies in Maine, however, these 345 kV lines is the largest allowable in the State of Maine. Mr. Jordan repeated the state of California minimum setback distances of 100' a minimum for a 50 to 133 kV line; 150' for 220 to 230 kV, 350' for 300 to 550 kV, his house will be exactly 89'. In 1998 in California scientists researched health risks with electro magnetic fields, a majority of the scientists voted that the study of childhood leukemia provided enough evidence to classify electro magnetic fields as possible human carcinogens.
- Property values - he has had his house on the market for over two years with no luck at all. They put it on the market about sixteen months ago listed for sale by owner; they have had two people look at it. A couple fell in love with the house, but when they learned of the proposal they didn't want to purchase the property. My house is assessed at \$775,000 of which he pays \$12,000 a year in taxes. What will this house be worth; he is thirty feet from the line and 89' from the kV lines. Realtors have valued his house at over \$850,000 and he couldn't give the house away. You people should be here to protect the value of our homes; this is an asset for his retirement which is being devalued. He has met with CMP and asked for a buffer, knowing he can't change this, but CMP shouldn't prosper at his expense. This is a 1.6 billion dollar project. The lawyers have told him he has to go before the PUC. His house will have the greatest negative impact from the project throughout the corridor.

Mr. Wyman asked Mr. Jordan when he built his house.

Mr. Jordan stated fourteen years ago.

Mr. Mike Gauthier of 53 Mere Wind Drive asked:

- If CMP had submitted a visual impact studies and would poles with a 75' height be visible above the tree line.
- Can this proposal be modified, this project is being shoe horned into a small area; the clearing will be at residents property lines. None of us could clear cut up to the property line, or build a road within 20 feet from the property line, and this is the proposal. These are points the Planning Board needs to consider.
- Threat of vetoing the decision to the Public Utilities Commission,
- We need to make a good decision based on the good of the community not the PUC.

Mr. Wyman clarified for the record that this is the Board of Appeals, not the Planning Board.

Mr. Curtis Ingraham of 55 Greely Road stated he lives at the letter A in temporary.

- Section 1.7 - why disturb 25.2 acres for 16.2 occupancy
- Will we see the 40' 'x 80' control house, what will be the architectural style?
- Section 1.7 – will it be revegetated with grass or allowed to revert to scrub brush?
- The other three houses will be re-sold as in off the foundation or back on the market by CMP?
- Section 2.7 – What is a prominent earthen mound, and where might he see an example of one?
- Section 2.9 – Hours of construction 7:00 a.m. to 7:00 p.m. this will be an infringement on the residents during the 12 – 18 month project. He doesn't feel there should be any night work allowed.

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- Section 2.9 – The proposed substation ... will not promote light, he would like clarification on that statement.
- Section 2.12 – 12 decibels on a quiet summer night will be horrid.
- Section 2.13 – Will there be a blasting survey required?
- The Plan shows H-Frame dead ends, there are two poles that are dead end poles next to Greely Road why not skip these poles and install them when they will be used.
- Section 2.3 – Herbicide use, question of low pressure back pack application and impact on groundwater.
- Section 2.6 – Scenic resources he lives next door to a 67 acre land trust and he would consider that a scenic resource.
- Section 2.6 – Several nearby homes on the east side of Greely Road, which is confusing because Greely Road runs east to west and the sides are north and south.
- He is at 138' elevation and would like to see geographical and topographical drawings to get a feeling of what will be visible.
- Length of construction?
- Temporary poles – There will be 17 poles and if not removed at completion of the project that is more skyline pollution.
- The charm of Greely Road will be taken away.
- Affect on wildlife and current environmental impact
- Is this proposal available in electronic format?
- Who is continuing communication who is our ombudsman, who will be able to give residents answers to questions.
- Maintain a list of e-mails, communication has been lacking, I don't live under a rock but was unaware of this.

Mr. Black asked for clarification of his Map and Lot are you R02, lot 35A and can you see any of the existing lines from your property.

Mr. Curtis stated yes his property is located at Tax Map R02 Lot 35A; and he cannot see any of the existing lines from his property.

Mr. Black asked if his site was at a higher or lower elevation.

Mr. Curtis stated his guessed his property is higher than the proposed site.

Mr. Black asked if the vegetation behind his house and the proposed site was mature trees.

Mr. Curtis stated yes.

