

**TOWN OF YORK PLANNING BOARD
THURSDAY, SEPTEMBER 18, 2003, 7:00 P.M.
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Chairman Glenn Farrell started the meeting at 7:03. Barrie Munro, Dan Remick, Glen MacWilliams, and alternates Richard Smith, who voted in place of absent Dave Marshall, and Tom Manzi attended. Town Planner Steve Burns represented the Planning Office. Patience Horton took Minutes. The meeting was televised. There were 3 motions made during the meeting.

Public Input The Chairman opened the public input.

Michelle Moody, Selectman, invited Planning Board members to the October 7 Public Forum on Open Space, at which time the public will have the opportunity to give ideas and express themselves on what they cherish regarding open space.

Helen Rollins Lord asked for specifics about find the Planning Board's agenda on the web. Steve Burns explained the pull-down menu on the Town Government page, which Brett Horr was in the process of refining. Helen Rollins Lord asked about televising all Planning Board meetings. Glenn Farrell said that it is televised when the room is available, but sometimes the Budget Committee has priority over use of the room.

Martin Feuer wanted to know what type poles will be used by Central Maine Power (CMP)—wood, metal, concrete—and asked about height, cross guys, and wires.

Don Blinn of York Harbor asked how the meeting was being recorded. Television tape and recording secretary's minutes are the methods. He asked CMP how many outages there have been in the past 10 years, and whether they were caused by nature or inadequate power supply. He described property he owns across from Blueberry Hill, near the transmitter. He described how someone from CMP came to his house and gave him a threatening green sheet about eminent domain, without any follow-up. He said he thought CMP should bury the lines or put them on the other side of the road, and he described a pole placement history of his property. He said that his property gets the brunt of it. He said that CMP is destroying his property, and he is fed up with it.

Laurie Downs identified herself for any questions. As a resident of York, she was the person who spent a year making sure York needed the transmission line project. "We need to do something with our power supply. Another route would have been twice as expensive," she said.

Applications

Central Maine Power Company. Application by CMP to construct new Transmission Lines running from Kittery to York Beach along the Turnpike, Spur Road and Route One, and to construct a new substation at Bragdon Commons adjacent to the

Turnpike. The Board will begin its review of issues. The application requires approvals for the Route One Use Permit, Shoreland Permit, Wetlands Permit, and approval under the Floodplain Management Ordinance.

Steve Burns introduced the application by referring to the Stipulation the Town Selectmen had entered into with CMP. The Planning Board is solely responsible for the Zoning and Floodplain ordinances. Glenn Farrell opened the public hearing.

John Carroll, director of Communications for CMP said he had brought a team of nine people with him. CMP is a private corporation with the mission of providing safe, reliable power to citizens, he said. York's 50-year-old infrastructure has not kept up with the size and character of the town. An initial upgrade of the system was begun in 1988, but was abandoned in 1992 because of rising costs. By autumn, 2000, the power system had reached a critical point in capacity. In 2001, CMP went to the area's Planning Departments and described needed improvements. The following year, they spoke to State regulators and local planners, holding meetings in spring, 2002, in Ogunquit, York, Kittery, and Eliot. The public agreed the change was needed. In fall of 2002, The Public Utilities Commission (PUC) asked for a contingent investigation of the potential project through analysis with the towns, their conservation commissions, and other organizations. That was how Laurie Downs became involved. She did a lot on behalf of the Town of York and its citizens. The outcome included the realization that the change would be of local benefit. The design is safe and economical. CMP has developed the best route, including abandoning the idea of putting it near Goodrich Park. It will not cross the York River overhead. The Little River corridor will not be touched, even though CMP owns that corridor. It will not be near the elementary school. The York Harbor substation will not be rebuilt; the substation will be in Bragdon Commons. It will be in service by June, 2004. It is a \$12.7 million project, a large investment in the infrastructure of York. It will last for 3 or 4 decades.

