

FARMINGTON PLANNING BOARD
127 Middle Street (Community Center)
January 11, 2021 – 6:00 p.m.
Minutes

Planning Board members present: Clayton King, Lloyd Smith, Craig Jordan, Gloria McGraw, Jeff Wright, Michael Otley, and Judith Murphy.

Alternate members present: Michael MacNeil and Linda Brown.

Members unable to attend:

Others present: Board of Selectmen Chair, Matt Smith; Board of Selectmen, Stephen Bunker; Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; Contractor, John Sayles representing the applicant Alfred Harvey; applicant Darryl Wood representing LEAP (Life Enrichment Advancing People); John Titus of Burns & McDonnell, Adam Desrosiers of NECEC, Dave Libby of NECEC, Nick Achorn of Black & Veach, and Lisa Gilbreath of Pierce Atwood representing NECEC LLC and CMP for the New England Clean Energy Connect project.

Mr. King opened the meeting at 6:00 p.m.

1. Designate alternate members, if needed

Mr. King designated alternate Mr. MacNeil as a voting member for this meeting in the absence of a regular member who was not present.

At 6:10 p.m. Mr. Jordan arrived at the meeting, therefore Mr. MacNeil ceased as a voting member for the meeting.

2. Review minutes of December 14, 2020

Ms. Murphy made a motion to accept the minutes of December 14, 2020 as written.
Mr. MacNeil seconded the motion.

7 – Affirmative
Motion carried.

3. 21-NC-01
Alfred Harvey
114 Perham Street / U16-25 VR
30% non-conformance expansion for front porch

Mr. King introduced the application and asked for a motion.

Mr. King made a motion to accept the application as complete.
Mr. Smith seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

Mr. King asked who was present to represent the application and to make their presentation to the Board.

John Sayles introduced himself as the contractor for Mr. Harvey stating the porch will be 17'x7.5'.

Mr. King asked if it was the grey house on the left on Perham Street.

Mr. Sayles replied, yes.

Mr. MacNeil asked how far it will be off the sidewalk.

Mr. Sayles stated over eight feet and was approved by the Public Works Director, Philip Hutchins.

Mr. Kaiser added that it is nine feet back from the sidewalk.

Mr. Otley asked if there were any setback issues.

Mr. Kaiser responded that it is a non-conformance application asking for 30% expansion due to not being able to meet the required setbacks to build the front porch. The house has 432 SF of non-conformance, which can be increased 30% or 129.6 SF, and the dimensions of the porch is 127.5 SF.

Mr. Otley asked if the Board approves this, won't other owners in the same situation want to build a front porch as well.

Mr. Kaiser replied it could happen, as everyone is entitled to access their front entrance if needed.

Mr. King made a motion to approve the application.
Mr. Wright seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

**4. 21-SR-01, 21-SS-01, 21-FP-01
LEAP (Life Enrichment Advancing People)
167 Livermore Falls Road / R4-11-1+2 FF
2480 sq ft training facility & convert existing building to office**

Mr. King introduced the application and asked for a motion.

Mr. King made a motion to accept the Site Review, Soil Erosion/Storm Water, and Floodplain applications as complete.

Mr. Smith seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Darryl Wood, the executive director of LEAP, introduced himself as the applicant and representing the application. He stated they have purchased the lot at 167 Livermore Falls Road, previously the Three Rivers Orthopedics office, and the adjacent lot and will build a 2,480 SF training facility accessed by a new 250' driveway with additional parking. Mr. Wood added that Main-Land Development's plans will hopefully keep the project as green as possible, which will include some solar energy. He said they'll start work in the spring, the new building will have a large training room and some offices and storage area, and there will be a gravel walkway down to the stream that will be open to the public.

Ms. Murphy said the plans look really good and asked if the bridge construction on Rt. 133, which is supposed to be starting in the spring, will affect their project.

Mr. Wood replied, no, this will have no impact as there is adequate access from Routes 2/4.

Mr. Wright asked if the existing building was going to be primarily used for offices.

Mr. Wood replied, yes, and the new facility will be primarily used for training.

Mrs. McGraw asked about any archaeology studies being done.

Mr. Wood said they sent a letter to the Maine Historic Preservation Commission and haven't received a response back yet.

Mr. Kaiser added that if there were archaeological concerns they would have gotten a quick response, and the Town is not aware of any historical or archaeological resources in this vicinity.

Mr. Otley asked about the vernal pool identified in the plans and if there were any setback issues.

Mr. Wood said it is hard to identify exactly where it is at this time of year, but they have put in a 250' protective buffer to be on the safe side.

Mr. Smith asked if the new building was going to be on a slab or if it was going to have a basement.

Mr. Wood replied it would be on a slab.

