



14 Gabriel Drive
Augusta, ME 04330

207.620.3800 PHONE
207.621.8226 FAX

www.TRCSolutions.com

October 5, 2010

Ms. Judy Bernstein, Town Planner
Town of Kennebunk
1 Summer Street
Kennebunk, Maine 04043-1897

Re: Central Maine Power Company/MPRP
Site Plan Review Application

Dear Judy,

Enclosed is one copy of a Site Plan Review Application for Central Maine Power Company's (CMP) proposed Maine Power Reliability Program (MPRP) project in Kennebunk.

Only one copy of the application is being submitted at this time for a "review for completeness". If this application is deemed complete, CMP will provide an additional thirteen (13) copies of the application pursuant to Article 11, Section 5.1.(C) of the Town of Kennebunk Zoning Ordinance.

If the application is determined not to be complete, please specify where the application is deficient so that we can attempt to address and correct any shortcomings.

I am also enclosing a check in the amount of \$500.00 to cover the costs of a major site plan review.

Please contact me at (207)-620-3831 or at anewell@trcsolutions.com if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "A.E. Newell", written in a cursive style.

A.E. Newell
Environmental Specialist



**MAINE POWER
RELIABILITY PROGRAM**
A CENTRAL MAINE POWER COMPANY PROGRAM

**TOWN OF KENNEBUNK, MAINE
SITE PLAN REVIEW PERMIT
APPLICATION**

**Transmission Line and
Substation Construction**

Prepared for:

Central Maine Power Company
83 Edison Drive
Augusta, Maine 04336

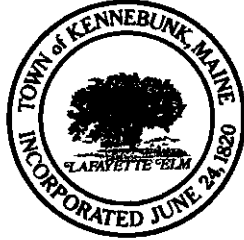
Prepared by:

October 2010



TRC Engineers, LLC
14 Gabriel Drive
Augusta, Maine 04330

Town of Kennebunk, Maine



October 5, 2010

Date of Application

Fees: See Attached Fee Schedule

APPLICATION FOR SITE PLAN REVIEW

Name of Proposed Development Maine Power Reliability Program

Applicant Information:

1. Name of property owner(s): Central Maine Power Company

Address: 83 Edison Drive, Augusta, Maine 04330

2. Name of applicant: Central Maine Power Company

Address: 83 Edison Drive, Augusta, Maine 04330

Is applicant a corporation? Yes No

3. If applicant is a corporation, attach a copy of state registration.

4. Name, address and telephone of person to whom all correspondence concerning this application should be sent:

Name: Bud Newell

Address: TRC, 14 Gabriel Drive, Augusta, Maine 04330

Telephone: 207-620-3831 Fax: 207-621-8226

5. What interest does the applicant have in the property to be developed (ownership, option, etc). Attach copy of document showing right, title or interest in property being developed. See Exhibit 9

6. What interest does applicant have in abutting property? See Exhibit 11

Land Information:

7. Location of property - Registry of Deeds: Book see Page Exhibit 9

Town Tax Maps: Map # see Lot(s)# attachment

8. Street address of property: none - 5.5 mile long transmission line corridor

9. Zoning district classification of property: BBA, BBB, RR, RC, RP, SZ

- 10.a. Is any portion of property located within 250' of any pond, river or salt water body?
Yes No
- 10.b. Are any wetlands (over an acre in size) located within or abutting the property?
Yes _____
11. Is any portion of property located in the flood hazard area as identified by the Federal Emergency Management Agency? Yes No
12. List all easements, R.O.W.'s or restrictions which apply to property.
none _____
13. Will any other local, state or federal permits or approvals be needed (list type and appropriate agency)? See attachment

Site Development Information:

14. Total site area - sq.ft. or acres 231.71 acres
15. Total building coverage - sq.ft. 1,512 square foot building expansion
16. Total pavement coverage - sq.ft. 0.00
17. Existing use of site/buildings electric utility transmission and substation facilities
18. Proposed use(s) of site electric utility transmission and substation facilities
19. Description of proposed development, including type and number of uses, number of buildings, number of stories of each building, gross floor area, etc.:
Construct new 345 kV transmission line (~5.5 miles) within existing transmission line corridor and expand existing substation facility by 3.6 acres.

20. List below the names and mailing addresses of abutting property owners and owners across the road:
- | Name | Mailing Address |
|-----------------------|-----------------|
| <u>See Exhibit 10</u> | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Applicant shall retain a copy of this list to use for required mailing(s) listed in Article 11, Section 5.D. & 5.F.

Applicant shall mail a certified mail notice of such application (return receipt requested) to all abutting property owners giving the date that the application is first scheduled to appear on the Site Plan Review Board's agenda and noting that a copy of the plan is on file and may be reviewed in the Town Planner's Office and also stating that all Site Plan Review Board meetings are open to

the public. Evidence (return receipts) shall be submitted to the Town Planner at least seven (7) days prior to such agenda date.

21. Does this development require extension of public/private infrastructure? Yes ___ No x

___ streets ___ storm drainage ___ other ___ sidewalks
___ water lines ___ sewer lines ___ fire suppression

22. Identify method of water supply to proposed development.

___ individual wells
___ central well with distribution lines
___ connection to public water
x other, please state alternative existing drilled well at substation

23. Identify method of sewage disposal to proposed development.

___ individual septic tanks
___ central on-site disposal with distribution lines
___ connection to public sewer system
x other, please specify existing holding tank at substation

24. Identify method of fire protection for proposed development.

___ hydrants connected to public water system
___ dry hydrants located on existing pond or water body
___ fire pond
x other, please specify Fire detection equipment will be installed in the substation control house.

25. Does the applicant propose to dedicate to the public any streets, recreation or common lands?

If any: street(s) Yes ___ No x Est. length _____
recreation area(s) Yes ___ No x Est. acreage _____
common land(s) Yes ___ No x Est. acreage _____

26. Will the applicant need variance(s) from any of the zoning requirements? If yes, please list what variances have been received from the Zoning Board of Appeals. (Please note that the Site Plan Review Board may not act upon an application until all required variances are received.)

Yes, variance from height restriction in all applicable zoning districts.

27. Does the applicant intend to request modification or waiver of any of the **submission requirements**?

Yes x _____ No _____
If yes, both of the following criteria must be addressed for each waiver request. Failure to explain

Town of Kennebunk

Application for Site Plan Review

Central Maine Power Company - Maine Power Reliability Program

Land Information:

7. Project Tax Map and Lot Numbers

Map 30, Lots 20, 112

Map 3, Lot 83

Map 4, Lot 114

Map 11, Lot 1, 1-501, 2 (portion only)

Map 13, Lot 30

Map 10, Lot 2 (portion only)

13. Local, state or federal permits or approvals needed

Approved:

Natural Resources Protection Act/Site Location of Development Act permit, MDEP, April 5, 2010

Section 404 and Section 10 permit, USACE, April 5, 2010

Certificate of Public Convenience and Necessity, MPUC, June 10, 2010

Required:

Town of Kennebunk Building Permit

Town of Kennebunk Sign Permit

Town of Kennebunk Flood Hazard Development Permit

AGENT AUTHORIZATION



Central Maine Power

August 15, 2008

Bureau of Land & Water Quality
Division of Land Resource Regulation
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Municipalities (various)

Federal Agencies (various)

RE: Central Maine Power Company - Maine Power Reliability Program (MPRP)
Agent Authorization

To Whom It May Concern:

Central Maine Power Company hereby authorizes TRC Engineers, Inc. and TRC staff to act as its agent for all activities associated with the acquisition of Federal, state and local permits related to the above referenced project.

Please call me at 626-9557 or email me at gerry.mirabile@comco.com with any questions. Thank you.