Mr. Wyman asked for testimony on a neutral basis neither for nor against.

Mr. Bill Shane, Town Manager stated this project does not have any Town incentives or TIF districts. Two years ago Central Maine Power approached the Town and met with the Town Council there have been two televised meetings; which were noticed in the Forecaster; most of the activity has been going on in Augusta. The Town has volumes and volumes of information. He was in hope that the Engineers would get more involved with the neighbors. He doesn't think people are aware of what the substation in Pownal looks like, it important to see. He will ask the Planning Board to take a site visit to the Pownal substation. This is not a site plan review our Ordinance has an extra step to review the use as a special exception. The site plan review at the Planning Board will be a more detailed review. He would ask the Board tonight as part of their

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deliberations to ask the applicant to consider a 50' vegetated buffer along the project. It is not an unreasonable request, he thinks with technology and engineering this can be done. This would give our residents some protection. We have an opportunity to ask for consideration of the buffer. This project will happen whether we fight it at the PUC or approve it at the local level. If we can work in a cooperative spirit with CMP and try to get some of our vegetated buffer. A vegetated buffer is a reasonable request; he doesn't feel the citizens of Cumberland should have the right of way clear cut to the property lines. This power station is worth 35 million dollars, and the line expansion approximately 3 – 7 million; there will be a large amount of taxes paid to Cumberland. The lack of information and community outreach is disappointing to him. There are people in the audience that didn't know about this proposal. CMP did a great job communicating with direct abutters, but not the property owners along the corridor. At a minimum we are going to be looking for a photo interpretation at the Planning Board level; be prepared to show before and after pictures; people need visuals. This site on Greely Road is elevated somewhere between 15 and 30 feet above Greely Road the visual impact is significant. He stated he was not sure the drawings this evening are scaleable, when drawings are reduced the scales changed. At the Planning Board level you will need exact distances. I feel for the Board this evening, you are in a difficult spot, the Town Attorney said it is a permissible use in the Town of Cumberland, ultimately the Town allows this type of use. The nitty gritty detail will be reviewed at the Planning Board. Mr. Shane asked that the Board look at any potential damage to public infrastructure. This is a sizeable project; Middle Road was just paved a few years ago. And he would ask that part of their motion would ask to restore 50' to 75' of the vegetated buffer along the property lines along the transmission corridor.

Mr. Black asked if the 50' buffer would include land in Yarmouth as well.

Mr. Shane stated he would measure from Cumberland property lines, give us 50' of existing vegetated buffer, and put the roads on the other side of the property line. He would also ask when the temporary lines are removed that vegetated buffering be restored.

Mr. Dan Burr of 248 Middle Road also asked if there would be planting restored when the temporary lines were removed.

The public portion of the meeting was closed.

Mr. Wyman stated in his opinion there is not enough information to make a decision tonight. He proposed a joint site visit with the Planning Board. He would like to see a visual of what the towers will look like. He agrees with concern about buffering, and there is probably some compromise and consensus we can forward to the Planning Board.

Mr. Black didn't disagree, but felt it might be important to get as much information tonight as possible.

Mr. Wyman asked where you think we can compromise, let's start with buffer zones.

Mr. Paquette stated in corridors the 345 kV lines have spacing requirements to site the line within the corridor. He believes if they didn't need all of the space they wouldn't clear it. He can't speak as to whether there are other engineering considerations.

Mr. Joyce asked if a 50' buffer is not feasible from an engineering point to make this project go forward.

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Mr. Walker stated in order to comply with regulations which include the National Electrical Safety Code and to maintain the lines to get equipment between the circuits and finally to comply with federal regulations relating to vegetation management. These three factors dictate the distances CMP needs to maintain between circuits and the distance lines need to maintain from the edge of the right of way. CMP needs to clear the entire corridor width to achieve a buffer within the corridor. The one of the features of the H-Frame configuration is the conductors are in a horizontal configuration and the separation between those are based on factors described earlier. That structure type is selected based upon economics and consistency within CMP's system to maintainability. These things are important when we talk at the regulatory reviews at the PUC. CMP has an obligation to rate payers. There are other configurations, one would be a mono pole construction which exists off Wyman Station, these are not proposed because they are more costly and are 120 to 130' feet in height. The cost is double for H-Frame lines. It is important to understand CMP's constraints. ISO New England helps protect the health of New England's economy and the well-being of its people by ensuring the constant availability of electricity, today and for future generations. ISO New England meets this obligation in three ways: by ensuring the day-to-day reliable operation of New England's bulk power generation and transmission system, by overseeing and ensuring the fair administration of the region's wholesale electricity markets, and by managing comprehensive, regional planning processes. This is a project of regional significance, so other areas are sharing in the cost of the project. As a cost of the rate sharing Maine rate payers will only pay for 8% of the project. Any costs for changes would be considered local costs and Maine rate payers would have to absorb the additional cost. The constraints of vegetation management require certain distances.

