

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



FACILITIES & SYSTEMS  
PLANNING

**IN THE MATTER OF:**

**CMP Section 1 Transmission Line Rebuild  
Conditional Use Review Application  
Findings of Fact and Conclusions of Law  
October 1, 2024**

Pursuant to the provisions of the City of Augusta Land Use Ordinance, the City of Augusta Planning Board has considered the application of Central Maine Power Company (CMP), including supportive data, staff review comments, public hearing testimony, and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusions of Law.

**Findings of Fact**

1. **Project Description:** The applicant proposes to replace existing 30- to 55-foot-high wooden poles with new 55- to 90-foot-high wooden or metal poles, new conductor lines and new insulators within existing, new, and expanded rights-of-way. The project extends from the Augusta East Side Substation (near Route 3 and North Belfast Avenue) north cross-country to Church Hill Road and north along Church Hill Road through the Blair Road Substation (at the intersection of Stevens Road) to the Vassalboro town line. Vegetation removal within the 100-foot wide (or less) right-of-way is proposed. The transmission line land use is "major municipal or public utility or communication facility" which is a non-conforming use. Shoreland district impacts for pole placement and vegetation removal will occur. Modification of non-conforming uses and shoreland zoning district impacts both require Planning Board review. A similar application was approved by the Planning Board on February 11, 2020, however that approval expired.
2. **Applicant:** Central Maine Power Company (CMP)
3. **Owners:** Central Maine Power Co (6-57), Charles Snowman (7-21 & 7-23A), Donna J. Grant Heirs (7-23B), Darren Millington (7-25), Suzanne Dudley & Gerald Wilson (7-26), Evan Denno & Dolma Kunsang (7-27), Leland Rice Jr (7-28 & 3-56), Alyssa & Derrick Quintal (7-28A), Janice Turner (7-28D), Sharon Philbrook (7-28E), Thomas Foster (3-15), Central Maine Power Co (3-17), Bryce Edwards (3-18), Robert & Karen Greig (3-19), Timothy & Jennifer Lord (3-22), Judith Stackpole (3-46), The Holloway Family Trust (3-50), Annalee Morris-Polley Living Trust (3-50B), Grace & Nicholas Norton (3-50C)
4. **Location:** Route 3/North Belfast Avenue to Church Hill Road to Vassalboro
5. **Base Zoning:** Riggs Brook Village District (RBV), Rural Residential District (RRES)
6. **Shoreland Districts:** Resource Protection (RP), Limited Residential (LR), Stream Protection 100 (SP-100), Stream Protection 150 (SP-150)

7. **Tax Map Number:** Map 6, Lot 57  
Map 7, Lots 21, 23A, 23B, 25, 26, 27, 28, 28A, 28D, 28E  
Map 3, Lots 15, 17, 18, 19, 22, 46, 50, 50B, 50C, 56
8. **Existing Land Use:** - The transmission line is a "Major municipal or public utility or communication facility" which is a non-conforming/grandfathered use in RBV and RRES.
- The substations are a "Minor municipal or public utility of communication facility" which is a conditional use in RBV and RRES.
  - "Essential services, Roadside distribution lines (34.5 kV and lower)" require Code Officer approval in in RP and SP-150 shoreland overlay districts per § 528.F(2).
  - "Essential services, Non-roadside or cross-country distribution lines involving 10 poles or fewer in the shoreland zone" require Planning Board approval in RP and SP-100 and SP-150 shoreland overlay districts per § 528.F(2).
9. **Proposed Land Use:** Same as existing listed above
10. **Acreage:** Rights-of-way
11. **Previous Permitting:** A similar application was approved by the Planning Board on February 11, 2020, however that approval expired.
12. The applicant submitted the following:
- a. Conditional Use Review Application Form
  - b. Narrative
  - c. Impacted Landowners List
  - d. Site Plans and Details
  - e. Aerial Photo Plans
13. On September 21, 2024 and September 28 2024, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
14. On September 20, 2024, City staff mailed notices to the owners of properties located within 500 feet in RBV and within 1000 feet in RRES of the transmission line regarding the public hearing for the application.
15. On October 1, 2024, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed above, the staff review dated September 26, 2024, and considered testimony by the applicant and interested members of the public. Three individuals testified at the public hearing and one phone call to the City Planner regarding the application were received. The Board voted to **approve the application**.