Sincerely,

Gerry J. Mirabile
Lead Analyst - Compliance

An equal opportunity employer

83 Edison Drive | Augusta, ME 04336

tel (207) 623-3521

www.comco.com

S:\Compliance\Shared\Environmental\Projects\Transmission Lines\Maine Power Reliability Program [MPRP]\Agent Authorization Letter.doc
An Energy East Company

Maine Power Reliability Program General Project Description

The Maine Power Reliability Program (MPRP) is a Central Maine Power Company (CMP) program to upgrade Maine's bulk power system. The vast majority of Maine's bulk power transmission system was placed into service in the early 1970s and is now reaching the limits of its ability to meet the growing electrical demand of Maine customers. Since the last major transmission infrastructure construction was completed more than 30 years ago, the patterns of both available generation and customer load have shifted significantly. For example, population has become more concentrated in the southern part of the state, while the generation needed to serve that load is now more distant and dispersed. When these changes are combined with increasing peak demand, the current transmission infrastructure in Maine will, in very few years, become inadequate. In addition, the reliability and security standards mandated by law and administered by the North American Electric Reliability Corporation (NERC), the Northeast Power Coordinating Council, Inc. (NPCC), and ISO New England (ISO-NE) have changed significantly in recent years. CMP must upgrade its bulk power system with this proposed project to meet the mandatory standards and to provide reliable electric service to Maine customers into the future. In all, MPRP will encompass nearly 74 Maine communities, and will obtain approvals from the Maine Public Utilities Commission, the Maine Department of Environmental Protection, and numerous municipalities.

Project Description in the Town of Kennebunk

CMP's proposed project in the Town of Kennebunk consists of two main components: 1) expansion of the existing Maguire Road Substation; and, 2) transmission line upgrades in the existing CMP transmission line corridor. The total cost of MPRP upgrades and construction in Kennebunk is estimated to be \$41,400,000.

Maguire Road Substation Expansion (Exhibit 1, Natural Resource Map 2): The MPRP project in Kennebunk includes the expansion of the existing Maguire Road Substation. The Maguire Road Substation is located on the northerly side of Maguire Road and presently occupies approximately 4.57 acres within the CMP transmission line corridor. Existing 115 kV transmission lines exit the substation to the north-northeast and south-southwest. Access to the substation is provided by a 1,700 foot gravel road off the Maguire Road, which will continue to provide access during and after construction.

The proposed expansion will consist primarily of an expansion of the fenced yard and the addition of two new 345 kV bays, a 345/115 kV transformer and a 345 kV control house. Approximately 5.23 acres of the Maguire Road site will be disturbed by the proposed construction. Following construction, approximately 1.63 acres of the disturbed area will be restored and re-vegetated. Approximately 3.60 acres will remain as new permanently developed area and be contained within the expanded 345/115 kV yard. The fenced-in area of the expanded substation will therefore occupy approximately 8.17 acres of land. The area where the expansion is to occur is primarily wooded; the remaining area around the existing 115 kV yard consists of the existing transmission line corridors that are scrub/shrub vegetation and additional wooded land.

The expanded Maguire Road Substation will consist of approximately 0.47 acre of impervious areas (foundations, concrete pads, building structures), of which approximately 0.30 acres is existing impervious area associated with the existing 115 kV yard. The remaining yard (approximately 7.93 acres) will be crushed stone, of which 4.50 acres is existing crushed stone yard. The substation yard will include a 28 foot by 54 foot expansion on the southerly side of the current control house.

The purpose of the substation expansion will be to step down voltage from 345 kV to 115 kV and to provide switching capacity, a common process that involves the transfer or discontinuance of electrical load to other substation equipment or overhead lines for maintenance work and during line outages. This expansion will provide a needed supply source and improved voltage regulation to this part of the state. System reliability will be greatly improved by this added infrastructure and the current system risks of extensive area outages will be greatly diminished by the added electrical supply.

345 kV Transmission Line (Exhibit 1, Natural Resource Maps 1 to 8):

The MPRP project in Kennebunk includes construction of a new 345 kV transmission line in the existing CMP corridor:

- Construction of approximately 4.7 miles of new 345 kV transmission line (Section 3021) from the Arundel town line to the expanded Maguire Road Substation. The new line will be constructed on the east side of the existing corridor adjacent and parallel to the existing 115 kV lines (Sections 163 and 238). The new line will be constructed on 41 wooden 2-pole H-frame tangent structures and four wooden 3-pole H-frame angle structures, all with a typical above ground height of 75 feet.
- Vegetation clearing of an additional 40 feet within the east side of the existing corridor to meet mandated line clearance and safety standards for installation of the new 345 kV line.
- Construction of approximately 0.8 miles of new 345 kV transmission line (Section 3022) from the expanded Maguire Road Substation to the Wells town line. The new line will be constructed on the east side of the existing corridor adjacent to and parallel to the existing 115 kV lines (Sections 250, 140, 237, 236) and the existing 34.5 kV line (Section 113). The new line will be constructed on six wooden 2-pole H-frame tangent structures, one wooden 3-pole H-frame angle structure, and one steel single pole angle structure, all with a typical above ground height of 75 feet.
- Vegetation clearing of additional 50 to 60 feet within the east side of the existing corridor to meet mandated line clearance and safety standards for construction of the new 345 kV line.

CMP is required by federal law to comply with vegetation management standards, as specified by the North American Electric Reliability Corporation (NERC) Standard FAC-003-1. These standards are designed to ensure the safe and reliable operation of the transmission lines by limiting the chances of contacts between the lines and the vegetation, which can cause outages and safety hazards. Failure to comply with these requirements can result in fines of up to \$1 million. Clearing of vegetation will be required in several areas along the corridor and the substation lot to accommodate the new and expanded electric facilities to ensure the project meets the federal reliability and safety standards. The amount of transmission corridor clearing will be limited to that which is necessary for development of the project, and is generally limited

to removal of species that are capable of growing tall enough to interfere with the transmission lines (so-called “capable species”). Non-capable species are allowed to remain to ensure that the corridor is vegetated, which prevents erosion and provides wildlife habitat. No grubbing (i.e., stump removal) will take place on the transmission line corridor.

All vegetation will be cleared and grubbed for the area developed for the expansion of the Maguire Road Substation site.

There will be no new permanent roads or driveways associated with the substation or transmission line components of the project. Access to the substation will be over the existing substation road, and access to the transmission line corridor will be primarily from public roads. Existing CMP-maintained access points and access ways used for routine and emergency maintenance by its own vehicles will also be used for project purposes.

Summary of Applicable Ordinances and Zoning Districts

The proposed project will be located within three zoning districts: Branch Brook Aquifer Protection, Rural Conservation, Rural Residential, and two overlay zones: the Resource Protection and Shoreland Overlay Zones. The MPRP project is defined as a “public utility” under the Town of Kennebunk Zoning Ordinance, Article 2, Section 2. A “public utility” is considered a “special exception” in the above listed districts and zones.

CMP seeks approval from the Site Plan Review Board for the project under the Kennebunk Zoning Ordinance, Article 8 – District Regulations, Article 10 – Performance Standards, and Article 11 – Site Plan Review.

Kennebunk Zoning Ordinance, Article 7, Special Exceptions

Pursuant to Article 7, Section 1 of the Zoning Ordinance: “Any special exception use which is required to receive Site Plan Approval under this Ordinance is exempt from this Article.”

The MPRP project requires Site Plan Approval under Article 11, Section 3(A)(2) and Section 3(A)(5), and is therefore exempt from Article 7 of the Kennebunk Zoning Ordinance.

Kennebunk Zoning Ordinance, Article 8, District Regulations

Article 8 defines and describes the various zoning districts and overlay districts and the respective permitted uses, special exceptions, space and bulk standards, and applicable additional standards for each of the zoning and overlay districts.

Kennebunk Zoning Ordinance, Article 10, Performance Standards

The performance standards contained in this article apply to all uses and activities in the Town of Kennebunk, unless otherwise specified, whether or not specific approval or a permit is required.

Kennebunk Zoning Ordinance, Article 11, Site Plan Review

Any application for site plan approval shall be reviewed by the Site Plan Review Board, or the Site Plan Review Committee, which, pursuant to the standards, procedures and criteria contained in this Article, shall approve, approve with conditions, or deny the application.