Mr. King made a motion to approve the Site Review, Soil Erosion/Storm Water, and Floodplain applications as submitted.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

**5. 21-SR-02, 21-SS-02, 21-FP-02, 21-SZ-02
NECEC Transmission LLC (New England Clean Energy Connect)
CMP property/Right-of-ways
Construct the New England Clean Energy Connect project**

Mr. King stated to the Board members; if anyone feels like they cannot review these applications without being biased, or they have a conflict of interest regarding the project, please recuse yourself or abstain from voting.

Mr. King made a motion to accept the Site Review, Soil Erosion/Storm Water, Floodplain and Shoreland applications as complete.
Mr. Smith seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

John Titus of Burns & McDonnell and Adam Desrosiers of NECEC LLC introduced themselves and stepped up to discuss the application.

Mr. Titus informed the Board that CMP and NECEC LLC have executed the planned 150' wide easement under which NECEC LLC will construct and operate the new 320kV high voltage transmission line on land owned by CMP, a copy of which will be given to the Town. He said therefore NECEC LLC is now the sole applicant and then gave a general overview of the project.

Mr. Titus said this is a new 1,200 MW transmission line that will extend from Canada to Lewiston, and run through 7 ½ miles of CMP property, on which NECEC has a 150' wide easement. The poles will be 98' high, with 26 single poles and 3 double poles. Trees will be cleared to a 75' width on the NECEC easement, with a 100' buffer left on the west side. Access to the NECEC project easement will be from public roads. They are hoping to start April 2021 and finish March 2022.

Mr. King read a letter to be put into the record from abutter Arleen Masselli.

Mr. Kaiser said he was contacted by an abutter on Wilson Stream who he emailed a plan fragment with answers.

Ms. Murphy asked about specific benefits to Farmington.

Mr. Desrosiers stated most of the benefits are broad-based, with 3.3 million dollars going county-wide and to the University of Maine system which includes University of Farmington (UMF).

Mr. Kaiser asked if the broadband improvements would be co-located with the powerline.

Mr. Desrosiers said there will be two fiber-optic lines run at the top of the poles for broadband, with splice access on the ground for telecom connection at strategic locations.

Ms. Murphy asked where the project was with permits and if they have all of them.

Mr. Desrosiers said the only permit they are waiting on is the Presidential Permit for connection across the border into Canada. He said they are seeking approval from 15 municipalities, three of which they have submitted applications to, two of which they've received approval from, and one of which they are waiting for the scheduled meeting.

Mr. Wright asked if it's correct that CMP owns 100% of the project route in Farmington and there will be no eminent domain.

Mr. Desrosiers replied they own the land and there will be no eminent domain.

Mrs. McGraw stated the applications were very impressive and asked about any health hazards.

Mr. Desrosiers replied that they did an EMF (electro-magnetic field) study and found no health effects at the property line and referenced exhibit 2 page 47 which states the levels found are within allowable limits and pose no safety hazard.

Mrs. McGraw asked to confirm they have gone before three Towns for approval.

Mr. Desrosiers said they've been approved by two towns and will be presenting to others soon, noting they had paused for COVID and were now catching up.

Mrs. McGraw asked about lawsuits and court actions.

Ms. Lisa Gilbreath of Pierce Atwood replied that there are appeals on the Department of Environmental Protection (DEP) permit in Maine court and appeals on the Army Corp Of Engineers (ACOE) permit in federal court, but these have no effect on permit approvals by municipalities for the project.

Mr. Otley asked what the nature was of the appeals.

Ms. Gilbreath stated Natural Resource Council of Maine (NRCM), Westport Petitioners, and NextEra are doing the DEP appeal, and NRCM, Sierra Club, and Appalachian Mountain Club are doing the ACOE appeal on a number of grounds, challenging their authority and findings.

Mr. Otley asked what the height was going to be, commenting that they are going to stand out.

Mr. Desrosiers said the new poles will average 98' tall where the existing poles average 45-60'.

Mr. Otley said they'll then be twice as tall as the existing poles.

Mr. Desrosiers said the height was necessary for the high-voltage direct current (DC) line and they will be built to the industry standards for the height of the structures.

Mr. Otley asked if the Town's "Tower" Ordinance applied.

Mr. Kaiser said it did not apply to this type of installation.

Mr. Smith asked if the pole in the floodplain was going to be guyed.

Mr. Desrosiers stated it wouldn't be guyed, just a single steel structure.

Mr. Smith asked how deep they were going to be buried in the ground.

Mr. Desrosiers said they would be embedded 15-20' depending on the soils and rocks.

Mr. Smith asked about the recommendation by Town Manager Richard Davis to donate the wood chips from the cutting to UMF for their bio-mass boiler.

