

**Town of Starks
Public Hearing
June 3, 2020, 7:00 p.m.
Minutes**

The Public Hearing on the application of CMP for the NECEC power line was held as required in Section 5.3.3 of the town's Site Plan Review Ordinance for the purpose of allowing the applicant and affected property owners the opportunity to provide information to the Planning Board as part of the record that the Board will use in considering its actions on the application.

Central Maine Power is proposing to construct a new 320k V high-voltage electric transmission line running approximately 6 miles through Starks along its existing corridor.

The meeting was held both using Zoom technology and in person attendance.

Planning Board members in attendance included Gwen Hilton, Ken Lust, Claire Nelson, Joe Hartigan and John Newsom in person and pending alternate board member Valerie Comstock via Zoom, joined by CMP representatives Gerry Mirabile and James Morin. Community participants/property owners included Gene Tweedie, Troy Hull, Paul Frederick, Ernest Hilton, Frank Russell, Jerome Winkley, Walter and Phyllis Coombs, Jason Coombs and Robyn Kremer. The sign-in sheet (optional) included one non property owner, Wally LeBlanc.

Remote participants who could be identified included CMP representatives Adam Desrosiers, Nick Achorn, Kenneth Farber, and Lisa Gilbreath as well as community members Chrystal Locke, Carol Coles, Jamie Dorion, A Pierson, Kurt Johnson, Mike Bouchard, and E Swain.

The Board Chair, Gwen Hilton, recused herself from participating in the review due to a conflict of interest. The duties of the Chair were assumed by Vice-chair Ken Lust. It was noted that proper notice of the meeting was given, a quorum was met and that no conflicts of interest or bias existed.

James Morin from CMP gave a brief overview of the project as it impacts Starks.

The ground rules, as previously established by the Board, allowed for abutters to speak first, followed by local property owners. Other interested parties would then be allowed to address the Board. Statements would be limited to three minutes.

Ken's introductory comments included a brief history of prior meetings with the applicant, the setting of ground rules for the hearing and the role of the Planning Board in the review and permitting process and are attached hereto.

Following is a list of speakers and a very brief summary of their concerns. When provided, copies of statements are included.

Paul Frederick, Selectman and abutting property owner. Paul encouraged the Board to approve the project stressing the significant tax benefits to the town.

Ernie Hilton, Selectman and abutting landowner. Ernie's concern focused on the proposed access routes into the corridor, suggesting that alternate routes were less likely to disrupt streams and cause

undo sedimentation. He urged to Board to deny the application and require CMP to resubmit its proposal to reflect the alternate access points.

Frank Russell, property owner. Frank urged the Board to consider the environmental effects of the project and the negative impact such projects have had on Native populations and their lands in Canada.

Robyn Kremer reminded the Board that at a special town meeting in April of 2019 the Town overwhelmingly voted not to support the project.

Gene Tweedie, also an abutter, shared a concern for a lack of commitment from CMP to hire local workers and the limited number of permanent jobs that the project would create.

Troy Hull, property owner, restated his opposition to the project and also referenced the negative vote at the special town meeting of April 2019.

Ken read a statement submitted by Michael Bouchard, property owner and abutter expressing his concerns that widening the existing corridor would encroach onto his land.

Carol Coles stated that she had received an abutter notice for property they no longer own."

Hearing no further requests to address the Board, a motion was made, seconded and carried to close the public hearing at 8:07.

Introductory comments by presiding Chair Ken Lust

Public Hearing June 3, 2020

- Welcome and introductions
- The meeting was noticed in accordance with our usual and customary ways
- We have a quorum

Just for some background, someone asked a while ago why the Planning Board was even looking at this since the town had already turned it down. The answer is because it's our job. When an application is filed, we're required to go through the process in accordance with the Ordinance and that's what we have been doing for the past few months.

The Manual for Planning Boards published by the Maine Municipal Association states the following:

Even if the chairperson believes that the board has no jurisdiction over an application that has been submitted for the board's review and approval, the chairperson still must schedule an initial board meeting on the application in order for the board to make that decision by majority vote. The chair cannot simply refuse to call the meeting, refuse to place the item on the agenda, or require the applicant to withdraw the application.

The Planning Board met with the applicant on December 16 for the pre-application conference as required by the ordinance.

We met again on February 5 to review the Site Inventory and Analysis in accordance with the ordinance.

We then met on March 4 and carefully reviewed the submitted application and determined that we had a complete application which then triggered this public hearing. The next step after this hearing will be to review the application against the ordinance and decision the application.

When we review the application for the decision, we will focus on the ordinance for the Town of Starks and apply that application against the provisions of the ordinance. We are guided by the Manual for Planning Boards referenced above:

Basis for the Board's Decision

- *General Rule.* Once the board has determined the scope of its authority and the applicant's burden of proof, it must determine whether there is sufficient evidence in the record to support a decision to approve the application by comparing the information in the record to the requirements of the ordinance/statute. The board should not base its decision on the amount of public opposition or support displayed for the project. Nor should its decision be based on the members' general opinion that the project would be "good" or "bad" for the community. Its decision must be based solely on whether the applicant has met his or her burden of proof and complied with the provisions of the statute/ordinance. *Bruk v. Town of Georgetown*, 436 A.2d 894 (Me. 1981); *Jordan v.*
- This is a public hearing and therefore any member of the public has a right to speak and be heard, whether a resident of the town or not. But we do have the right to give priority to town residents and to limit the amount of time a speaker may have the floor and we will do so.
- Speakers will be given 3 minutes to speak.
- Priority of speaking order will be (1) abutters (2) Town residents/property owners who are not abutters and (3) all others. This will be in the order you signed in.

While we are not oblivious to the concerns arising from the hydro dams up in Quebec and the scenic areas in the northern regions of Maine and other issues that we read about in the media, **we may not consider any of those in our decision.** They are not within the boundaries of the town of Starks or within the scope of the ordinance so they just don't come into play.

According to section 5.3.3 A of the Site Plan Review ordinance, and I'm going to quote directly from the ordinance, "The purpose of the hearing is to allow the applicant and affected property owners to provide information as part of the record that the Planning Board will use in considering its action on the application. Testimony presented at the hearing should be based on factual information about the application and related submissions and the project's compliance with review standards and other regulations and requirements of this ordinance and other municipal ordinances."

So this is an opportunity for members of the public to provide information to the Planning Board to help it make its decision and we need to adhere to that. The Applicant has spent numerous hours in three public meetings educating and informing the Planning Board of the project and answering our questions and every one of those meetings was open to the public. The complete Site Inventory and Analysis and the complete application have been available in the town office for public inspection and notice of that was given to the public in accordance with the Ordinance.

This is your opportunity to comment and provide valuable information and insights to the Planning Board and you should use your allotted time well.