APPROVAL STANDARDS AND ACCOMPANYING MATERIALS

The remainder of this application package discusses the standards of approval that apply to CMP’s proposed project. Specifically, the following material is divided into four parts:

Part One: Article 8: District Regulations

Part Two: Article 10: Performance Standards

Part Three: Article 11: Site Plan Review

Part Four: Exhibits

Exhibit 1: Project Overview Map, Cross Sections and Natural Resource Maps

Exhibit 2: Plan showing zoning of property

Exhibit 3: CMP's Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects (2010)

Exhibit 4: Natural Resources Conservation Service Soils Mapping for the Transmission Line Corridor

Exhibit 5: CMP's Environmental Control Requirements for Contractors and Subcontractors - Oil and Hazardous Material Contingency Plan

Exhibit 6: Yard Lighting Design Basis Manual, Specification 1000-A7-S01, Revision 0

Exhibit 7: Maguire Road Substation Signs

Exhibit 8: Maguire Road Substation Stormwater Management Plan (includes Site Plans)

Exhibit 9: Right, Title and Interest

Exhibit 10: Names and Addresses of Abutting Landowners

Exhibit 11: Location of adjacent lands and corridors

Exhibit 12: Project area coordinates and bearings

Exhibit 13: Maguire Road Substation Existing and Proposed Building Plans

Exhibit 13A: Existing Buildings

Exhibit 13B: Proposed Building Expansion

Exhibit 14: Construction schedule

Exhibit 15: Open Space Priority Areas

Exhibit 16: Non-capable species list

Exhibit 17: Vegetation Management Plan (VMP)

- *Rear yards* 50 feet
- *Shoreland area* See Article 8, Section 16
- *Maximum height* 35/55 feet
- *Maximum lot coverage* 15 Percent
- *Maximum impervious area of lot* 25 Percent
- *Maximum area stripped of existing vegetation* 45 Percent

The transmission line project component traverses the Branch Brook Aquifer Protection District (BBA and BBB) and meets the above standards except in one area. The project does not meet the maximum height requirement in the BB district. Heights of the proposed transmission structures in the BB district range from 77 to 101.5 feet.

(1) *Performance Standards*

(a) **Branch Brook Aquifer**

Uses within the Branch Brook Aquifer Protection District shall conform to the performance standards set forth in Article 10, Section 4 of this Ordinance. These performance standards address clearing and timber harvesting, agriculture, animal husbandry, stormwater runoff, pollution levels, petroleum storage, subsurface waste disposal, home occupations, sand and gravel extraction, junkyards, and automobile graveyards, off-road vehicles, solid waste disposal, and use of pesticides. Any lawful use or structure which is made nonconforming by the enactment of the provisions of this district may be continued but must meet all applicable performance standards by December 16, 1988.

Article 10, Section 4 performance standards are addressed in this application on page 24.

(b) **Shoreland Overlay District**

All uses within the shoreland area, as defined in this Ordinance, shall comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance. Where the performance standards for the Branch Brook Aquifer and the shoreland area differ, the stricter shall apply.

Article 8, Section 16 provisions are addressed on page 12 and Article 10, Section 3 is addressed on page 16 of this application.

(c) **One-Family Dwellings**

Not applicable.

(d) **Open Space Subdivisions**

Not applicable.

(e) **Subdivisions**

Not applicable.

(i) Soils	Article 10, Section 2
(j) Private outdoor lighting	Article 10, Section 6
(k) Signs	Article 10, Section 7
(l) Off-street parking	Article 10, Section 9
(m) Home occupations	Article 10, Section 14
(n) Accessory apartments	Article 10, Section 15
(o) Keeping horses	Article 10, Section 18
(p) Kennels	Article 10, Section 19

Article 10, Sections 2, 6 and 7 are addressed in this application on pages 15, 27 and 30, respectively. Article 10, Sections 9, 14, 15, 18, and 19 are not applicable to the proposed project within the Rural Residential District.

F. Overlay Districts

- (3) Any lot of use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (4) Any lot of use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 (Historic Preservation) of this Ordinance.

The provisions of Article 8, Section 16 and Article 10, Section 3 are addressed on pages 12 and 16, respectively, of this application.

The project is not within the Historic Protection Overlay District.

G. Flood Plains

- (5) Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall comply with the terms of that ordinance.

The applicant will submit an application a Flood Hazard Development Permit for the proposed project to the Code Enforcement Officer.

H. Site Plan Review

Any proposal as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

This application is being submitted under Article 11 for Site Plan Review.

SEC. 5. Coastal Residential District (CR)

Not applicable.

SEC 6. Suburban Residential District (SR)

Not applicable.

SEC. 7. Village Residential Districts (VR) & (WKVR)

Not applicable.

SEC. 8. Downtown Business District (DB)

Not applicable

SEC. 9. Upper Square District (US)

Not applicable.

SEC. 10. York Street Mixed Residential and Commercial Use District (MRCU)

Not applicable.

SEC. 11. Lower Village Business District (LVB)

Not applicable.

SEC. 12. West Kennebunk Village Mixed Use District (WKV)

Not applicable.

SEC. 13. Suburban Commercial District (SC)

Not applicable.

SEC. 14. Business Park District (BP)

Not applicable.

SEC. 15. Industrial District (I)

Not applicable.

Sec. 16. Shoreland Overlay District (SZ)

Bulk and space standards in this district are:

The space and bulk standards shall be those of the underlying zoning district which this district overlays or the following, whichever is stricter:

Minimum shore frontage: 100 feet measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark.

CMP's transmission line corridor varies from 300 to 340 feet in width. The MPRP project meets this standard (see Exhibit 1 cross sections and natural resource maps).

Lot width: The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high water line of a water body or upland edge of a ten (10) acre wetland, shall be equal to or greater than the frontage standards noted above.

CMP's transmission line corridor varies from 300 to 340 feet in width. The MPRP project meets this standard (see Exhibit 1 cross sections and natural resource maps).

Multiple uses on a lot: If more than one residential dwelling unit or more than one non-residential structure is constructed on a single parcel, all dimensional requirements shall be met

for each dwelling unit or principal structure which is located in the Shoreland Overlay Zone portion of the parcel.

The MPRP project will have more than one non-residential structure on a single lot. Several structures will not meet the dimensional requirements of the Shoreland Overlay Zone. These structures are detailed in the next section (Minimum setbacks).

Minimum setbacks: The minimum setbacks from normal high water line of a waterbody or upland edge of a wetland shall apply in the Shoreland Overlay Zone as follows:

- Areas described by Article 3, Section 3.B.1.....100 feet

The following structures will not meet the minimum setbacks under Article 3, Section 3.B.1:

- Ward Brook (2 structures within 100’ of the normal high water line)
- Priority I Wetland Area #315 (6 structures within the Priority 1 wetland area)
- Priority Wetland Area #313 (3 structures within the Priority 1 wetland area)

- Areas described by Article 3, Section 3.B.2.....50 feet
- Except that areas described by Article 3, Section 3.B1.(1.) and 3.B.(2), which overlay the following Districts shall be 25 feet:

- Upper Square
- West Kennebunk Village
- Downtown Business
- Lower Village Business
- York Street Mixed Residential & Commercial Use
- Suburban Commercial
- Business Park
- Industrial

The following structures will not meet the minimum setbacks under Article 3, Section 3.B.2:

- Priority II Wetland Area #319 (3 structures within the Priority 2 wetland area)
- Areas described by Article 3, Section 3, Section 3.B.3.....25 feet*
*except as otherwise approved by the Planning Board (or Site Plan Review Board in the case of a Site Plan application) in conformance with the standards of Article 10, Section 3.P or except as otherwise exempted by the provisions noted below.
- 1 structure in a defined freshwater wetland one acre or more in size

These Shoreland Zoning setbacks shall apply to all buildings and structures, roads, driveways, parking areas and other non-vegetated surfaces, except those which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, bridges, and other functionally-dependent uses. Water crossings, roads and driveways to permitted uses shall also be exempt from full compliance with these setback requirements if the Planning Board finds that

such road, driveway or water crossing meets the performance standards of Article 10, Section 3.G and 3.P.

The MRPR meets the definition of a “water crossing” (see Article 2, Section 2) and Article 10, Section 3.G and 3.P are addressed on pages 21 and 23, respectively, of this application.