Mr. Desrosiers replied he didn't know if that was an option but worth looking into and added that they have restrictions with the cutting and can't do any in the months of June and July.

Mr. Jordan asked if the electric fields generated by the power line would affect the internet line.

Mr. Desrosiers said no, there are many power poles with fiber-optic on them today.

Mr. Jordan asked if the project was going to be fenced in or would people still be able to use the right of way.

Mr. Desrosiers said the public will still be able to use their right-of-way and they're working with the State on a new trail.

Mr. MacNeil asked if the use of taller poles meant there would be fewer of them.

Mr. Desrosiers said there are about 100 existing poles running the 7.5 miles through Farmington, while the new line will have only 29 poles spanning the same distance.

Mr. MacNeil asked how the fiber-optic line will work.

Mr. Desrosiers said they'll install convenient accesses for internet providers that will be fed by the pole line.

Ms. Murphy commented that this \$10,000,000 broadband expansion component will definitely help and is very much needed here.

Mr. Desrosiers said it will especially help remote working and education.

Mr. King asked for comments from abutters present.

Marc Bailey, an abutter to the project with a farm near the line and asked how far the new poles will be from the existing ones.

Mr. Desrosiers said they'll be 75' apart.

Mr. Titus added there will be a 100' buffer and the line will be more towards the center of the corridor.

Mr. Bailey asked if they were going to be clearing everything up to the property line.

Mr. Desrosiers said they would be clearing everything within the 75' of the new line but there would still be the 100' buffer between that and their property line.

Mr. Bailey stated he has heard of health issues with power lines such as pregnancy rates in animals and having the area below lines available to the public for hunting, etc. He said they can feel the static, hear the crackling, and even get shocked if parked right under a line. Mr. Bailey then asked when they were planning on starting the cutting.

Mr. Desrosiers said that is weather depending, and they want the ground frozen to minimize soil disturbance.

Mr. Otley asked if they have received all their required permits.

Mr. Desrosiers said the only one they are waiting on is the Presidential Permit for border crossing but don't see there being any issues.

Mrs. McGraw asked if this project was connected to the NextEra solar project or is all the power going to Massachusetts.

Mr. Desrosiers said the energy will go straight into the New England grid, of which Maine is a part, and the energy then purchased and used wherever there is demand – such as Massachusetts.

Ms. Foster stated NextEra is one of the groups suing the project, as it will reduce energy prices and make solar energy less competitive.

Mr. Jordan said we shouldn't be granting conditional approvals.

Mr. King said he disagreed with Mr. Jordan on that as we frequently do so.

Mr. Kaiser stated that this is no different than many others the Board has approved conditional on all other permits being granted such as DEP.

Ms. Gilbreath added that Maine Municipal Association has said there can be a conditional approval but they can't be denied approval because all other permits are not yet in hand.

She added that the only permit they don't have yet is the Presidential Permit for border crossing which has nothing to do with Farmington.

Ms. Gilbreath concluded, saying they currently have all the approvals needed in Farmington, except for the applications before you tonight.

Mr. King made a motion to approve the Site Review, Soil Erosion/Storm Water, Floodplain, and Shoreland applications with the condition that they not proceed until all permits are granted.

Mr. Smith seconded the motion.

After discussion about the motion, Mr. Smith withdrew his second.

Mr. King withdrew his motion.

Mr. King made a motion to approve the Site Review, Soil Erosion/Storm Water, Floodplain, and Shoreland applications provided they receive all other applicable permits.

Mr. Smith seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

6. Other Business

Code Office Updates:

- There are two solar applications that are going to be on the February 8th agenda, one for Vining off of Routes 2/4 and one for MacNeil on Whittier Road.
- Carol Hatch may be coming in for the February 8th agenda for a use approval for 210 Middle Street.

Mrs. McGraw asked if there is a limit on solar farms in any ordinance, adding that it seems like these are going to be like the marijuana stores where everyone wants to have one now that they are allowed.

Mr. Kaiser replied that there could be a Town Meeting Warrant Article to limit solar farms, but there would be a lot of pushback from landowners as this is a property rights issue and the State is promoting small solar farms. He added he doesn't foresee another huge solar farm like NextEra coming to town, just smaller ones as we'll be reviewing soon.

Mr. MacNeil stated that the size of the substation limits the ultimate number of solar farms because it can only handle so many.

Mr. Jordan asked if anyone has considered the impact of so much heat put off by the dark solar panels when the sun is shining.

Mr. King said it would be a good thing to ask the next solar applicants that come in.

Mr. Smith made a motion to adjourn the meeting.

Mr. Otley seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

The meeting adjourned at 7:20 p.m.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date