

**TOWN OF SOMERVILLE, MAINE  
PLANNING BOARD**

**DECISION REGARDING  
CENTRAL MAINE POWER COMPANY'S APPLICATIONS FOR  
ELECTRIC TRANSMISSION LINE WORK**

**Procedural Background**

By letter dated September 23, 2009, Central Maine Power Company (CMP) submitted shoreland zoning and conditional use applications, in a consolidated submission for the portion of the proposed Maine Power Reliability Program (MPRP) located in Somerville. By letter dated April 2, 2010, CMP submitted amendments to its initial application. By letter dated May 19, 2010, CMP submitted a clarification to its amended application.

The MPRP involves transmission line upgrades in and adjacent to approximately 3.3 miles of transmission line corridor within the Town. Portions of the upgrades will occur within areas governed by the Somerville Shoreland Zoning Ordinance, and portions will occur within areas governed by the Somerville Zoning Ordinance. The upgrades proposed in Somerville as part of the MPRP include constructing a new 115 kV transmission line on the north side of the existing utility corridor, using two-pole wood H-Frames ranging approximately from 45 feet to 88 feet in height above ground.

The project is further described in the package of applications dated September 2009, in the amendments dated April 2010, and in a clarification to its amended application dated May 10, 2010.

The Town of Somerville Planning Board initially considered the applications at its meeting on October 21, 2009 and again at a meeting on May 19, 2010. The Planning Board held a public hearing on the application on April 22, 2010. Representatives of CMP presented the applications and answered questions at these meetings and the public hearing.

**Findings of Fact**

The Planning Board adopts as findings the factual information contained in the applications, including the April 2010 amendments and the May 19, 2010 clarification, and their accompanying materials and related submissions.

**Conclusions of Law**

The Planning Board adopts the conclusions contained in the applications, including the April 2010 amendments and the May 19, 2010 clarification, and their accompanying materials and related submissions with respect to the shoreland zoning land use standards and approval criteria, and the general regulations and approval considerations for conditional uses.

**CONCLUSION**

Based on the foregoing, CMP's applications are APPROVED, subject to the following conditions:

1. This permit (which includes Shoreland Zoning and Conditional Use approvals) shall not take effect until CMP has obtained the following state and federal permits required for this project: Maine PUC Certificate of Public Convenience and Necessity, Maine DEP Site Location of Development Law, Maine DEP Natural Resources Protection Act, and Army Corps of Engineers § 404 Clean Water Act. CMP shall promptly submit copies of such permits to the Town upon obtaining the last of these permits. The date of such submission shall be considered this permit's effective date.
2. As provided in the Zoning Ordinance, conditional use approvals expire "if the work or use is not commenced within one year of the date on which the permit is granted." (Zoning Ordinance § 4.12.) As provided in the Shoreland Zoning Ordinance, shoreland zoning approvals expire if "no substantial start is made in construction or in the use of the property within one year of the date of the permit." (Shoreland Zoning Ordinance § 16(E).) Due to the nature and scope of the MPRP project, the Board recognizes that a one-year timeline to commence work or make a substantial start on the portion of the MPRP in the Town of Somerville may not be achievable. Therefore, and for ease of administration of the multiple approvals contained in this permit, the Board orders that, to expedite review, if work on the project has not been commenced or no substantial start has been made within the first year, after this permit's effective date, this permit shall be extended for one additional year, provided that CMP submits a letter to the Code Enforcement Officer at least 30 days prior to the initial expiration of the this permit certifying that all information contained in its application materials and presented to the Board is still materially correct and complete. The Board orders that the permit shall be extended for a second additional year, provided that CMP again provides the same certification to the Code Enforcement Officer at least 30 days prior to the expiration of the permit.

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 decision of the Planning Board.

All concurring.

DATED: *MAY 19, 2010*

*Frank Hample*  
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Chair

*David Jordan*  
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*Ernest Fajinaga*  
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