### Conclusions of Law

In view of the above actions and the application and supporting documentation in the record, the Planning Board makes the following conclusions of law.

### 300-603.E Site Plan Criteria Applicable for Conditional Uses

#### 300-603.E(1) Neighborhood compatibility.

(a) Compatibility and sensitivity to character of the site and neighborhood relative to:

- [1] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to land uses.

- [2] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to architectural design.
- [3] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to scale, bulk, and building height.
- [4] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.
- [5] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to disposition and orientation of the buildings.
- [6] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to visual integrity.
- (b) The elements of the site plan are designed and arranged to maximize the opportunity for privacy by the residents of the immediate area.
- (c) The proposal will maintain safe and healthful conditions in the neighborhood.
- (d) The proposal will not have a significant detrimental effect on the value of adjacent properties.
- (e) The proposal will not impact the neighborhood with vehicle queuing or pedestrian loitering.

300-603.E(2) Plans and policies. (Reserved)

300-603.E(3) Traffic pattern, flow and volume.

- (a) The proposal is designed so that any additional traffic generated does not have a significant negative impact on the surrounding neighborhood.
- (b) Safe access will be assured by providing proper sight distance and minimum width curb cuts for safe entering and exiting.
- (c) The proposal provides access for emergency vehicles and for persons attempting to render emergency services.
- (d) The entrance and parking system provides for the smooth and convenient movement of vehicles both on and off the site. The proposal satisfies the parking capacity requirements of the city and provides adequate space suited to the loading and unloading of persons, materials, and goods.

300-603.E(4) Public and private facilities.

- (a) No water services are required for the project.
- (b) No sewage will be generated by the project.
- (c) The telephone utilities have adequate capacity for the project as none is required. Electric facilities will be upgraded improving capacity and reliability.
- (d) The public stormwater system has adequate capacity for the project as none is required.

300-603.E(5) Resource protection and the environment.

- (a) Impacts to natural resources have been minimized.
- (b) The proposal complies with local, state, and federal air quality standards.
- (c) The proposal complies with local, state, and federal water quality standards.

- (d) Sewage and industrial wastes will be treated and disposed of in such a manner as to comply with local, state, and federal standards.
- (e) The proposal is within is within the Resource Protection (RP), Limited Residential (LR), Stream Protection 100 (SP-100) and Stream Protection 150 (SP-150) shoreland overlay districts.
  - a. Safe and healthful conditions are maintained.
  - b. Construction will require adequate erosion and sedimentation control measures, as noted in the conditions of approval
  - c. No wastewater is proposed.
  - d. Impacts to wildlife during construction are anticipated, however will return to pre-development conditions post-construction.
  - e. No change is proposed for shore cover, or for visual/physical water access.
  - f. No significant archaeological or historical resources are known to exist at the property.
  - g. The impacts of the poles within floodplains have been minimized.
  - h. The proposal complies with shoreland area standards, as noted above, and including § 300-528.F Essential Services.

300-603.E(6) Performance standards.

- (a) The proposal complies with all performance and dimensional standards.
- (b) The proposed land use can be conducted so that noise generated shall not exceed the performance levels specified in the performance standards.
- (c) The proposal does not involve intense glare or heat.
- (d) No lighting is proposed.
- (e) No landscape screening is proposed.
- (f) No signage is proposed.

300-603.E(7) Financial and technical ability.

- (a) The applicant has adequate technical ability to meet the terms of the ordinance.
- (b) The applicant has adequate financial ability to meet the terms of the ordinance.

