

**PLANNING BOARD  
TOWN OF WASHINGTON, MAINE**

IN THE MATTER OF:

**CENTRAL MAINE POWER (CMP)**

**Applicant**

**MAINE ELECTRIC POWER (MEPCO)**

**Owner**

**TAX MAP 15, LOT 15,  
TAX MAP 17 LOT 11**

**PERMITTED USE REQUIRING  
PLANNING BOARD REVIEW  
LAND USE AND SHORELAND  
ZONING APPROVAL**

**CONCLUSIONS AND  
FINDINGS OF FACT**

Permitted Use Requiring Planning Board Review, Land Use PERMIT APPLICATION #  
10-06

**FINDINGS OF FACT**

The Planning Board of the Town of Washington makes the following findings of fact in this matter.

1. CMP (Applicant), MEPCO owner the property which is described on the Town of Washington Tax Map 15 Lot 15, and Tax Map 17 Lot 11. For the property owned by MEPCO, CMP has entered into an Agreement with MEPCO, whereby the two companies will enter into Transmission Line Easement allowing CMP to complete the proposed project.
2. On September 24, 2010 pursuant to the Town of Washington Land Use Ordinance, CMP applied for a Permitted Use Requiring Planning Board Review and Shoreland Zoning Approval authorizing installation of a new transmission line within the existing right-of-way shown on Tax Map 17, Lot 11 and Tax Map 15, Lot 15. (The transmission line upgrades are further described in the application materials submitted by CMP.)
3. A public hearing was held on November 9, 2010
4. The abutters within 500 feet were notified regarding the public Hearing scheduled for November 9, 2010.
5. At the public hearing held on November 9, 2010, the applicant and its agents made a presentation describing the transmission line upgrades.
6. The Board found CMP's application (Map 15 Lot 15 and Map 17 Lot 11) was complete on October 12, 2010.

7. The Board finds that the transmission line upgrades are located in the Farm & Forest, Shoreland Limited Residential and Resource Protection Districts as shown on the Town of Washington Land Use Districts Map adopted on March 26, 2010
8. The Board finds that the transmission line upgrades are a Permitted Use Requiring Planning Board Review in the Farm and Forest District (Article VI, Section 2, D, 4 and 5).
9. The Board finds that the transmission line upgrades are a Permitted Use Requiring Board Review in the Shoreland Limited Residential District. (Article VI, Section 7, D, 2 and 11)
10. The Board finds that the transmission line upgrades are a Permitted Use Requiring Planning Board Review in the Resource Protection District (Article VI, Section 1, D, 5). The Board further finds that poles /transmission towers must be setback in compliance with the provisions of Article VI, 1, F, 3 which states:  
Structures in this district shall be setback:
  - a. 75 feet from the upland edge of wetlands.
  - b. 100' from the Normal High Water Mark.
  - c. 75' from Tributary Streams.
  - d. 25' from the lot line(s) opposite the shore.
  - e. 25' from private road centerlines.
  - f. 50' from public road rights-of-way.
  - g. 10' from all other lot lines.The board finds that the proposed is expansion all poles meet the setback provisions of the setback requirements provisions of this section with the exception of the poles 254-82 on Map 3, 254-94 on Map 4 and 254-102 on map 5 which the board finds that the applicant has demonstrated that no reasonable alternative exists due to safety standards as well as the physical positioning of poles for angle turns within the transmission corridor.
11. The Board finds all public hearing notification requirements were met for the public hearing on November 9, 2010.
12. Review of Article VIII Shoreland Zoning Standards:
  - a. The board finds that the provisions of Section 1 (Structures) have been met based on the fact that the applicant not does propose to construct buildings or retaining walls but plans to locate transmission lines and towers in this district.
  - b. The board finds that the provisions of Section 2 (Campgrounds and Camp site) are not applicable; the applicant is not proposing the development of a campground or campsite.

- c. The board finds that the provisions of Section 3 (Parking Areas) are not applicable; the applicant is not proposing any parking areas in this district.
- d. The board finds that the provisions of Section 4 (Road and Driveways) are not applicable; the applicant is not proposing any roads or driveways
- e. The board finds that the provisions of Section 5 (Signs) are not applicable; the applicant is not proposing any signs.
- f. The board finds that the provisions of Section 6 (Storm Water Runoff) have been met based on the submissions and Condition 8.
- g. The board finds that the provisions of Section 7 (Septic Waste Disposal) are not applicable; the applicant is not proposing any septic waste disposal, nor is one required.
- h. The board finds that the provisions of Section 8, A which states "Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors", is met based on the fact the power line expansion is proposed in an existing transmission line corridor.
- i. The board finds that the provisions of Section 8, B, has been met. The provisions of this section states "The installation of essential services, other than road-side distribution lines is not allowed in a Resource Protection District or Shoreland Limited Residential District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding used and resources, including visual impacts." The board finds that the proposed is expansion all poles meet the setback provisions of the setback requirements provisions of this section with the exception of the poles 254-82 on Map 3, 254-94 on Map 4 and 254-102 on map 5 which the board finds that the applicant has demonstrated that no reasonable alternative exists due to safety standards as well as the physical positioning of poles for angle turns within the transmission corridor.
- j. The board finds that the provisions of Section 8, C is not applicable. The application is not for damaged or destroyed public utility transmission lines.

