

Arundel Planning Board

Arundel Maine

FINDINGS OF FACT AND MOTION FOR APPROVAL

Conditional Use Permit for Maine Energy Reliability Program

WHEREAS on August 26, 2011, the Arundel Planning Board received a Conditional Use application from Central Maine Power for construction of a new 345 kV power transmission line on 100-foot tall transmission poles within the existing CMP right-of-way on Map 9, Lot 4 in the R-4, Resource Protection, and Shoreland Overlay Zones.

WHEREAS, on September 23, 2010 and October 7, 2010, the Arundel Planning Board conducted a public site walk on the subject property to investigate site conditions and the location of proposed improvements.

WHEREAS, on January 27, 2011, the Arundel Planning Board conducted a public hearing on the proposed project;

WHEREAS, the Arundel Planning Board has arrived at the following findings of fact:

FINDINGS OF FACT

1. The owner of the utility corridor listed on the Arundel Assessor's maps as Map 9, Lot 4 is Central Maine Power Company. The owner of a utility easement over property identified as Map 9, Lot 8A is also Central Maine Power Company.
2. The property owned in fee by the applicant is approximately 103.5 acres and spans the western portion of Arundel from the Kennebunk River to the Biddeford City line.
3. The applicant proposes to clear all 300 foot width of the designated right-of-way and easements and install a 345kV transmission line on H-style wooden poles at elevations ranging between 68 and 100 feet in height.
4. The proposed expansion has received 404 Permits from the Army Corps of Engineers, Stormwater Management, Natural Resources, and Site Location permits from the Maine Department of Environmental Protection.
5. The applicant proposes to initially clear cut the corridor and maintain vegetation at an elevation of less than 10 feet by use of physical trimming and herbicides approved to have a limited lifespan in the environment. The applicant has testified that no herbicide shall be applied within 100 feet of any off-site well.
6. The applicant has submitted data to the Planning Board's satisfaction that the proposed transmission towers and transmission lines will be designed and installed to collapse outside of any principal structure or residence located adjacent to the utility corridor. The applicant has testified that all permanent principal structures that currently encroach upon the right-of-way will be relocated outside of the CMP right of way.
7. The applicant has submitted scientific information indicating that the proposed 345 kV transmission lines will not generate electro-magnetic fields exceeding 1.2 kV/m at the property line and will not generate in excess of 41 dB of Aeolian and corona noise at the property line.
8. Based upon the submitted Site Plans, the proposed activity meets all requires Space and Bulk requirements for the various districts traversed by the utility corridor.

CONFORMANCE WITH CONDITIONAL USE CRITERIA

After due review and consideration the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 9.7.H of the Arundel Land Use Ordinance as follows:

- 9.7.H.1 That the use is compatible with and similar to the general categories of uses of neighboring properties, in that-
- The use is compatible with the other two transmission lines currently within the utility corridor, and is only different in size and scale from the existing uses in the corridor.*
- 9.7.H.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that-
- The proposed expansion of the 345 kV lines are consistent with the continued use of the corridor for transmission of electrical power so identified in the 2007 Comprehensive Plan. The proposed additional transmission line will be a closed access transmission line that will have no direct impact upon electrical service in adjoining neighborhoods.*
- 9.7.H.3 That there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use in that-
- Other than during construction and periodic vegetation and infrastructure maintenance, the proposed activity will not generate regular vehicle trips to and from the corridor. In order to control illicit off-road vehicle trips by non-CMP personnel and approved contractors, the applicant will remove construction access roads through the corridor and permit other access roads to grow over by non-use.*
- 9.7.H.4 That there is adequate water supply and sewage disposal available to service the use in that-
- The site and the use require no on-site water and septic services.*
- 9.7.H.5 That there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties in that -
- Anticipated noise generated by the proposed 345 kV transmission lines will not exceed 41 dB during inclement weather conditions- well below Arundel noise standards. The electro-magnetic fields that may be anticipated to be generated will be well below minimal EMF standards established by other States at the property line, and the applicant will be relocating all encroaching residents from current locations within the utility corridor thereby mitigating any potential long-term EMF impacts to resident health and welfare.*
- 9.7.H.6 That the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use, in that-
- Construction of the transmissions lines poses the greatest potential impacts to important wetlands and natural resources located within the corridor. The applicant has submitted extensive mitigation strategies for minimizing impacts, especially to important wetlands resources, that have been approved by the Maine Department of Environmental Protection. The applicant also has testified that access roads within the corridor will be constructed only to temporary purposes and will be removed after completion of construction. Buffering of the cleared corridor will be accomplished off-site around Hole # 1 to mitigate unacceptable visual impacts to the Dutch Elm Golf Course.*
- 9.7.H.7 That the use will not constitute a public or private nuisance, in that-

The potential nuisances generated by the expanded use will be mitigated to acceptable levels as documented by the applicant's submissions to the Planning Board.

- 9.7.H.8 That all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met.

The applicant has met all pertinent portions of the Arundel Land Use Ordinance in the design of the proposed activities.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of Central Maine Power for construction of a new 345 kV power transmission line within the existing CMP right-of-way on Map 9, Lot 4 in the R-4, Resource Protection, and Shoreland Overlay Zones, subject to the following conditions:

1. The applicant shall resubmit the CMP corridor survey plan and mylar, as prepared by Owen Haskell, Inc, incorporating all recommendations specified by the January 26, 2011 peer review prepared by Wayne T. Wood & Company no later than March 1, 2011.
2. Any change from the plans signed by the Planning Board shall require submittal of revised plans to the Board.

SO APPROVED by the Arundel Planning Board this 27th day of January 2011:

Attested as a true and accurate copy of the proceedings of the approval granted on January 27, 2011



Tad Redway
Arundel Town Planner