

Town of Wells, Maine Planning Board

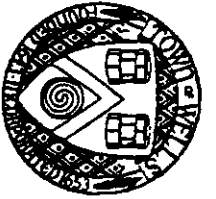
APPROVED

FINDINGS OF FACTS & DECISIONS Site Plan Application for "Maine Power Reliability Program"

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Article X Site Plan Approval

PROJECT INFORMATION	
General:	
Project Name:	Maine Power Reliability Program
Applicant:	TRC Engineers, LLC, 16 Gabriel Drive, Augusta, ME 04330
Landowner:	Central Maine Power Company, 83 Edison Drive, Augusta, ME 04336
Location:	Road crossings at Perry Oliver Road, Bills Lane, Bald Hill Road, Sanford Road, Orens Road, and Wire Road
Existing Use:	Utility Transmission Lines
Proposed Land Use:	Tax Map 20, Lot 8; Tax Map 30, Lot 10; Tax Map 30, Lot 12; Tax Map 47, Lot 38; Tax Map 47, Lot 12;
Tax Parcel ID:	Tax Map 61, Lot 21; Tax Map 68, Lot 9; Tax Map 68, Lot 7; and Tax Map 75, Lot 4.
Zoning District:	Rural, Residential-A, 75' Shoreland Overlay, 250' Shoreland Overlay, and Aquifer Protection Districts
Art VII Performance Guarantee:	none
Design Engineer:	TRC Engineers, LLC, 16 Gabriel Drive, Augusta, ME 04330
Plan Submission Date:	September 20, 2007
Project Description:	Central Maine Power (CMP) Company's project called Maine Power Reliability Program (MPP) includes plans to upgrade Maine's bulk power system. The portion that affects the Town of Wells will take place entirely within the existing transmission line corridor which runs from Kennebunk to North Berwick in the western portion of town for approximately 7.3 miles. CMP owns in fee the entire transmission line corridor in Wells and has no plans to acquire property in Wells in order to accomplish this project. The project is located within the Rural, Residential A, Aquifer Protection District and 75' and 250' Shoreland Overlay Zones. A new 345KV transmission line is proposed to be installed on the eastern side of within the corridor. There will be 72 new structures in Wells with varying structures heights from 65.5' to 101.5'. Varying heights are needed to avoid or minimize impacts to natural areas. Some clearing of trees on the eastern side within the corridor is required to accommodate this project. These structures shall be setback from the corridor lot line by a distance of approximately 59 feet or 85 feet on center. The project will cross the following roads: Perry Oliver Road, Bills Lane, Bald Hill Road, Sanford Road, Orens Road, and Wire Road. The total acreage of land included within this Wells transmission line corridor is 265.5 acres.
Completeness Determination:	4/4/11
Public Hearing:	5/16/11
Staff Review Mtg:	1/11/11; 4/12/11



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PROJECT HISTORY

TO BE COMPLETED FOR FINDINGS

1. On 11/24/08 the Town of Wells attended a PUC hearing regarding the new transmission line proposal.
2. On 10/25/10 the applicant met with the Wells Planning & Code Offices regarding submission requirements.
3. On 10/27/10 the applicant submitted a site plan pre-application and supplemental information.
4. On 11/1/10 and 11/2/10 the Planning Office prepared abutter mailing lists. On 11/3/10 the Code Officer prepared an article V use determination. On 11/5/10 abutters were mailed the article V determination and notice of the 11/15/10 Planning Board meeting.
5. The applicant was unable to attend the 11/15/10 Planning Board meeting so the project was continued to the 12/6/10 meeting.
6. On 12/6/10 the Planning Board received the site plan pre-application and scheduled a site walk for 12/18/10.
7. On 12/14/10 the applicant submitted the site plan application and supplemental information.
8. On 12/20/10 the Planning Board reported the results of the site walk.
9. On 1/3/11 the Planning Board received the site plan application.
10. On 1/7/11 the Planning Office prepared draft V, VI, VII review checklists and found the application to not meet the Land Use Code Requirements.
11. On 1/11/11 the Staff Review Committee commented on the application for the Planning Board.
12. On 1/20/11 the V, VI, VII review checklists were updated.
13. On 2/7/11 the Planning Board conducted a workshop of the application.
14. On 2/16/11 the applicant met with the Planning Office to go over submission requirements.
15. On 3/14/11 the applicant submitted revised plans and supplemental information.
16. On 3/30/11 the Planning Office updated the Article V, VI, VII review checklists and on 3/31/11 the Code Officer found the proposed plans to require some technical assistance but in most respects conformed to the Land Use requirements. Draft completeness and compliance checklists were also prepared by the Planning Office on 3/31/11.
17. On 4/4/11 the Planning Board granted various waivers and appointed the Planning Office as the completeness agent.
18. On 5/6/11 the Planning Office mailed certified mail notices to abutters of the 5/16/11 scheduled public hearing for this project.
19. On 5/10/11 the applicant submitted revised plans and cover sheet information for review.
20. On 5/12/11 the Planning Office prepared updated completeness and compliance checklists and drafted Findings of Fact & Decisions for the 5/16/11 Planning Board workshop.
21. On 5/16/11 the Planning Board conducted the public hearing and found the application complete, compliant and voted to approve and authorize the chairman to sign the Findings of Fact & Decisions and voted to approve and sign the site plan at the end of the meeting.