Lot coverage: *The total area of all structures, parking lots, roads, driveways and other non-revegetated surfaces, within the shoreland zone, shall not exceed 20% of the lot or a portion, thereof, located within the shoreland zone, including all land previously developed; except that in the following zones, Downtown Business, Upper Square, West Kennebunk village, Lower Village Business, York Street Mixed Residential and Commercial Use, Suburban Commercial, Business Park and Industrial, lot coverage shall not exceed seventy (70) percent.*

Approximately 88.17 acres of the CMP transmission line corridor in Kennebunk are subject to the Shoreland Overlay District. Presently there are 26 H-frame (2-pole) transmission line structures and 23 single pole transmission line structures within this overlay district representing a 0.00058 percent lot coverage (75 poles at 30 sq. ft per pole). The new 345 kV will include 18 H-frame structures within the Shoreland Overlay District also with an average area of 30 square feet per pole for an additional 1,080 square feet of lot coverage within this district. Therefore, total lot coverage within the Shoreland Overlay district with the construction of the new line will be 0.00086%. The MPRP project meets this standard.

Approved subdivision lots: *These dimensional standards shall not apply to any vacant lot shown on a subdivision plan recorded in the York County Registry of Deeds and approved by the Planning Board in compliance with all requirements of this Ordinance in effect at the time of such approval.*

Not applicable.

Performance standards:

- (a) Uses shall conform to the performance standards of the underlying zoning district which this district overlays.*
- (b) Additionally, uses shall conform to the requirements of Article 10, Section 3, of this Ordinance.*

The provisions of Article 10, Section 3 are addressed on page 16 of this application.

Site Plan Review: *Any proposal as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.*

This application is being submitted under Article 11 for Site Plan Review.

Sec. 17. Historic Preservation Overlay District (HP)

Not applicable.

SEC. 18. The 39 Portland Road Contract Zone

Not applicable.

SEC. 19. 12 Depot Street Contract Zone

Not applicable

SEC. 20. One Alfred Road Contract Zone

Not applicable.

SEC. 21. 119 Main Street Contract Zone

Not applicable.

SEC. 22. Cousens School Contract Zone

Not applicable.

SEC. 23. Terrace Green Contract Zone

Not applicable.

SEC. 24. Webber Hill Road Contract Zone

Not applicable.

ARTICLE 9. OPEN SPACE STANDARDS

Not applicable.

ARTICLE 10. PERFORMANCE STANDARDS

The MPRP project must comply with the Article 10 performance standards under Sec. 1 for “all uses and activities in the Town, unless otherwise specified, whether or not specific approval or a permit is required”.

Part A. Environmental***Section 2. Soils***

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial and industrial development or other similar intensive land uses, shall require a soils report, prepared by a State-certified soil scientist or geologist based on an on-site investigation. Suitability considerations shall be based primarily on criteria employed by the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

Based on analysis of the Soil Survey Geographic Database compiled by the United States Department of Agriculture – Natural Resources Conservation Service, soils will accommodate the proposed MPRP construction activities. In addition, the project will conform to CMP’s

“*Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects*” (2010) (Exhibit 3). These guidelines ensure that the appropriate steps are taken to control erosion and sedimentation.

The substation expansion is located in the Mousam River watershed, and is not in the watershed of a “Lake Most at Risk from Development” or an “Urban Impaired Stream” as defined in Chapter 502 of Maine Department of Environmental Protection’s (MDEP) rules. There are no water bodies on the substation expansion project site; an unnamed tributary to Day Brook is located approximately 600 feet south-southwest of the expansion area and is crossed by the existing substation access road. Runoff from the existing access road and substation is collected in vegetated swales and directed to infiltration basins or discharged through level spreaders and vegetated buffers. The runoff eventually reaches Day Brook, a tributary of the Mousam River. The topography of much of the land surface within the expansion area consists of a gentle upward slope (approximately 3%) from a low point in a wetland area (to be filled) in the southern corner, toward the northwest. The slope increases to approximately 9% near the southeastern boundary of the existing substation. Elevations within the substation expansion area range from approximately 162 to 180 feet above mean sea level. An excerpt from the USDA-SCS Soils Survey Map with the site boundaries is provided as part of Exhibit 8. A Class B High Intensity Soil Survey map, prepared by a Maine-certified soil scientist, is also provided.

The proposed 345 kV transmission line will be constructed entirely within the limits of an existing transmission line corridor. Currently, two (2) 115 kV transmission lines are located in the corridor and have been in service for approximately 50 years. The soils will support construction of the proposed transmission line as evidenced by the existing lines. The topography of the transmission line corridor varies from level ground to rolling topography. Soils mapping of the transmission line corridor based on data from the Natural Resources Conservation Service is provided in Exhibit 4.

There is no subsurface waste disposal associated with either the substation expansion or the transmission line construction.

Section 3. Shoreland Overlay District and Resource Protection District

A. Applicability

This section shall apply to all lands within the Shoreland Overlay District and Resource Protection District as defined in Article 3 of this Ordinance.

The proposed transmission line project will traverse shoreland overlay and resource protection districts in the Town of Kennebunk. Some shoreland overlay districts and resource protection districts overlap.

- **Kennebunk River Crossing**

The transmission line corridor crosses the Kennebunk River from Arundel. One wooden H-frame structure will be erected within the shoreland overlay district as part of the transmission line construction. This structure will be approximately 174 feet from the normal high water line of the Kennebunk River. No structures will be placed within the Resource Protection district. Clearing of capable species will be needed in an area of approximately 0.6 acre within the shoreland overlay district.

- Priority 2 Wetland # 319

The transmission line corridor bisects Priority 2 Wetland #319 and three (3) wooden H-frame structures will be erected within the wetland area itself. Approximately 1.4 acres of vegetation will be altered to remove capable species, converting the area from a forested wetland to a scrub-shrub wetland.

- Ward Brook Crossing

The transmission line crosses Ward Brook in a northeast-southwest orientation. Three (3) wooden H-frame structures will be erected within the 250 foot shoreland zone; two (2) of these structures will also be located within Priority 1 wetland #315 and one is included in the Resource Protection District. Two (2) of these structures are also located with the 250' zone around Priority wetland #315, and two (2) of the three structures are located within the 100 year flood plain area. Capable species will be removed from approximately 1.5 acres of the Ward Brook Shoreland Overlay and Resource Protection districts, converting the area from a forested wetland to a scrub-shrub wetland.

- Priority 1 Wetland #315

The transmission line bisects Priority 1 wetland #315 south of Ward Brook. Six wooden H-frame structures will be within Priority 1 wetland #315, and of these, two (2) structures will be within the 250' resource protection zone associated with Priority wetland #315. Capable species will be removed from approximately 1.3 acres of the Priority 1 Wetland #315 Overlay and Resource Protection districts, converting the area from a forested wetland to a scrub-shrub wetland.

- Priority 1 Wetland #313

The transmission line bisects Priority 1 wetland #313 and two (2) wooden H-frame structures will be erected within the wetland and one (1) structure will be within the 250 Shoreland Overlay district. Capable species will be removed from approximately 0.9 acres of the wetland area.

- Mousam River Crossing

One (1) wooden H-frame structure will be erected within the 250' Shoreland Overlay district (north bank) and no structures will be placed within the 100 year flood plain or in the steep slopes area. Capable species will be removed from approximately 0.5 acre of the Shoreland Overlay district.

- Day Brook and Priority 1 Wetland #220

One (1) 3-pole wooden H-frame angle structure will be erected within the Day Brook (south bank) Shoreland Overlay district. Capable species will be removed from approximately 0.5 acre of the Shoreland Overlay district.

B. Agriculture

Not applicable.

C. Filling, Grading, Lagooning, Dredging

This is no lagooning or dredging associated with this project.

CMP has developed a standard manual, “*Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects*” (2010), which it uses as standard practice for all transmission line and substation projects. This manual contains erosion and sedimentation control requirements, standards, and methods that will be used to protect soil and water resources during construction of the various MPRP components. The manual was developed in consultation with the Maine Department of Environmental Protection (MDEP) and is based on MDEP’s *Maine Erosion and Sediment Control BMPs*, dated March 2003, and Chapter 500 (Stormwater Management) of MDEP’s Rules. CMP’s guidelines contain specific Best Management Practices for electric transmission line and substation construction. These guidelines will be followed during the construction of this project. A copy of this guideline is attached as Exhibit 3 of this application.

There will be 480 square feet of permanent wetland fill associated with the placement of the 345 kV transmission line structures and 0.3 acre of fill associated with the expansion of the Maguire Road Substation. The MPRP project will also entail temporary wetland fill (construction access ways, construction mats, etc.). Temporary wetland fill areas will be restored to their pre-existing conditions and functions upon completion of the work in the wetland areas.

