

NOTICE OF DECISION  
August 24, 2011

<b>REVIEWED BY: Vanessa L. Farr, CNU-A, Planning Director</b> <b>DATE REVIEWED: August 19, 2011</b> APPLICANT/AGENT: Sean Donohue, TRC PROPERTY OWNER: CENTRAL MAINE POWER APPLICATION #: SP2011-07	<b>PROPOSAL: Major Site Plan Review/SOD; Special Use Exception</b> <b>MAP STREET LOT I. D.#: Map 14, Lots 1,14,20,23,33,04 and Map 30, Lot 20</b> SITE ADDRESS: CMP Power Corridor ZONING DISTRICT(S): MDR Medium Density, RR Rural Residential and SOD Shoreland Overlay Districts
Plan/Document Reference(s)/Title(s): Maine Power Reliability Program, Yarmouth Maine: Application for Site Plan Review and Shoreland Zoning Approval, July 2011	

**Project Description:**

CMP is proposing to construct a new 345 kilovolt transmission line (including 12 new wooden H-frame structures with approximate above ground height of 85') and rebuild two existing 34.5 kilovolt transmission lines (mounted to new wooden monopoles approximate above ground height of 45'– 55') within and adjacent to an existing CMP transmission corridor. An existing 12.5 kilovolt transmission distribution line will also be removed to accommodate the proposed transmission line construction. Proposed project scope includes associated tree removal, clearing and temporary access, plus planting of new landscaping to buffer strategic views at the Hillside Street crossing. Applicant is seeking Major Site Plan and Shoreland approval of proposed Segment 19 as it is within the Rural Residential, Medium Density Districts and crosses one Shoreland Overlay district associated with a stream. Applicant also seeks Special Use Exception for allowance of "Essential Services" within the Stream Protection District (over which proposed transmission lines cross).

**Additional Facts:**

1. The application materials were circulated to the Town Engineer, Director of Public Works, Fire Chief, Police Chief, Land Steward, Water District and Code Enforcement Officer;
2. Notification was provided to all abutters within 500 feet of subject property;
3. The property(s) are located within the Medium Density, Rural Residential and Shoreland Overlay Districts and subject to district standards as outlined within Chapter 701;
4. No waivers of criteria have been requested;
5. The proposed use satisfies Chapter 701 Article I (D) definition of "Essential Services", and is a permitted use in the RR, MDR and SOD;


6. Applicant seeks Special Exception for use, "Essential Services" for the crossing of the Stream Protection District, noting within Application that transmission lines cross overhead only, while no poles shall be physically placed within the District;
7. Exhibit 1.0 contains all project mapping and cross-sections related to the subject portion of the MPRP project;
8. Exhibit 17 contains additional regulatory agencies from which permits are required, and dates of granting of approval of said permits. Regulatory agencies include: U.S. Army Corps of Engineers; Maine Department of Environmental Protection; Maine Public Utilities Commission;
9. Exhibit 21 includes narrative related to potential public nuisances, including topics of: visual, audible, and electromagnetic fields and human health;
10. One (1) copy of testimony of William H. Bailey, Ph.D., Volume I Current Status of Research on Power Frequency Electric and Magnetic Fields, dated September 12, 2008 and as provided to the State of Maine Public Utilities Commission, Docket No. 2008-255, submitted to Planning Department for public review and record.

Upon a motion duly made, seconded and carried 5-0 (Howe absent, Littlefield abstaining), the Board ordered as follows:

***Grant Special Use Exception for "Essential Services", approve Major Site Plan application SP-2011-07 and Shoreland Permit Application SOD-2011-12 based upon all facts represented by the applicant and his/her agents and Town of Yarmouth staff, as presented in the official record with the following conditions".***

1. Construction shall be allowed Monday through Friday only, commencing no earlier than 7:00 am and ceasing no later than 7:00 pm.
2. Hand cutting only within stream protection district.

I hereby acknowledged that I have received a copy of the Notice of Decision, and fully understand the conditions of approval attached to said Decision.

 (TRC)  
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Applicant/Agent

  
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Planning Director/CEO

Sept 14/11  
\_\_\_\_\_  
Date