

**TOWN OF BENTON, MAINE
PLANNING BOARD**

**DECISION REGARDING
CENTRAL MAINE POWER COMPANY'S APPLICATION FOR
ELECTRIC TRANSMISSION LINE WORK
AND
ALBION ROAD SUBSTATION**

Procedural Background

Central Maine Power Company (CMP) has submitted a consolidated Land Use, Conditional Use, and Shoreland Zoning permit application for the portion of the proposed Maine Power Reliability Program (MPRP) located in Benton. As part of the MPRP, CMP proposes transmission line upgrades and construction of a substation in Benton.

The MPRP involves transmission line upgrades along approximately 12 miles of transmission line corridor within Benton. These upgrades include:

- Section 67 north-south corridor (running north from Albion Road substation to Clinton): Installing a new 345 kV transmission line, Section 3023, along the west side of the corridor. Rebuilding an approximately 0.2 mile portion of the existing 115 kV transmission line, Section 67, along the east side of the corridor where the line enters the proposed substation from the north. Increasing the width of the corridor by 40 to 50 feet in most areas along the west side of the corridor. Clearing vegetation within the widened corridor.
- Section 67 and Section 84 north-south corridor (running south from Albion Road substation to Winslow): Installing a new 345 kV transmission line, Section 3024, along the west side of the corridor. Rebuilding an approximately 0.4 mile portion of the existing 115 kV transmission line, Section 67, along the east side of the proposed substation yard and the east side of the corridor exiting the yard to the south and renaming it Section 257. Rebuilding the existing 115 kV transmission line, Section 84, along the central portion of the corridor and renaming it Section 258. Increasing the width of the corridor by up to 40 feet along the west side of the corridor. Clearing vegetation within the widened corridor.
- Section 67-A east-west corridor (running west from Albion Road Substation): Rebuilding the existing 115 kV transmission line, Section 84, along the south side of the corridor.
- Section 67A north-south corridor: Re-rating the existing 115 kV transmission line, Section 67A.

The MPRP also involves construction of a new substation on a 60-acre parcel owned by CMP on Albion Road. CMP has an option to purchase an additional 0.25 acres that will be part of the overall substation parcel. Approximately 11.4 acres will be permanently developed, including the approximately 10.4 acre substation yard and a new gravel access drive from Albion Road. The substation will be used to step down voltage from 345 kV to 115 kV and to provide

switching capacity. A total of five 115 kV terminations and two 345 kV terminations will interconnect at the substation.

The project is further described in the application package dated June 2009 and in the subsequent submissions to the Town, including (but not limited to) the August 6, 2009 submission updating the description of the design of the upgrades in the Section 67 north-south corridor and the September 4, 2009 submissions responding the Planning Board's request for additional information.

The Town of Benton Planning Board considered the application at public meetings on June 9, July 14, August 11, and September 8, 2009. The Planning Board held a public hearing on August 11, 2009 and continued that public hearing on September 8, 2009. Representatives of CMP presented the application and answered questions from members of the Planning Board and the public.

Findings of Fact

A. Transmission Line Upgrades

With regard to the transmission line upgrades, the Planning Board finds that:

1. The transmission line upgrades fall within the essential services land use category. The upgrades will occur in the Rural and Village districts, which are governed by the Land Use Ordinance, and the Resource Protection and Limited Residential districts, which are governed by the Shoreland Zoning Ordinance.
2. Within the Rural and Village districts essential services are allowed if in compliance with applicable performance standards.
3. The transmission line upgrades comply with the Dimensional Requirements for the Rural and Village districts.
4. CMP addressed each of the Land Use Ordinance's General Performance Standards in Part Two of its application. The Planning Board further finds that based on our review of Part Two of the application, the application in its entirety, and its accompanying materials and related submissions, the transmission line upgrades comply with each of the General Performance Standards. The Planning Board adopts as part of this finding the factual information concerning the transmission line upgrades contained in the application and its accompanying materials and related submissions.
5. Within the Limited Residential districts essential services are allowed with Planning Board approval.
6. Within the Resource Protection District essential services are not allowed unless no reasonable alternative route is available. Due to the advantages of co-locating the upgrades along and adjacent to existing transmission corridors, and for the reasons explained in the application materials, the Planning Board finds that no reasonable alternative route is available outside the Resource Protection District.