CMP has designed the project to avoid and minimize both permanent and temporary wetland fills to the greatest extent practicable. During the analysis of potential route alternatives, a principal consideration in identifying the least environmentally damaging practicable alternative was to utilize existing transmission corridors to the maximum extent possible. Co-locating MPRP within the existing transmission line corridor minimizes impacts to vegetation, wildlife habitat, streams, vernal pools, and wetlands when compared to Greenfield corridors. Wetlands on the Kennebunk transmission line corridor were field verified and mapped by wetland scientists. This information was used to minimize the number and placement of structures in wetlands.

CMP has obtained a Natural Resources Protection Act permit (NRPA) and a Site Location of Development permit (SLODA) from MDEP, and a Section 404 Clean Water Act Permit from USACE for this Project.

D. Clearing or removal of Vegetation for Activities other than Timber Harvesting

CMP is required by federal law to comply with vegetation management standards, as specified by the North American Electric Reliability Corporation (NERC) Standard FAC-003-1. These standards are designed to ensure the safe and reliable operation of the transmission lines by limiting the chances of contacts between the lines and the vegetation, which can cause outages and safety hazards. Failure to comply with these requirements can result in fines of up to \$1 million.

CMP is also required by the MDEP permit to implement a Vegetation Management Plan (VMP) for the MPRP. This VMP establishes the most stringent vegetation management standards for a transmission line project that MDEP has ever required to protect sensitive natural resources, such as wetlands, stream and certain wildlife habitats. The VMP is attached as Exhibit 17.

The amount of clearing will be limited to that which is necessary for development of the project. Generally, this is limited to removal of species that are capable of growing tall enough to interfere with the transmission lines (so-called “capable species”). In some instances, the occasional removal of mature “danger trees” may be necessary. Danger trees are trees that are large enough and positioned in such a manner that they could fall into the conductor, thereby posing a severe reliability risk. The removal of danger trees is a relatively infrequent activity.

In general, capable species are cut at ground level. Root systems are left intact to the extent practicable. All slash (i.e., limbs, tree trunks, wood chips, etc.) from the cutting operation is managed in accordance with the Maine Slash Law (12 M.R.S.A. § 9333). The remaining vegetation is typically composed of scattered growth of small shrubs of non-capable species and herbaceous plants. After initial clearing, the condition of these cleared areas generally resembles that of a high-quality forestry operation.

After construction is completed, non-capable species are allowed to grow to ensure that the corridor is vegetated, which prevents erosion and provides wildlife habitat. Over a relatively short period of time (generally within one calendar year), the newly cleared portions of the corridors will exhibit the early-successional habitat type that is typical of existing transmission line corridors in Maine.

E. Piers, Docks, Wharves, Breakwaters, Causeway, Marinas, Bridges, and Uses Extending Over or Below the Normal High Water Line of a Water Body or Within a Wetland

Project construction will require crossing through wetlands and over streams, resulting in the use of structures such as bridges and wetland mats. Temporary access ways will be designated and established within the ROW to provide construction equipment access to the structure locations. This will be an ongoing process as access will be established to areas undergoing immediate construction. As construction progresses, new access ways will be established and obsolete ones will be discontinued.

During frozen ground conditions without snow, access through most wetlands can be completed without the use of mats. Most stream crossings will be completed using construction mats though some temporary bridges may also be constructed. During winter construction with snow cover, packed snow access ways (“snow roads”) and ice roads will be created to provide a solid surface for heavy equipment to traverse. The need for construction mats for all frozen ground conditions will be evaluated and discussed among the third-party inspectors, CMP’s inspector, and the contractor on a case-by-case basis.

During non-frozen ground conditions, either timber or composite construction mats will be utilized to cross wetlands with standing water and/or organic soils, as well as streams and other areas particularly susceptible to rutting and erosion. There may be instances where the third-party inspectors, CMP’s environmental inspector, and contractor conclude that mat installation, use, and removal would cause more disturbance than if no mats were used; in these cases, mats may not be used.

Cutting of non-capable vegetation, such as shrubs, in wetlands will be limited to those areas necessary for safe access. In these areas cutting will be selective. It is a priority to lay construction mats on top of shrub vegetation. No extensive grubbing (grading to remove root systems) within wetland crossing areas will be done prior to mat placement. However, some minor grading may be required to ensure mat stability and construction access safety. All such

grading will be performed on a limited basis and only with prior approval by CMP's environmental inspector.

CMP will seek to avoid crossing streams when practical, such as by obtaining permission from abutting landowners to access the corridor from the opposite side of a stream. When crossings are necessary, culverts and temporary bridges will be used to cross streams regardless of site conditions, including Branch Brook. For culvert crossings, the necessary number of culverts (to be determined in the field) underlain by geo-textile fabric will be constructed. Clean rock and gravel fill will be placed on the fabric and around the culvert(s) to produce a stable, safe temporary crossing. No grubbing within wetland and/or stream crossing areas will be done prior to installation of the path. If there is high surface water flow within some wetlands, cross culverts may be installed to enable water to flow from one side of the access path to the other. Temporary bridges will be created using construction mats, typically timber mats. Appropriate erosion controls will be installed wherever necessary. If necessary, mats will be placed parallel to the upland edge as abutments to further protect bank stability and establish stability. Streams that are too wide to cross with construction mats or temporary bridges will be avoided. Within the construction corridor itself, these access ways have been designed to cross wetlands at their narrowest or driest points.

On occasion, long term access ways will be needed for constructing portions of the MPRP. These access ways will need to be sufficiently stable to provide access for heavy equipment including concrete trucks needed to pour concrete for structure foundations. In wetlands, the path will consist of the following options:

- Geo-textile fabric overlain with wood construction mats installed perpendicular to the path of travel;
- Geo-textile fabric overlain with clean rock and gravel fill with occasional culverts installed for cross drainage in areas with, or with the potential for, surface flow through wetlands. This option will be used on a limited basis and will only be employed when the construction mat option is not possible or desirable due to soil conditions, hydrology, etc.

See Exhibit 3 for detail on access ways and water crossings.

To the extent possible, these access ways will be installed on existing all terrain vehicle (ATV) and other unimproved trails that are currently located in and along the MPRP corridor. Construction of these access ways will require occasional clearing of heavy shrub growth and grading (only in uplands) for safe access; however, the amount of grading required will be minor and will be limited to uplands.

When possible, CMP will also seek to obtain permission to use private, off-ROW access ways that may enable the contractor to further avoid certain streams and wetlands. All longer-term access ways will be removed from all water resources (including wetlands and streams) following the completion of construction activities. In addition, all pre-construction contours and drainage ways will be restored to the maximum extent practicable; therefore, all wetland and stream impacts associated with the new heavy-duty access path are considered temporary. These areas will then be seeded (if necessary) and stabilized with straw mulch or a layer of erosion control mulch.

F. Campgrounds

Not applicable.

G. Roads, Driveways and Parking Areas

Access to the existing transmission corridors will be needed during construction. Access to CMP's rights-of-way (ROW) will be gained over existing public roads, private land over which CMP has access rights, and existing CMP-maintained access points and ways used for routine and emergency maintenance by its own vehicles. There will be no new permanent roads or driveways associated with the project. Temporary light duty access ways will be established for use during the construction phase, including construction within the shoreland areas. This will be an ongoing process as access will be established to areas undergoing immediate construction. All access ways are temporary and will be removed once construction is complete. These temporary ways will not add any impervious surface area associated with the project. Areas where soils have been disturbed will then be mulched with hay and vegetation will be allowed to reestablish once the temporary access ways have been removed.

Temporary access ways will be needed in the Shoreland Overlay District and Resource Protection District to access the transmission line structures to be constructed in those same districts, and therefore, the temporary access ways will not meet the setback standards. The Planning Board and/or Site Plan Review Board may approve roads that are exempt from the setbacks imposed by Article 8, Section 16.D upon finding that no reasonable alternative exists, that no greater setback can be achieved, and that appropriate techniques will be used to prevent sedimentation of the water bodies. The temporary access ways will be removed once construction is complete and the disturbed areas restored (see Exhibit 3 for access way construction detail).