- k. The board finds that the provisions of Section 9 (Agriculture) are not applicable based on the fact that the application does not deal with Agriculture.
  - l. The provisions of Section 10 (Timber Harvesting) are not applicable on the fact that the application is not for Timber Harvesting.
  - m. The board finds that the provisions of Section 11 (Clearing or Removal of Vegetation for activities other than Timber Harvesting) have been met based on the fact that the applicant proposes only to remove trees within the transmission line right-of-way to provide required clearances for the transmission lines.
  - n. The board finds that the provisions of Section 12 (Erosion and Sediment Control) have been met based on the submissions by the applicant and Condition 6.
  - o. The board finds that the provisions of Section 13 (Soils) have been met based on the submissions provided by the applicant pertaining to the soil conditions and the ability of said soils to support the proposed transmission towers.
  - p. The board finds that the provisions of Section 14 (Water Quality) have been met based on provisions submitted in packet entitled "Penta" which deals with poles and preservatives used for poles to be located in the shoreland districts.
  - q. The board finds that the provisions of Section 15 (Archaeological Sites) are not applicable based on fact that there are no archaeological sites in the corridor.
13. Review VII General Standards:
- a. The board finds that the provisions of Section 1, A, 1 are not applicable based on the fact that no buildings are proposed, no septic waste shall be generated and condition 5.
  - b. The board finds that the provisions of Section 1, A, 2 are not applicable based on the fact that applicant is not proposing any facilities that are cover under the Maine State Plumbing Code.
  - c. The board finds that the provisions of Section 1, A, 3 based on condition 2
  - d. The board finds that the provisions of Section 1, B (Water Quality)

have been met based on provisions submitted in packet entitled "Penta" which deals with poles and preservatives used for poles to be located in the shoreland districts

- e. The board finds that the provisions of Section 1, C (Aquifer Protection) are not applicable based on fact that there are no aquifers in the transmission corridor.
- f. The board finds that the provisions of Section 1, D (Storm Water Control) has been met based on the submissions and condition 6
- g. The board finds that the provisions of Section 1, E (Phosphorus Control) is not applicable based on the fact that the applicant is not proposing a building that exceeds 3,000 sq ft or has more than 20,000 sq ft of impervious area or is in the Watershed Overlay District
- h. The board finds that the provisions of Section 1, F (Floodplain) are not applicable based on the fact the applicant proposes no structures that are required to be elevated under the provisions of the Town of Washington Floodplain Ordinance
- i. The board finds that the provisions of Section 1, G, 1 & 2 (Natural Resource Protection) are not applicable based on the fact that no portion of the power line expansion lies within area that has been identified as "Critical Natural Area by the Maine Natural area program or is located in a deer wintering area
- j. The board finds that the provisions of Section 1, G, 3 which states "If any portion of the development contains a wetland as identified by the Town of Washington, the MDEP or listed on the most recent map edition of the Natural Wetland Inventory Maps the applicant shall avoid, minimize, or mitigate impacts on the wetland both during and after construction. The applicant shall comply with all state and federal regulations per the Natural Resource Protection Act (NRPA)" has been met based on Condition 9
- k. The board finds that the provisions of Section 1, H (Erosion Control) has been met based on the submission and condition 6
- l. The board finds that the provisions of Section 1, I (Sanitary and Liquid Waste) has been met based on the fact that no buildings are proposed , wastewater is proposed and condition 5
- m. The board finds that the provisions of Section 1, J (Material Storage) have been met based on the fact that no material storage

is proposed.

