



Town Of Durham

Planning Board Minutes

Fire Station Meeting Room, 6:30 pm

March 6, 2024

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Tyler Hutchison, Brian Lanoie, Marc Derr and George Theborge (Town Planner).

Absent (excused): Anne Torregrossa

Guest(s): Sam Rice (Burns/McDonnell speaking on behalf of CMP), Gerry Mirabile (Director of Permitting Compliance for CMP), Adam Marque (Project Manager for CMP), Lisa Galbraith (Pierce/Atwood serving as legal counsel) and Troy Thibodeau (Burns/McDonnell serving as public involvement specialist.)

2. Amendments to the Agenda: None

3. Acceptance of the Minutes of prior meeting (February 15, 2024)

Allan Purinton moved to accept the February 15th, 2024 meeting minutes, **Tyler Hutchison seconded**, motion carried **5 – 0**.

4. Informational Exchange on Non-Agenda Items:

a.) Town Officials:

George Theborge

- The Board of Appeals held two (2) hearings on appeals of the Resource Protection District Map. In January they granted a variance for a lot that was in process when the map was revised. On February 28th a property on Runaround Pond Road appealed the determination based on provisions in the ordinance where the Appeals Board can accept field verified information to say that the boundary is not where it's shown on the zoning map. Inland Fisheries and Wildlife is going to generate a more precise map for the Town of Durham.
- Public Hearing on the draft amendments to the Land Use Ordinance will be held on Wednesday, March 13th at the Durham Fire Station at 6:30pm.

Allan Purinton motioned to hold a public hearing on the CMP transmission line at the April 3rd Planning Board Meeting. **Brian Lanoie seconded**. Motion carried **5 – 0**.

b.) Residents - None

c.) Non-residents – None

5. Continuing Business: None

6. New Business:

a.) Conditional Use Application for CMP Transmission Line Section 62 Rebuild & Transmission Line Section 64 Rerate, Map 9, Lot 16, Map 12, Lot 25, and Map 13, Lot 12.

- Central Maine Power Company has filed applications for conditional use, site plan review, and floodplain management permits for work on their powerline that runs north and south on the westerly side of Durham.
- The project involves removal and replacement of existing poles as well as installation of new poles to facilitate upgrades to the service lines.
- The project only requires conditional use review for portions within the Shoreland Zoning Districts. For all other portions of the powerline sections, the use is permitted by right.
- The applicant has included floodplain management as a permit to be issued by the Planning Board. Section 11.2 of the Land Use Ordinance indicates that the Code Officer is the authority having jurisdiction over activities subject to the floodplain management regulations. Per Section 11.8, the Planning Board must apply the relevant provisions to any project you review, but compliance can be documented within the conditional use and site plan reviews.
- The extensive packet should contain adequate documentation to determine compliance with the conditional use criteria.
- The combined application contains a project overview with descriptions and provides narrative for how the applicant believes the project and supporting documentation meet the specific performance standards of Article 5 of the Durham Land Use Ordinance.
- The project narrative then goes on to address the conditional use criteria and shoreland zoning requirements.
- In Section 5 of the narrative, the applicant addresses the site plan review criteria and standards. The applicant is requesting waivers of some of the site plan review submissions.
- Section 6 explains how the application conforms to the floodplain management standards.
- Exhibit 1 of the application contains the site plan review checklist and application forms for site plan and conditional use review along with a site plan review waiver request that addresses the four areas where the applicant is asking for relief in the submission requirements.
- Exhibit 2 of the application contains the permits issued by the Maine Public Utilities Commission, Department of Environmental Protection, and Land Use.
- Planning Commission. These permits address the State-wide impacts of the project and do not address specific impacts in Durham.
- Exhibit 3 contains documentation of right, title, or interest to conduct the proposed work within the powerline corridor.
- Exhibit 4 has air photo overlays showing pole and line locations, environmental constraints, and overlay zoning districts within the utility corridor. These overlays constitute what the applicant is calling their site plan. The scale appears to be 1"=250'.
- Exhibit 5 is a cross-sectional view of the powerline at select locations.
- Exhibit 6 provides the post-construction vegetation management plan.
- Exhibit 7 is titled "Environmental Guidelines" and contains standard measures for erosion and sedimentation controls and procedures for conducting work around streams and wetlands.
- Exhibit 8 contains the standard measures CMP requires of its contractors to protect against accidental spills of chemicals from vehicles and machinery into the environment.
- Exhibit 9 contains a letter from Avangrid addressing financial capacity to conduct and complete the project.

- Exhibit 10 is an analysis of how powerlines are covered under DEP shoreland zoning rules.
- Exhibit 11 is a compilation of deed restrictions, easements, rights of way, and other encumbrances affecting the project.
- Exhibit 12 is a memorandum of agreement between CMP and various federal and state agencies on how the project will meet historic preservation guidelines.
- Exhibit 13 is titled “List of Abutters and Abutter Notification Letter.”
- Due to the volume of the application, the submissions will be posted as a separate document from the Planning Board packet and should be referred to as you conduct your review. Hard copies are available at the Town Offices.
- The packet contains draft complete and incomplete letters for the Planning Board determination of completeness.
- If the Board determines that the application is complete, you should decide whether to conduct a site walk and/or a public hearing on the application.

Applicant: Central Maine Power (Sam Rice – Permit Specialist Burns/McDonnell on behalf of CMP)

Rebuild vs. Rerate – Rebuild includes replacing all the poles and a rerate means some poles are going to remain while some poles are going to be replaced and some poles might have some maintenance as far as the hardware goes. New guy anchors, which are the wires that you see to the ground to the transmission line poles and cross braces, which are the support for the transmission line poles.

Central Maine Power is proposing to rebuild Section 62 and rerate Section 64. The project is considered essential services under the Land Use Ordinance and requires site plan review and conditional use approval from the Planning Board and a floodplain management permit from the Code Enforcement Officer and floodplain management review by the Planning Board.

The transmission line is approximately 4½ miles between Auburn and Pownal and the project is entirely located within an existing corridor. It will be built entirely on land that is already owned by CMP and will not need to be widened. The project includes replacing 49 poles in Section 62 and 16 poles in Section 64, those poles will have an average height of 71 feet. The project crosses three Resource Protection Districts: Runaround Brook, a tributary to Runaround Brook and Libby Brook. There is also a Limited Residential District because of wetlands, three poles within that Limited Residential District will need to be replaced. Those poles are already existing poles that will be replaced.

The Board reviewed the conditional use requirements for the CMP application and will continue the discussion at the next Planning Board meeting on Wednesday, April 3, 2024. A public hearing will also take place during that meeting.

7. Adjourn

Juliet Caplinger motioned to adjourn the meeting. **Allan Purinton seconded**; motion carried **5 – 0**. Meeting adjourned at 8:38 pm.