7. CMP addressed Shoreland Zoning Ordinance's Land Use Standards and approval standards in Part Three of its application. The Planning Board further finds that based on our review of Part Three of the application, the application in its entirety, and its accompanying materials and related submissions, the transmission line upgrades comply with these Land Use Standards and approval standards. The Planning Board adopts as part of this finding the factual information concerning the transmission line upgrades contained in the application and its accompanying materials and related submissions.

B. Albion Road Substation

With regard to the Albion Road substation, the Planning Board finds that:

1. The substation falls within the public utility facility land use category. The substation will be located in the Rural District, which is governed by the Land Use Ordinance.
2. Within the Rural District public utility facilities are a conditional use.
3. The substation complies with the Dimensional Requirements for the Rural District.
4. CMP addressed each of the Land Use Ordinance's Standards for Conditional Uses in Part One of its application and each of the Land Use Ordinance's General Performance Standards in Part Two of its application. The Planning Board further finds that based on our review of Parts One and Two of the application, the application in its entirety, and its accompanying materials and related submissions, the substation complies with each of the Standards for Conditional Uses and General Performance Standards. (See Finding B.4 and Condition 1 further addressing General Performance Standard E – Noise.) The Planning Board adopts as part of this finding the factual information concerning the substation contained in the application and its accompanying materials and related submissions.
5. As part of its September 4, 2009 submission responding to the Planning Board's request for additional information, CMP presented additional evidence that the sound levels that will be generated by the substation will comply with the Town's noise standard. At the September 8, 2009 Planning Board meeting the agent for CMP also stated that in a forthcoming amendment to its Site Location of Development Act permit application CMP will submit to the Maine Department of Environmental Protection a further analysis demonstrating compliance with the Town's noise standard. Based on the evidence submitted on September 4, 2009 and subject to compliance with Condition 1, the Planning Board finds that the substation will operate in compliance with the sound level limits contained in General Performance Standard E – Noise.

Conclusions of Law

The Planning Board adopts the conclusions contained in the application and its accompanying materials and related submissions with respect to the General Performance Standards and Standards for Conditional Uses contained in the Land Use Ordinance, as well as the Land Use Standards and the approval standards contained in the Shoreland Zoning Ordinance.

CONCLUSION

Based on the foregoing, CMP's consolidated Land Use, Conditional Use, and Shoreland Zoning permit application for the transmission line upgrades and substation is APPROVED, subject to the following conditions. These conditions more fully articulate and clarify the conditions approved by the Planning Board at the September 8, 2009 meeting and noted on the Planning Board Decision Form that was signed at that meeting:

1. When CMP files the amendment to its Site Location of Development Act permit application with the Maine Department of Environmental Protection, CMP shall submit to the Town a copy of the portions of that filing involving activities in Benton. CMP shall include in this submission to the Town the portion of the application amendment addressing the substation's compliance with the Town's noise standard. (Land Use Ordinance, § VIII(E).)
2. CMP shall pave the first 30 feet of the substation driveway, measured from the intersection of the driveway with Albion Road.
3. CMP shall comply with all applicable federal, state, and local rules and regulations and shall submit to the Town copies of the following approvals: Maine Public Utilities Commission Certificate of Public Convenience and Necessity, Maine Department of Environmental Protection Site Location of Development Act permit, Maine Department of Environmental Protection Natural Resources Protection Act permit, and Army Corps of Engineers Section 404 Clean Water Act permit.
4. If a substantial start on the MPRP in Benton is not made within two years of the date of this permit (this permit includes Land Use, Conditional Use, and Shoreland Zoning permits), CMP may request an extension of this permit from the Planning Board without having to submit a new, consolidated permit application.

Any person aggrieved by this decision may appeal by filing a written notice of appeal to the Board of Appeals within 30 days of the date of the Planning Board's decision.

All concurring.

DATED:

Sharon Thompson
Chair

David C. Hoff

Roger Averill

Lance C. Shera