There are no parking areas associated with this project.

H. Sanitary Standards

Not applicable.

I. Signs

Not applicable.

J. Timber Harvesting

Not applicable.

K. Water Quality

During the construction phase, potential sources of groundwater contamination will be limited to fuel, and hydraulic and lubrication oils used in the operation and maintenance of vehicles and construction equipment. Spill reporting and cleanup procedures will be in place to promptly remediate any spills. To minimize spill potential during construction, no fuel storage, vehicle/equipment parking and maintenance, and refueling activity will occur within 100 feet of a protected wetland or other waterbody, within 200 feet of a private water supply, or within 400 feet of a public water supply.

The multiple methods, plans, and procedures to prevent groundwater degradation during construction, operation, and maintenance of the proposed MPRP transmission lines are incorporated in CMP's *Environmental Control Requirements for Contractors and Subcontractors - Oil and Hazardous Material Contingency Plan* (see Exhibit 5). These procedures establish a set of minimum requirements for spill prevention and response. The procedures incorporated into the plan have proven successful for preventing spills and for addressing spills if they occur. CMP's environmental inspectors will ensure that all personnel working on the site follow these procedures.

CMP employees follow the procedures outlined in CMP's Spill Management and Prevention section of CMP's Environmental Procedures Manual for response to any spills of oil, gasoline, hydraulic oil, or other similar substance. These procedures are similar to those outlined in Exhibit 5 for contractors, and cover reporting, immediate response, cleanup, and documentation. Employees operating construction vehicles will be trained to promptly contain, report, and clean up any spill in accordance with standard procedures. In the event of a spill of oil or hazardous material, on-site personnel will immediately invoke standard spill reporting and clean-up procedures.

Spills that are properly cleaned-up will not pose a risk to groundwater quality. Based on normal operations and the typical timeliness and thoroughness of routine spill clean-ups, there is no need for ongoing groundwater monitoring in response to construction of the MPRP transmission lines.

After construction, the transmission line corridors will be maintained to encourage the growth of scrub-shrub vegetation. CMP will use a selective herbicide program to treat an area once every four years to maintain an early successional stage of growth. Herbicide is selectively applied using a backpack applicator to capable species to prevent growth, or re-growth of a cut plant, of individual plants. No broadcast application is used. CMP does not use herbicides within 25 feet of any waterbody or wetland with standing water, or within 100 feet of known private wells or springs, and 200 feet of public water supply wells or intake. Furthermore, CMP will not store, mix or load any herbicide within 100 feet of any surface water. All field crews performing vegetation control are supervised by individuals certified by the Maine Pesticide Control Board, and all herbicides are EPA registered.

Neither the proposed transmission lines nor the expanded substation will adversely affect any mapped aquifers, the quality or quantity of groundwater, or any public or private water source. Temporary impacts to surface water drainage may occur during construction; however these impacts will be short-term and isolated to areas immediate to construction efforts.

L. Erosion and Sediment Control

CMP has developed a standard manual, "*Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects*" (2010) (Exhibit 3), which it uses as standard practice for all transmission line and substation projects. This manual contains erosion and sedimentation control requirements, standards, and methods that will be used to protect soil and water resources during construction of the various MPRP components. The manual was developed in consultation with the Maine Department of Environmental Protection (MDEP) and is based on MDEP's *Maine Erosion and Sediment Control BMPs*, dated March 2003, and Chapter 500 (Stormwater Management) of DEP's Rules. CMP's guidelines

contain specific Best Management Practices for electric transmission line and substation construction. These guidelines will be followed during the construction of this project.

M. Storm Water Runoff

The construction and development of the MPRP has been designed to minimize storm water runoff. A stormwater management plan has been designed for the substation yard expansion in accordance with Maine Department of Environmental Protection requirements (Chapter 500) and is being submitted as part of this application (see Exhibit 8). Stormwater from the substation site will not be directed to the municipal storm drainage system.

With the exception of the immediate area occupied by the transmission line structures, there is no additional increase in impervious surface area associated with the transmission line upgrades. Combined with the fact that the corridor will remain vegetated and the steps that will be taken to control erosion and sedimentation, there will be no adverse impact on storm water run-off.

N. Archaeological Sites

During the past several years, CMP has engaged in extensive consultation with the Maine Historic Preservation Commission (MHPC) regarding the investigation of precontact archeological, postcontact archeological, and historic architectural resources within the MPRP area of potential effect (APE) that are listed on or eligible for listing on the National Register of Historic Places (NRHP). During the period 2008-2009, CMP's consultants conducted reconnaissance level precontact and postcontact cultural resource surveys to identify resources that might be impacted by project related activities within the MPRP APE. After consultation with the MHPC regarding the results of the reconnaissance level surveys, CMP conducted more intensive level surveys to determine site significance (eligibility for listing in the National Register of Historic Places) on a number of potentially eligible archaeological sites within the APE. Similarly, during the period 2008-2009, CMP's consultants conducted architectural surveys in accordance with MHPC guidelines to identify any potential historic above-ground structures that are listed on or eligible for listing on the NRHP that are located within the APE and to determine any adverse impacts on those properties from MPRP.

As a result of these surveys, the MHPC determined that MPRP would not have an adverse effect on any precontact or postcontact archaeological sites that are listed on or eligible for listing on the NRHP in Kennebunk. The MHPC also determined that MPRP would not have an adverse effect on any historic architectural structures in Kennebunk that are listed on or eligible for listing on the NRHP.

P. Shoreland Mitigation Plan

Because the project will result in less than an acre of wetland fill, a shoreland mitigation plan is not required for this project. Approximately 0.30 acre of wetland will be permanently filled as part of the Maguire Road Substation expansion and approximately 0.01 acre of wetlands will be permanently filled by the placement of 12 structures in shoreland zones and 8 structures in wetlands (total wetland fill in Kennebunk is approximately 0.31 acre).

The construction of the MPRP transmission line in Kennebunk will be limited to the existing service corridor. A guiding principle in the design of the MPRP transmission line upgrades has been to utilize the existing transmission line corridors to the maximum extent possible. Co-

location of the transmission line upgrades, as opposed to the creation of new corridors, has multiple benefits, including the minimization of impacts to communities, individual property owners, and the environment. Within the Town of Kennebunk, the construction of the new 345 kV transmission will occur within the existing transmission line corridor. Widening the existing corridor is preferable to creating an entirely new corridor to accommodate the new 345 kV line.

No reasonable alternative exists to the construction of the MPRP in the shoreland zones and wetland areas, and the MPRP has been located so as to minimize any adverse impacts on surrounding uses and resources. Because the project will occur within the existing transmission line corridors, and because these corridors cross the shoreland zones as described on pages 16 and 17, these shoreland zones and wetlands could not be avoided, nor can setbacks be met pursuant to Article 8, Sec. 16.D(1). While these areas must be crossed, CMP has designed the upgrades to minimize the number of poles in the shoreland zones and wetlands and minimize the impact on the resources.

This project meets all applicable Federal and State permit requirements. The project has been approved by the Maine Department of Environmental Protection (Natural Resources Protection Act and Site Location of Development Act permits approved) and the U.S. Army Corps of Engineers (Section 404 and Section 10 permits approved).

Section 4. Aquifer Protection

A. Applicability

This section shall apply to all lands within the Branch Brook Aquifer Protection District. For land subject to the standards of both aquifer protection and shoreland areas, where there is conflict between these standards, the stricter shall apply. Zones A and B refer to the areas of the Branch Brook Aquifer Protection District as defined in Article 8, Section 2(B), and as delineated on the official aquifer protection district map.

Approximately 3,000 feet of the proposed 345 kV transmission line crosses the Branch Brook Aquifer Protection District (BBA and BBB).

B. Clearing and Timber Harvesting

CMP is required by federal law to comply with vegetation management standards, as specified by the North American Electric Reliability Corporation (NERC) Standard FAC-003-1. These standards are designed to ensure the safe and reliable operation of the transmission lines by limiting the chances of contacts between the lines and the vegetation, which can cause outages and safety hazards. Failure to comply with these requirements can result in fines of up to \$1 million.