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§ 145-75. Criteria and Standards		Comments
<p>The following standards shall be applied to all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in the development of his plans and a method of review. These standards shall be applied reasonably and fairly, when applicable, taking into account any extenuating circumstances or special features of the property or its neighborhood.</p>		
<p>A. Traffic. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements at intersections, schools and other traffic generators. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town road system and shall provide adequate parking and loading areas. No use or expansion of a use shall receive site plan approval if any parking spaces are located in a public right-of-way or if any travel lane of a state number highway is used as part of the required aisle to access any parking spaces.</p>	<p>The project proposes no curb cuts, roads, driveways or increases in traffic movement. No parking or loading areas are necessary. The Planning Board waived the traffic study on 4/4/11.</p> <p>The applicant/owner shall communicate with the Town of Wells Police Department for assistance in traffic management a week prior to any scheduled work within the corridor that may affect traffic at any point the corridor crosses a road way.</p> <p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>	
<p>B. Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.</p>	<p>The project is prohibited from emitting dust, fumes, vapors or gases at any point perceptible beyond the parcels lot lines.</p> <p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>	
<p>C. Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.</p>	<p>The project is prohibited from producing offensive or harmful odors at any point perceptible beyond the parcels lot lines.</p> <p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>	

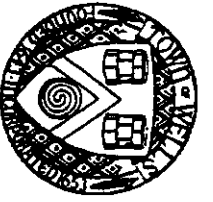


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§ 145-75. Criteria and Standards		Comments
D.	<p>Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way.</p>	<p>The standard glare note is noted on the cover sheet. The CMP corridor is prohibited from producing strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto Town ways as to impair the vision of drivers of any vehicles.</p>
E.	<p>Stormwater runoff. Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word "site plan" shall be substituted for "subdivision"). If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding which would be caused by his project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. [Amended 4-27-2007]</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Central Maine Power Company has 'Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects' which was last revised for MPP in January 2010. These guidelines incorporate considerations for sediment barriers and erosion control measures as well as winter construction and restoration standards.</p>
F.	<p>Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: [Amended 4-27-2007]</p>	<p>The cover sheet notes the standard conditions of approval.</p> <p>Central Maine Power Company has 'Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects' which was last revised for MPP in January 2010. These guidelines incorporate considerations for sediment barriers and erosion control measures as well as winter construction and restoration standards.</p>
(1)	<p>Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>
(2)	<p>The duration of exposure of the disturbed area shall be kept to a practical minimum.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>



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§ 145-75. Criteria and Standards		Comments
(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.	
(5)	Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.	
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
(10)	Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	



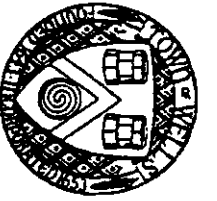
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§ 145-75. Criteria and Standards

§ 145-75. Criteria and Standards		Comments
<p>G. (11) Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.</p>	<p>Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on the surrounding lots. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.</p>	<p>RA zone height requirements = 30'. R zone height requirements = 40'. AP zone height requirements = 40'</p> <p>Tower heights by zone have been provided to determine setback requirements. 4 towers will meet setback requirements. All others do not but fall under 145-47C(1) Utility transmission lines must meet setback requirements from lot lines and water bodies to the greatest extent practical by the configuration of the utility corridor in which they are located and by the constraints of topography. On 4/4/11 the Planning Board found setbacks to be met to the greatest extent practical. With the exception of the setback from lot lines, the dimensional requirements of Article V do not apply to utility transmission lines.</p> <p>West Brook and the Merriland River have setback requirements of 200' as well. The West Brook setbacks do not appear to be met.</p> <p>The CMP corridor would not be considered a residential use or a low intensity commercial recreation use. The commercial use is required to provide a screen for any abutting residential uses. However, the transmission line corridor has been in existence for decades and has long been associated with and integrated into the residential districts through which it passes. There will also be a vegetative buffer between the project and adjacent properties. This vegetation will be maintained to a height of up to 10 feet as required by federal and industry safety standards. The buffer may also reach widths of 50 feet or more since the structures will be setback more than 50 feet from side lot lines.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>



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§ 145-75. Criteria and Standards	
H.	Comments
<p>H. Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.</p>	<p>No such materials shall be located within the CMP corridor for this project. If materials such as this are stored in bulk above ground within the corridor they shall be stored in compliance with NFPA standards.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>
<p>1. Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.</p>	<p>No such storage shall be located within the CMP corridor for this project.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.</p>