Mary Smith, the Project Manager, showed how the current transmission line comes into this area through Eliot and curls northeastward through Kittery to York, feeding areas radically. In contrast, the new lines will form a loop that connects transmission feed from the north, allowing power to flow both ways, and allowing better voltage and capacity. She showed an aerial photo of the Kittery town line, Maine Turnpike, US Rt. 1, and the York Beach substation, all on the proposed route. The 69KB poles will be of wood. The poles, ranging from 38 to 66 ft. above ground, will have 3 wires. Extra poles will be needed west of the Dolly Gordon Brook in order to increase the span of the brook and the wetland. At Beech Ridge Road, the lines pass north of Kimball Farms and cross the Turnpike. A three-tier structure will be necessary to cross the interstate at a sharp angle. Then the transition occurs to an underground stretch leading to the bridge abutment, where the transmission cable will be attached to the outside, northbound lane crossing the York River. After that, it travels 1,000 feet underground and then rises and continue on the east side of ramp, then along to back side of the weigh station, where there will be a substation. It continues along the off ramp, Exit 4, and crosses over to the north side of Spur Road. It crosses Rt. 1 just south of Animal Kingdom and goes to the York Beach

Substation. She showed cross sections of what the right of ways will look like, 70-ft-wide, with 35 ft. on each side of the poles and lines. Her presentation ended.

Glenn Farrell asks about power outages. She said that the information exists, but she did not have that specific information with her that evening.

Glenn Farrell opened the public hearing. Brian Walsh of Kimball Farm Lane asked at which pole the transition occurs. Does CMP know exactly where each pole will situate? Richard Powers, a consultant with Devine Tarbell Associates, showed Brian Walsh the crossing point at Pole 99, approximately 450 to 500 feet from the river. Glenn Farrell asked if the locations of poles will be flagged so that abutters can see them. Richard Powers answered that the flagging should start next week.

Martin Feuer, who owns a unit in Brickyard Court, asked how tall the pole near Red Berry Lane will be and where in relationship to the condos will be the substation. Cole Peters, a consultant with Devine Tarbell Associates, showed a map of the poles, pointing out Pole 39, expected to be 52 feet above ground. The substation location is just south of the NAPA auto parts store, he said.

Michelle Moody said that Michael Stotts and Jean Dyer, Kimball Farm Lane residents, had sent her a letter concerning the impact the project would have on the value of their property. Michelle Moody then described how the taking the idea of burying the cables north of Spur could have gone to the voters. Unfortunately, by November, the cables would be buried, at the price of \$732,000, and there would be the added cost of removal, should the voters turn it down. So that did not work out.

Helen Rollins Lord asked how deeply the lines have to be buried and why CMP will not allow outside contractors to do any of the work, even if contractors might be able to do it less expensively. Mary Smith answered that the cables are buried 4 feet deep, below the frost line. Outside contractors do some burying for CMP, and they have to follow strict standards.

Peter Paterson asked about pole positions and if the legal work about getting rights-of-way was coming along. He was concerned about a landlocked lot near Hannaford's owned by his wife on which he supposed poles were being placed.

Ken Freye of Central Maine Power said that the exact location of the line between Hannaford's, Cormier's, and the Maine Turnpike Authority (MTA) has not yet been staked out. It was scheduled for completion the following week. The line will be on the MTA right-of-way. CMP will be asking for the right to cut dead trees and limbs from Hannaford's and the American Legion. He qualified that the Office of Public Advocate and the PUC required distribution of the "green sheets" Don Blinn described during Public Input to land owners.

John Taddeo asked if there were increased health risks caused by the power line. Mary Smith said that in some situations, the power trips off. The entire line is up to regulation codes and safety practices. As for magnetic fields, neither the Federal government nor

the State of Maine has set standards for power transmission of this size. The size of these lines is not particularly large.

Stan Moody said he was concerned about the places on CMP's plans and maps labeled "for permanent use only, not for construction," which indicated to him that details can be changed or missed. He hoped all the details are on the plans. He said that the big power problems are in Ogunquit and North Berwick. He is concerned about the impact the project will have to wetlands and shorelands. CMP standards have to meet York's standard practices, he said. Buffers have to be maintained to shield people from looking at industrial buildings or at traffic from their houses. On Spur Road, the lines should be angled toward the north and not turned so sharply. That would save money. Little River Corridor should be made into open space. It would be beautiful.