- n. The board finds that the provisions of Section 1, K (Air Pollution) is not applicable based on the fact that the transmission lines will not generate any air pollution
- o. The board finds that the provisions of Section 1, L (Timber Harvesting) are not applicable based on the fact that the applicant does not propose to do any timber Harvesting
- p. The board finds that the provisions of Section 2 (Abutter Protection)
  - i. The board finds that the provisions of Section 2, A (Glare) have been met based on the fact that no lighting is proposed for any part of this expansion.
  - ii. The board finds that the provisions of Section 2, B (Outdoor Lighting) have been met based on the fact that no lighting is proposed for any part of this expansion.
  - iii. The board finds that the provisions of Section 2, C (Buffers) has been met based on the fact that the visual impact of the expansion has no greater impact on abutting properties then the existing transmission line
  - iv. The board finds that the provisions of Section 2, D (Noise) have been met based on the fact that the potential for noise will not have a significant adverse impact upon the values or quiet possession of surrounding properties than would normally occur from such a use
  - v. The board finds that the provisions of Section 2, E (Signs) are not applicable based on the fact that no signs are proposed as part of this application
- q. The board finds that the provisions of Section 3 (Access to Lots) are met base on the fact that access to the corridor already exists for the existing transmission line.
- r. The board finds that the provisions of Section 3, B (Rear Lot Access and Frontage) has been meet based on the fact that the right of way corridor does meet the standards of rear lot access and frontage
- s. The board finds that the provisions of Section 4, A & B (Historic & Archeological Sites) are not applicable based on fact that there are

no archaeological sites in the corridor.

14. Review of Article X Miscellaneous Standards

- a. The board finds that the provisions of Section 1 is met based on condition 7
- b. The board finds that the provisions of Section 2 (Abandoned Vehicles) is not applicable based on the fact that the application does not include the presence of any vehicles other than those vehicles that are to be used to service the transmission line along the corridor
- c. The board finds that the provisions of Section 3 (Automobile Graveyard, Automobile Recycling, and Junkyard Operations) are not applicable based on the fact that the application does not include a Automobile Graveyard, Automobile Recycling, and Junkyard Operation.
- d. The board finds that the provisions of Section 4 (Accumulation of Debris and Junk) is not applicable based on the fact that the application does not include the Accumulation of Debris and Junk
- e. The board finds that the provisions of Section 5 (Uninhabitable Structures) is not applicable based on the fact that the application does not include a habitable or uninhabitable structure
- f. The board finds that the provisions of Section 6 (Yard Sales, Garage Sales, and Flea Markets) is not applicable based on the fact that the application does not include yard sales, garage sales or flea markets
- g. The board finds that the provisions of Section 7 (Adult Business Establishments/ Adult Entertainment) are not applicable based on the fact that the application does not include any type of adult business establishment or adult business.

15. Review of Article XI Site Plan Review:

- a. The board found the the lines themselves are not considered structures, that each pole individual pole takes up less than 240 square feet and that the project is an expansion of an already existing use a site plan review does not apply to this application

**CONDITIONS: The following conditions are hereby made a part of this Conclusion and Finding of Fact Order and are to be enforced by the Town of Washington Code Enforcement Officer**

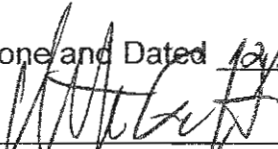
1. The project must comply with the standards outlined in the applicant's submission documents Appendix D Construction Technique illustrations, Exhibit 8 Erosion and Sedimentation Control Plan and apply any erosion and sedimentation control best management practices (BMPs) required by the Maine Department of Environmental Protection.
2. Applicant must submit to the Code Enforcement Officers copies of all permits issued by the Maine Department of Environmental Protection.
3. Construction may not begin until State and Federal permits have been issued.
4. Refueling of all construction equipment shall take place with 1,000 feet of a public road.
5. Portable toilets shall be provided for construction workers during the construction phase.
6. The provisions of the latest edition of "Maine Erosion and Sediment Controls BMPS" shall be adhered to.
7. All activities must be conducted in a safe manner, shall not cause undue harm to the environment, not cause a nuisance, and insure surrounding properties values are protected
8. All construction / activity in wetlands shall take place in compliance with State and Federal Permits
9. Copies of weekly inspection reports shall be sent to the Town of Washington CEO

### CONCLUSIONS AND PERMIT

The Planning Board, based upon the above findings of fact, approves the Permitted Use Requiring Planning Board Review, Land Use Permit Application #10-06 and Shoreland Zoning approval to CMP for its transmission line expansion project.

The Planning Board also concludes that any changes to the activity, as identified by CMP in its application, are subject to the provisions of the Town of Washington Land Use Ordinance and shall require additional review by the Planning Board.

Done and Dated 12/20/10 On Behalf of the Town of Washington Planning Board

  
\_\_\_\_\_  
Mitchell Garnett, Chairman

(Date) \_\_\_\_\_  
(Name) \_\_\_\_\_

 <p>Ann Dean NOTARY PUBLIC Knox County, Maine My Commission Expires March 27, 2015</p>
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personally appeared before me  
and acknowledged the foregoing instrument to be  
his/her free act and deed before me.