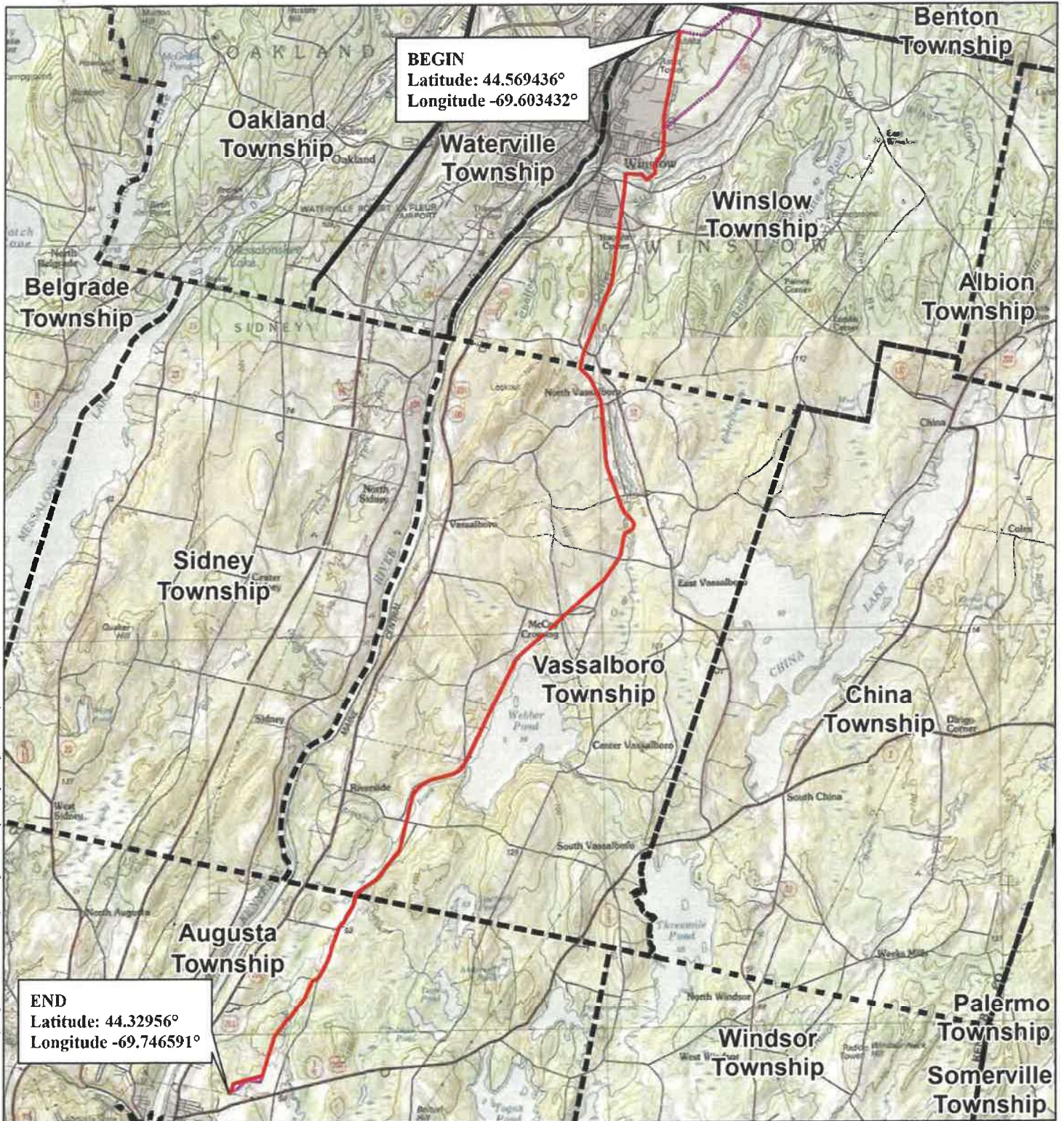
THEREFORE, the Planning Board hereby approves the application of Central Maine Power Company as described in the findings above.

The project shall commence within two years of this approval and shall be substantially completed within five years of the date of the Planning Board decision unless a permit extension has been granted by the Board. Deviation from this approval is subject to Code Enforcement action and potential legal proceedings, per section 300-601 of the Land Use Ordinance.

  
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Bob Corey, Planning Board Chair

10/17/2024  
\_\_\_\_\_  
Date





- Existing Section 1 Route
- Section 1 - Proposed Centerline
- Township Boundary
- Segment Coordinate Points



0 0.5 1 2 3  
Miles

1:126,720

*Bob Cook  
10/17/2024*

### Central Maine Power Section 1 34.5 kV Rebuild Project Project Location Map

Augusta, Benton, Vassalboro, and Winslow Townships,  
Kennebec County, Maine

Date: 3/26/2024

Author: JRI

Map: CMP Section1\_175325\_March2024

CENTRAL MAINE  
POWER