Don MacAulay, a Rt. 1 resident, said that the Board of Selectmen is not looking out for the residents in the areas from Spur Road to York's Animal Kingdom. He is concerned about the intrusion caused by the power lines. There is a lot of concern about the wetlands, but it is the people who live and work in those areas that are the sacred ones, more so than the wetlands, he said.

Don Blinn said that he felt CMP ignores his concern about power outages and their use of his land. He said he was discouraged. Steve Burns said that copies of easements for his properties have to be part of the application, and they must be provided to the board.

Helen Rollins Lord read from the estimate for the Spur Road stretch of the line. Fifteen percent of the price is for engineering, she said, and 21% is CMP's administrative overhead. She urged the board to look carefully at the estimates and not let the citizens of York be overcharged.

Peter Paterson spoke of the increase in voltage allowing for the increase in amperage. He said that the project was going to meet the demand, doing much more than just taking care of Ogunquit. The chairman closed the public hearing.

Steve Burns read a letter from Charlotte and Ron Coury into the record. They described CMP's plan to run a circuitous route across their property twice, going each way over a different route, which they found unacceptable. A letter from Daniel and Jean Beetz called the transmission line a "blight on the skyline" that would destroy wildlife habitat. In a letter to the Board of Selectmen, Mr. Stotts wrote of his concern about the affect the lines would have not only on his financial investment in his property, but also on the quality of life. It was also suggested that the lines be buried at Kimball Farms to be consistent with the buried lines already there.

After a short break, Steve Burns said that "transmission lines," per se, are not included on the Ordinance Use Tables. The transmission lines have to be defined as an essential service in order to make it a permitted use.

Motion Barrie Munro moved to define the transmission lines as an essential service. Dan Remick seconded the motion. The motion passed, 5-0.

Steve Burns explained how abutters were selected and notified of the evening's meeting. After drawing a line along the proposed route, and then buffering it by 300 feet, everyone within that margin was notified at the address on the tax record. Seven of the notification letters came back, one of which was re-sent and delivered. The others couldn't be delivered. He read off the names of those who did not get the abutters' notification. .

Steve Burns explained the crossing of the wetlands with transmission lines had to be permitted. There is a need to do so. The need is in the public interest. The clearing of vegetation under the lines is okay, if the structure and the lines are okay.

Motion Glen MacWilliams moved that, with regard to the CMP application, utility lines crossing wetlands will be reviewed as part of Wetland Protection Overlay zoning. Barrie Munro seconded the motion, which passed, 5-0.

Steve Burns said that 10 poles are in wetlands. There will have to be temporary construction to access those areas. There will have to be access for maintenance, and the impacts will be temporary. The applicant will have to provide a wetland inventory. The board has to address resource protection corridors and mixed use, which has a 35 ft. setback. In discussing setbacks for utility poles, Steve Burns said that the poles cannot match a "literal read" for setbacks.

Motion Glen MacWilliams moved and Barrie Munro seconded, for the purpose of the application, to follow the common practice of not having the literal read for setbacks with utility poles. The motion passed, 5-0.

Final discussion included a reminder to CMP to answer to Don Blinn's question about outages. Buffering, plant cutting for maintenance of the lines, plantings around the substation, and pesticide use were unresolved. Mary Smith introduced Terrence DeWan, who was working on the landscaping and buffering. She said that north of Spur Road, the line could be taken diagonally. CMP prefers a dedicated right-of-way instead of having poles roadside. The corridor can be in the wetland, though the poles do not have to be. Glenn Farrell told Mary Smith the board would like to have the change at Spur Road worked out, if possible. Dan Remick reminded CMP that the Coury property, with lines traversing it both ways in different areas, should be addressed. Steve Burns said that at the next meeting, October 2, interpretation of codes and permitting, visual impact, mitigation, and the Spur Road alternative would be discussed.

Other Business/Adjourn Steve Burns announced that Carol Crane/Nichols is no longer the Code Enforcement Office secretary. On October 4, there will be a site walk of Bob Satter's property and of the CMP substation site. The meeting ended at 9:55.