#### Exhibits

Exhibit A: List of Abutters within 500 feet of the proposed project

**SEAL**

CMP Expansion Abutters Nov 2010

Exhibit A

Map	Lot	Name	Name	Address 1	City, State
15	1	Michael Pease		950 Collingstown Rd	Appleton, ME 04862
15	3	Joan Nelonis	Richard Kearns	305 Mountain Rd	Washington, ME 04574
15	4	Linda McCullough	Stefan & Tracy Nichols	325 Mountain Rd	Washington, ME 04574
15	5	Larry Werner		PO Box 241	Washington, ME 04574
15	6	Christopher & Marybeth Jensen		215 Mountain Rd	Washington, ME 04574
15	6A	Town of Washington			Washington, ME 04574
15	7	Mark Porter		227 Mountain Rd	Washington, ME 04574
15	8	Mountain Rd. Realty Trust	Michael & Laurie Chitro Trustees	5 Patton Drive	South Hamilton, MA 01982
15	8	Mountain Rd. Realty Trust	John & Eileen Chitro Trustees	6 David St	Waterford, CT 06385
15	9	Fredrick & Anita Sweet		6343 Somerset Drive	Noth Olmsted, OH 44070-4825
15	10	Cheryl Swift		6 Raven Rd	Augusta, ME 04330
15	11	Christopher & Marybeth Jensen		215 Mountain Rd	Washington, ME 04574
15	12	Mark Porter		227 Mountain Rd	Washington, ME 04574
15	13	Mountain Rd. Realty Trust		5 Patton Drive	South Hamilton, MA 01982
15	13	Mountain Rd. Realty Trust	John & Eileen Chitro Trustees	6 David St	Waterford, CT 06385
15	14	Fredrick & Anita Sweet		6343 Somerset Drive	Noth Olmsted, OH 44070-4825
15	15	Maine Electric Power Co	c/o Utility Shared Services	70 Farm View Drive Freeport Bld	New Gloucester, ME 04360
15	16	Larry Werner		PO Box 241	Washington, ME 04574
15	17	Alfred Holz		101 Orchard Rd	Fleetwood, PA 19522
15	24	A.L & Emily Rotch		84 Gove Rd	Liberty, ME 04949-9801
15	41	A.L & Emily Rotch		84 Gove Rd	Liberty, ME 04949-9801
16	18	A.L & Emily Rotch		84 Gove Rd	Liberty, ME 04949-9801
16	16	Ed Rotch		PO Box 255	Washington, ME 04574
16	19	A.L & Emily Rotch		84 Grover Rd	Liberty, ME 04949-9801
17	1	Ronald Boucher		17 Boucher Rd	Vassalboro, ME 04989
17	4	Michael Pease		950 Collingstown Rd	Appleton, ME 04862
17	5	Roy Garnett		105 Youngs Hill Rd	Washington, ME 04574
17	6	Roy Garnett		105 Youngs Hill Rd	Washington, ME 04574

CMP Expansion Abutters Nov 2010

Exhibit A

Map	Lot	Name	Name	Address 1	City, State
17	7	Larry Werner		PO Box 241	Washington, ME 04574
17	8	Larry Werner		PO Box 241	Washington, ME 04574
17	9	Larry Werner		PO Box 241	Washington, ME 04574
17	10	Larry Werner		PO Box 241	Washington, ME 04574
17	11	Maine Electric Power Co	c/o Utility Shared Services	70 Farm View Drive Freeport Bld	New Gloucester, ME 04360
17	12	Roy Garnett		105 Youngs Hill Rd	Washington, ME 04574
17	13	Roy Garnett		105 Youngs Hill Rd	Washington, ME 04574
17	14	Roy Garnett		105 Youngs Hill Rd	Washington, ME 04574
17	15	Larry Werner		PO Box 241	Washington, ME 04574
17	17	Stanley Klock		1460 North BelAir Drive	Mesa, AZ 85201
17	17A	Sonja Howard		374 Medomak Rd	Bremen, ME 04551
17	18	Larry Werner		PO Box 241	Washington, ME 04574
17	23B	Stanley Klock		1460 North BelAir Drive	Mesa, AZ 85201
17	23C	Stanley Klock		1460 North BelAir Drive	Mesa, AZ 85201
17	24	Nancy Esancy		86 Mountain Rd	Washington, ME 04574

DO NOT

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KNOX SS: RECEIVED

Jan 31, 2011  
at 10:05A  
ATTEST: LISA J SIMMONS  
REGISTER OF DEEDS