CMP is also required by the MDEP permit to implement a Vegetation Management Plan (VMP) for the MPRP. This VMP establishes the most stringent vegetation management standards for a transmission line project that MDEP has ever required to protect sensitive natural resources, such as wetlands, stream and certain wildlife habitats. The VMP is attached as Exhibit 17. The amount of clearing will be limited to that which is necessary for development of the project, which is a conditional use in all pertinent districts, and is generally limited to removal of species that are capable of growing tall enough to interfere with the transmission lines (so-called “capable species”). In some instances, the occasional removal of mature “danger trees” may be

necessary. Danger trees are trees that are large enough and positioned in such a manner that they could fall into the conductor, thereby posing a severe reliability risk. The removal of danger trees is a relatively infrequent activity.

In general all trees, saplings of capable species, and sometimes tall shrubs, are cut at ground level. All root systems are left intact to the extent practicable. All slash (i.e., limbs, tree trunks, wood chips, etc.) from the cutting operation is disposed of in accordance with the Maine Slash Law (12 M.R.S.A. § 9333), though none will be burned pursuant to this section of the Ordinance. The remaining vegetation is typically composed of scattered growth of small shrubs of non-capable species and herbaceous plants. After initial clearing, the condition of these cleared areas generally resembles that of a high-quality forestry operation.

After construction is completed, non-capable species are allowed to grow to ensure that the corridor is vegetated, which prevents erosion and provides wildlife habitat. Over a relatively short period of time (generally within one calendar year), the newly cleared portions of the corridors will exhibit the early-successional habitat type that is typical of existing transmission line corridors in Maine.

Adequate buffer strips between exposed mineral soils and the normal high water mark as detailed in Article 10, Part A, Section 4, B, (4) will be provided and soil disturbance will be minimized. CMP has developed a standard manual, "*Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects*" (2010), which it uses as standard practice for all transmission line and substation projects. This manual contains erosion and sedimentation control requirements, standards, and methods that will be used to protect soil and water resources during construction of the various MPRP components. The manual was developed in consultation with the Maine Department of Environmental Protection (MDEP) and is based on MDEP's *Maine Erosion and Sediment Control BMPs*, dated March 2003, and Chapter 500 (Stormwater Management) of DEP's Rules. CMP's guidelines contain specific Best Management Practices for electric transmission line and substation construction. These guidelines will be followed during the construction of this project (see Exhibit 3).

C. Agriculture

Not applicable.

D. Animal Husbandry

Not applicable.

E. Runoff, Drainage, and Dry Wells

The construction and development of the MPRP has been designed to minimize storm water runoff. With the exception of the immediate area occupied by the transmission line structures, there is no additional increase in impervious surface area associated with the transmission line project. Combined with the fact that the corridor will remain vegetated and the steps that will be taken to control erosion and sedimentation, there will be no adverse impact on runoff or drainage. Dry wells will not be required as part of the project.

F. Pollutant Levels

The project has been designed to prevent water pollution. All contractors and subcontractors working on behalf of CMP are required to comply with CMP's *Environmental Control Requirements for Contractors and Subcontractors – Oil and Hazardous Material* (Exhibit 5). These requirements provide that storage, transport, and use of oil, hazardous materials and wastes must be in accordance with best management practice and applicable local, state, and federal regulations; that uncontrolled spills or releases to the environment be avoided; and that sufficient spill cleanup and containment supplies be maintained on-site to control releases of oil, hazardous materials or wastes. The requirements also include specific procedures for spill reporting. All necessary precautions and regulatory standards and requirements will be instituted and followed during all phases of construction to ensure protection of all water sources and water bodies. As a result, there shall be no pollutant introduced into the soil that will cause groundwater to exceed any regulatory standard.

G. Petroleum Storage

There will be no petroleum product storage associated with this project.

H. Subsurface Waste Disposal Systems

Not applicable.

I. Home Occupations

Not applicable.

J. Sand and Gravel Extraction

Not applicable.

K. Junkyards/Automobile Graveyards

Not applicable.

L. Disposal of Solid Waste, Hazardous Materials, or Leachable Materials

There shall be no disposal of solid waste, hazardous materials, or leachable materials on the project site. Waste electrical system and construction process components such as scraps of cable, cable spools, poles, and ceramic insulators will be generated. Most of these materials will be recycled or reused. Construction equipment will generate small amounts of waste plastic containers for oils and lubricants, broken filters and belts, and damaged tires. Construction and managerial staff will generate some waste such as paper, bottles, cans, plastics, and food scraps. All of these materials will be recycled or shipped to a licensed landfill, transfer station, or incinerator.

Hazardous materials will be not be generated during construction or operation of the substation or transmission lines.

M. Use of Herbicides and Pesticides

The MPRP electrical transmission line corridor will be maintained to encourage the growth of scrub-shrub vegetation that will not present safety or electrical reliability problems. Trees within the corridor that have the potential to grow up into the safety zone of the conductors (“capable species”) must be removed for safety and reliability reasons. Central Maine Power (CMP) will use a selective herbicide program to treat areas once every four years to maintain an early successional (scrub-shrub and herbaceous) stage of vegetation. All herbicide usage will be in compliance with all label requirements and standards established by the Maine Board of Pesticides Control (MBPC). Herbicides will be selectively applied (using a low-pressure backpack applicator) to capable species to prevent growth of individual plants (or re-growth of a cut plant). No broadcast application will be used, and CMP will not use herbicides within 25 feet of any waterbody or standing water. In addition, CMP will not use herbicides within 100 feet of a known private well or spring or 200 feet of a public wells or intakes. Furthermore, CMP will not store, mix or load any herbicide within 100 feet of any surface water. Only trained applicators working under the supervision of MBPC licensed supervisors will apply herbicides. Finally, herbicides will be applied only during periods when potential for rain wash off is minimal.

CMP will apply for a permit from the Hazardous Material Control Board pursuant to Article 5, Section 6.D for use of herbicides within the Branch Brook Aquifer Protection District..

N. Off-Road Vehicles

Off-road vehicles will not be used in Zone A as part of this project.

Part B. Site Elements

Section 6. Private Outdoor Lighting

A. In all zoning districts, all outdoor lighting shall be located, shielded and directed in a manner which prevents excessive illumination levels, prevents glare on nearby streets and sidewalks, and prevents light trespass beyond the property lines, except where adjacent non-residential uses have been an approved, shared lighting plan as described below.

The Maguire Road Substation expansion will require outdoor lighting, and will follow the standards as described in CMP’s “*Yard Lighting Design Basis Manual, Specification 1000-A7-S01, Revision 0*” dated September 24, 2009 and attached as Exhibit 6. Lighting associated with the expansion will mimic the lighting features and components of the existing substation facility. All lighting will be located, shielded, and directed in a manner that avoids excessive illumination levels, prevents glare, and prevents light trespass.

Substation yard and control house lighting will be installed for security and night maintenance purposes. Several factors are considered in the substation yard lighting design, including: public impact, ordinance requirements, security, maintenance, light pollution, spillage, and lighting system control.

The approach to the lighting design is to achieve, to the extent practical, an average of 2 foot-candles at grade level throughout the substation with all proposed perimeter, work lights, and

exterior luminaires on. It is common that some areas can maintain higher foot-candle values but these foot-candle patterns will be with all the luminaires energized at the same time, including the perimeter lights, working lights and exterior control house lights. This is a rare scenario that would only happen in an emergency or maintenance situation. When the working lights are off, the center of the yard and associated equipment and bus would be dimly lit. Dusk-to-dawn lighting will be provided to access the control house for facilitating the means to illuminate the substation, for supporting normal operations, and to otherwise support a more light-friendly environment.

Exterior control house lights shall be wall-mounted 70W exterior, “full cut off – down luminaire”, or an approved equal. One fixture will be mounted above each control house entry. Controls for wall mounted luminaires will be designed such that they are selectable to be manually turned on and off or placed in an “auto” mode via a control switch. The “auto” position would allow CMP to select a continuous “dusk to dawn” operation as controlled by a photo eye. “Auto” may be considered the normal mode of operation. The primary function of the control house mounted exterior luminaires is for maintenance (night time visibility to the control house for utility workers) as well as overall station and control house security and efforts to deter vandalism.