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§ 145-75. Criteria and Standards	Comments
<p>J. Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.</p>	<p>Based on statements provided by the applicant, non-capable species exist below and around the existing corridor transmission lines where this access will be placed. The width and length of this access is not noted but appears to be approx. 20' x 200' which would produce roughly 4,000 SF of cleared opening which is greater than the 250 SF allowed. A foot path not exceeding 10' would be permitted but the proposed access appears to be 20'. Due to the fact that MDEP and USACOE have approved a CMP compensation package for the MPRP in the aggregate and the 11.7 acres of impact area for Wells has been compensated for (compensation includes conservation of areas which have similar values and functions as the areas of impact. The nearest compensation parcel to Wells is located in Kennebunk) and these disturbed areas will be allowed to revegetate naturally after the corridor work in Wells is completed, this item can be considered met.</p> <p>After construction is completed, non-capable species are allowed to grow to ensure that the corridor is vegetated, which prevents erosion and provides wildlife habitat. Over a relatively short period of time (generally within one calendar year) the newly cleared portions of the corridors will exhibit the early-successional habitat type that is typical of existing transmission line corridors in Maine.</p> <p>The applicant has stated that due to the nature of the corridor and transmission lines. "In general all trees, saplings of capable species, and sometimes tall shrubs are cut at ground level. All root systems are left intact, as the ground is not grubbed or graded.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>



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§ 145-75. Criteria and Standards		Comments
K.	Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.	The cover sheet details refuse disposal policy that shall be implemented throughout the Maine Power Reliability Program phases. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
L.	Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	The CMP corridor shall not be connected to public water. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	The CMP corridor shall not be connected to public sewer. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	A letter from the Fire Chief is pending. CMP and the Fire Chief have met and come to a resolution as to what the expectations are of CMP from local emergency responders. Adequate provision shall be made for fire safety. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.

Standard Conditions of Approval

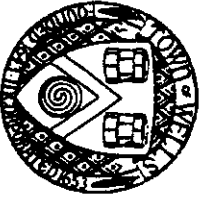
1. Site plan approval shall expire within two years of the date on which the site plan is signed if: (a) a building permit is not obtained for new building construction included as part of an approved site plan. The site plan approval shall be valid for up to 10 years as long as a valid building permit exists for the proposed construction; (b) a use permit is not obtained and the use requested is not established on a site that does not include any new construction. [§145-74F(1)]
2. Approval is conditioned upon compliance by the applicant with the plans and specifications which have been received by the Town in connection with this development proposal.



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3. Any approval may include a phasing plan which would allow the issuance of building permits for a multi-building project to be phased according to a proposed time schedule. After two years from the date of approval, no building permit shall be issued for any phase if it does not comply with the requirements of this chapter in effect at the time when the building permit application is filed. [§145-74F(2)]
4. Conditions of approval or notes written on the face of the site plan may be amended only by the reviewing authority that approved the site plan. [§145-74G(1)(b)]
5. Failure to comply with any conditions of approval shall be construed to be a violation of Article X of the Land Use Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction development or any specific activity violating the conditions of plan approval or applying the legal penalties detailed in §145-64. [§145-79A]
6. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the owner to immediately install sedimentation control devices on his lot and to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Any landowner that fails to do so within two weeks after official written notification by the Code Enforcement Officer shall be penalized as set forth in §145-64. [§145-79B]
7. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices [§145-75F]:
 - (a) Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.
 - (b) The duration of exposure of the disturbed area shall be kept to a practical minimum.
 - (c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - (d) Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.
 - (e) Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.
 - (f) The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.
 - (g) During grading operations, methods of dust control shall be employed.
 - (h) The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
 - (i) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
 - (j) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
 - (k) Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
8. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board and/or Staff Review Committee proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board and/or Staff Review Committee.
9. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and use permits prior to occupancy.
10. It is the applicant's responsibility to contact Dig Safe prior to construction.



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Special Conditions of Approval

1. All previous Conditions of Approval will remain in effect. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.
2. Prior to any construction activity at the site, the applicant and selected contractor shall participate in a pre-construction conference with Town and other regulatory officials to review the project's construction considerations.
3. Approval of any proposed field changes shall be obtained prior to construction. Said approvals shall be in writing. The Code Enforcement Office shall consult with the Office of Planning and Development prior to approving any field change.
4. The applicant/owner shall communicate with the Town of Wells Police Department for assistance in traffic management a week prior to any scheduled work within the corridor that may affect traffic at any point the corridor crosses a road way or at any location in the Town where the delivery of poles interferes with traffic.
5. The applicant/owner or Maine DEP third party inspector shall submit copies of all of the erosion and sedimentation control inspection reports to the Town of Wells Planning Department.

Dated at Wells, Maine this 16 day of May, 2011
Wells Planning Board

By: 
Charles Millian, Chairman