Mr. Wyman asked if this is the cheapest design of the project and are there alternatives.

Mr. Walker stated the H-Frame is a lower cost solution.

Mr. Wyman asked if the lines could be piggy backed so instead of four poles there could be one set of poles.

Mr. Walker stated a different type of structure configuration; where the steel poles would be rotated vertical. And in response to the question of whether the 345 kV line and the 34.5 kV line could be on the same structure, two circuits on one structure create maintenance implications. To work on one circuit you may have to take them both out of service; which defeats the purpose of adding reliability and redundancy to the system.

Mr. Black asked the specific regulations in regards to setbacks from those poles to vegetation and the other line.

Mr. Walker stated vegetation is a NERC document, from the center of a structure to the edge of the right of way is 85' as shown on the plan.

Mr. Black asked what the requirement was from the H-Frame to the 35 foot pole.

Mr. Walker stated he thought required CMP standards were 80 feet.

Mr. Black asked if that was CMP or federal regulations.

Mr. Walker stated they are one and the same, the vegetation standard is national, and the federal regulators enforce upon CMP their own standards. After the 2003 blackouts they are not allowing local policing but mandating policy based on the 2003 policy.

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Mr. Black asked if CMP could change that requirement.

Mr. Walker stated they would have to appeal to NERC and he didn't know if that was plausible.

Mr. Black asked if they could leave a five foot strip of trees.

Mr. Walker stated a five foot strip of trees has a two -fold concern; a five foot strip of trees isn't stable, and part of NERC regulations include if outages are caused by vegetation on a corridor the companies receive a significant fine.

Mr. Black asked if a tree on an abutting lot has branches that extend into the right of way is the tree limbed.

Mr. Walker didn't know the answer.

Mr. Paquette stated CMP has arborists, he would think they would have the right to cut branches based on judgment of the arborist.

Mr. Black asked if there was a height level where trees became a risk.

Mr. Paquette stated vegetation that could not reach levels above 10 feet would not be a hazard.

Mr. Black asked why not leave existing poles, is it feasible to build H-Frame structures over existing line.

Mr. Walker stated it would be very difficult to build a line over an energized line; there would be potentially unsafe conditions. There are companies who do hot line work.

Mr. Black stated you have heard the concern is there any way to maintain a 50' buffer.

Mr. Walker described another Town's scenario in the city of Lewiston there was a similar concern with clearing in the corridor the Town enacted TIF funds and funded the incremental cost between vertical H-Frame to maintain buffer.

Mr. Copp stated if the clearing has to 85' to the center of the H Structure to the edge of clearing. How can it be 30' from Mr. Jordan's his house, he said it would be 80 to 90 feet to the power line.

Mr. Wyman stated Mr. Jordan stated it would be 89' to the corner of his house.

Mr. Walker stated when he quotes the 85' that is the distance from the center of the structure. The distance between the center and edge of the structure is 26' so the wire is approximately 59' from the edge of the right of the way, so assuming the 30' from the edge of the right of way would achieve 89'.

Mr. Black asked about the temporary lines on both sides of the substation. Is there any way to place the temporary lines on side to mitigate clearing?

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Mr. Walker stated there is not enough property to go to the east because of the limits of the right of way and the existing 34.5kV lines. The end result would not be a reduction of clearing, we would be moving it, and there might be some potential encroachment over the yellow line.

Mr. Black asked if properties located at Tax Map R02, Lot 30 and 30F which are not owned by CMP was there an attempt to acquire those properties.

Mr. Walker stated he was not sure the terms of the entire parcel.

Mr. Black voiced concerns of a lack of a visual presentation at ground level and that that the lot might not be sufficient for buffering as required in Section 419.4. It is important to see conceptual photos.

Mr. Copp asked the cost of the substation project.

Mr. Walker stated approximately 40 million dollars for the substation.

Mr. Copp stated it would seem a Company such as CMP would procure property first, he understands they purchased three houses on Greely Road and why didn't they purchase more.

Mr. Walker stated that CMP is under PUC rules and costs are not to "burden rate payers".

Mr. Wyman asked can you go back and re look at some of the decisions that have been made there is some additional work to be done.

Mr. Wyman asked about the sickle back fish and asked if IF&W had been involved in the process and what about wild game.

Mr. Paquette stated there have been Maine Inland Fisheries and Wildlife addressing issues relating to wetlands, fisheries, vernal pools, deer wintering habitats, significant wildlife habitats. There has been a mitigation project that has been negotiated in relation to impact and has been addressed through with DEP site law provisions.

Mr. Wyman stated he thought that was something they needed to know more about. Mr. Wyman stated if we have a resident can't go within 25' from the stream there must be an impact statement and an opinion from DEP as well as MIF&W and how are you going to avoid impact on the stream.

Mr. Paquette stated all the impacts have been accounted for in the filings with the DEP both under Natural Resource Protection and Site Law categorizing impacts to wetlands and streams, acreages, and linear footage. The documentation states what can and can't be done.

Mr. Wyman asked if there is an ability to do a condensed presentation on the report.

Mr. Paquette stated certainly.

Mr. Wyman asked if in their modeling was there a way to demonstrate the level of decibel volume, is there some type of prototype you can bring to demonstrate what that sound will be like.

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Mr. Paquette stated he would find out, he is not a noise specialist; there are charts that show 40 decibels are equivalent to a quiet office.

Mr. Wyman asked if there is something showing what bad weather days will sound like.

Mr. Paquette clarified the fair weather was modeled in the 16 decibel range, the 40 decibel is during foul weather conditions that will not be the standard sound of conductors.

Mr. Wyman stated in exhibit # 7 you have some good diagrams on construction perhaps you could do a similar demonstration on sound, and give a visual pictorial presentation.

Mr. Black stated there was a concern about making this information available on line is that possible.

Mr. Paquette stated we can pdf the documents to provide electronic format. There is a website for the project mainepower.com.

Mr. Wyman stated we can link that to our site.

Mr. Copp asked if the proposal is denied tonight what is the next step.

Mr. Rayback stated he would sit down and take a long hard look at a way to work around the 12 month limitation, he would look at our Ordinance; and perhaps if we addressed some of your issues you might feel it was significant enough to be a different application. We don't want to go to the PUC and we can't go to the PUC until they approve the project. We want to do everything we can to work with the Town.

Mr. Black asked if it was possible to provide in a narrative format as to why the poles require an 85' setback and site applicable rules and regulations.

Mr. Paquette stated that would be no problem.

Mr. Copp stated he hasn't heard enough tonight to give a yes vote, there are seven members to the Board and you might want to postpone and bring more information prior to a vote.

Mr. Wyman stated a special exception is neither special nor an exception it is tantamount to a permitted use. We as a Board have to find within our Ordinances of what we and our Board powers do and we have to find if it meets all the criteria and forward it to the Planning Board. His suggestion was to request we table the matter until you can come back and provide more information.

Mr. Rayback asked that the Board table the application to allow the applicant to provide more information for the Board.

Mr. Wyman stated we need to have a site walk and a public information session for our residents. More people need to understand the impact.

Mr. Black stated he is in favor tabling this application. However, his biggest concern is the substation itself and whether the lot is of sufficient size to handle the substation and until we see visuals we can't make that determination. It is the burden of CMP to meet that standard.

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Mr. Wyman stated he would like to hear at their return whether Mr. Shane's suggestions can or can't be incorporated into the design.

Mr. Black moved to table the application.

Mr. Joyce and Mr. Copp seconded.

VOTE: Unanimous

Mr. Black suggested that CMP make use of the website for communication and education to the community.

Minutes:

Mr. Black moved to table the minutes of January 14, 2010 and moved to approve the minutes of February 11, 2010.

Mr. Copp seconded.

VOTE: Unanimous

Adjournment:

Mr. Joyce moved to adjourn.

Mr. Copp seconded.

VOTE: Unanimous

The meeting was adjourned at 10:30 p.m.

A TRUE COPY ATTEST:

R. Scott Wyman, Board Chair

Pamela Bosarge, Board Clerk