As part of the substation yard construction, “full cutoff” perimeter luminaires, or an approved equal, will be installed along interior fence lines in areas that are susceptible to vehicular maintenance traffic. These down-lights can also be utilized for security and general lighting. The down light type luminaires will be installed on wooden poles, illuminating the area below for maintenance traffic. The luminaires will be installed in serviceable locations and away from live substation conductors and equipment. Poles will be placed at a minimum of 5 feet on the inside of the perimeter fence for security reasons. The controls for the perimeter luminaires will be designed such that they may be manually turned on and off or placed in an “auto” mode via a control switch. The “auto” position would allow CMP to select a continuous “dusk to dawn” operation, as controlled by a photo eye, when the selector switch is placed in that position. The normal operation would be to place the perimeter lights in an "off" position which would not allow them to operate automatically. Certain operational or security requirements may warrant operating these lights in the "auto" mode.

Outdoor “work lights” will be installed on appropriate structures such as steel lightning masts and other structures as required throughout the substation yard for maintenance and operation purposes. These flood type luminaires will be directed to areas common for maintenance and switching but operated so as not to contribute to light pollution. The luminaires will be installed at a tilt determined by the lighting design such that the aiming point is directed to high voltage equipment at the standard bus heights. The work light controls will be designed such that they may be manually turned on and off only, with no “auto” mode, as the intended use is for occasional and specific night time use only and not for security or general lighting.

All exterior lighting will be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.

There is no lighting associated with the transmission line component of the MPRP project.

Section 7. Signs

CMP will apply to the code enforcement officer for additional signs to be installed at the Maguire Road Substation. These signs will be installed on the inside of the substation fence and gate panels in accordance with National Electric Safety Code (NESC) requirements as follows:

- A standard “DANGER HIGH VOLTAGE” sign (10” by 14”) will be placed at each main and secondary gate panel per gate location as well as within ten (10) feet of each fence corner, and not more than 50 feet apart along the fence line.
- A standard “CAUTION ENERGIZED LINES OVERHEAD” sign (14” by 10”) will be placed at each substation main and secondary gate panel.
- A standard “Substation Information” sign (12” by 18”) will be placed at each substation main and secondary gate panel containing the Company’s name, name of the substation and emergency contact information.

Photos of the above signs (taken at the existing Maguire Road substation) are provided in Exhibit 7.

The Maguire Road Substation is located in the Rural Conservation (RC) district. Sign standards for the RC district (Art. 10, Sec. 7 E(1)(a)) limit the maximum number of signs per lot to one sign. CMP cannot meet this requirement due to the number of signs associated with the substation yard expansion and number of signs that are associated with the current substation yard. All signs associated with this project are safety signs notifying the general public and CMP’s employees and contractors of electrical hazards within the confines of the substation security fence.

There are no signs associated with the transmission lines.

Section 8. Reserved

Not applicable.

Section 9. Off-Street Parking

Not applicable.

Part C. Residential Uses**Section 10. Multifamily Dwellings and Multifamily Lots**

Not applicable.

Section 11. Elderly Congregate Housing

Not applicable.

Section 12. Affordable Housing

Not applicable.

Section 13. Mobile Home Park Development

Not applicable.

Section 14. Home Occupations

Not applicable.

Section 15. Accessory Apartment

Not applicable.

Part D. Mixed Uses and Nonresidential Uses

Section 16. Mixed Residential and Commercial Uses

Not applicable.

Section 17. Motels, Hotels and Inns

Not applicable.

Section 18. Keeping of Horses

Not applicable.

Section 19. Kennels

Not applicable.

Section 20. Day Care Centers and Nursery Schools

Not applicable.

Section 21. Small Wind Energy Systems (SWES)

Not applicable.

ARTICLE 11, SITE PLAN REVIEW

The MPRP project must comply with Article 11 approval standards and criteria under Section 3.

Section 7. Waiver of Submission Requirements

The Site Plan Review Board, in its sole discretion, may modify or waive any of the submission requirements for a major site plan application when it determines that, because of the type or size of the project or circumstances of the site, such requirements would not be applicable or would be unnecessary to determine compliance with the approval standards and that such modification or waiver would not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

CMP requests waivers from the following submission requirements as outlined in “Section 6. Submission Requirements” of this Ordinance:

- *Sec. 6. A(3) – site plan drawn at a scale of not more than 50 feet to the inch*

The transmission line component of the project extends for approximately 5.5 miles (29,040 feet) through Kennebunk. For the convenience of municipal officials, the transmission line plans developed for municipal permitting applications for this project are typically in an 11” by 17” format. At a scale of 50 feet to the inch, this would translate into approximately 34 individual sheets of transmission line plans for the proposed transmission line through Kennebunk. CMP proposes to provide transmission line plans at a scale of 300 feet to the inch for this project (approximately 8 individual sheets) instead.

Given the nature of the development as a linear project, which, among other things, requires limited site work, transmission line plans at a scale of 300 feet to the inch still provide an adequate scale of detail for site plan review. Thus, this waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6. A(3)(f) – boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.*

As the site plan for the transmission line component consists of multiple sheets (due to length of project – 5.5 miles), for the convenience of the Board CMP proposes to provide a separate plan (1 mile to the inch) showing contiguous property to the project property. CMP’s contiguous properties to the project area consist of other transmission lines extending east and west across the width of Kennebunk that intersect with the project corridor. This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6. A(3)(g) – zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone.*

As the site plan for the transmission line component consists of multiple sheets (due to length of project – 5.5 miles), for the convenience of the Board CMP proposes to provide a separate plan (1 mile to the inch) showing the project area in relation to the various applicable zoning

districts. This waiver will not adversely affect properties in the vicinity of the general health, safety, and welfare of the Town.

- *Sec. 6. A(3)(h) – the bearings and distances of all property lines of the property to be developed and the source of this information.*

As the site plan for the transmission line component consists of multiple sheets (due to length of project – 5.5 miles), for the convenience of the Board CMP proposes to provide a separate plan (1 mile to the inch) with distances and bearings associated with the 5.5 miles of project transmission line corridor and a separate set of plans for the substation property. This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6. A(3)(j) – the location, dimensions, front view, and ground floor elevations of all existing and proposed buildings on the site, and the front view of the proposed building.*

Due to the amount of detail included on the Maguire Road Substation parcel site plan, for the convenience of the Board CMP proposes to provide a separate set of plans of the existing buildings associated with the substation and the proposed control house expansion. This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6. A(3)(p) – the direction of drainage within and off the site.*

CMP requests a waiver of this submission requirement for the transmission line component of the project. Existing drainage patterns within the transmission line corridor will not change as a result of construction of an additional line within the corridor. Under the terms of the approved MDEP Natural Resources Protection Act/Site Location of Development Act permits, drainage patterns on the transmission line corridors cannot be altered; therefore, this information is unnecessary to determine compliance with approval standards. This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6. A(3)(t) – location, front view, and dimensions of existing and proposed signs.*

Due to the amount of detail included on the Maguire Road Substation parcel site plan, CMP proposes to provide the front view and dimensions of the various signs associated with the substation expansion as a separate exhibit to the application. This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6. A(3)(v) – location and type of existing and proposed exterior lighting.*

A copy of CMP's "Yard Lighting Design Basis Manual, Specification 1000-A7-S01, Revision 0" is included as Exhibit 6 of this application. This document provides general descriptions and guidelines for lighting at CMP substation facilities. Until the final design of the substation is complete, CMPO will not be able to provide an exterior lighting plan pursuant to standards in Article 10, Part B, Section 6(B).

CMP requests a waiver of this submission requirement and site plan review conditional approval on this point requiring the filing of a plan and compliance with the above-described standards.

This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6 B(2) – existing and proposed topography of the site at two foot contour intervals, or such other interval as the Board may determine, prepared by a certified surveyor, professional engineer licensed in the State of Maine, or registered landscape architect.*

CMP requests a waiver of this submission requirement for the 5.5 miles of transmission line corridor as the topography will not be altered, and therefore this level of contour information is not needed to determine compliance with approval standards. This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6 B(3) – a soils map of the site based on a high intensity soil survey prepared by a licensed soils evaluator or by a professional engineer in the State of Maine.*

CMP requests a waiver of this submission requirement for the 5.5 miles of transmission line corridor due to the size of the project (231 acres) and its existing use as a corridor for high voltage transmission lines. Based on analysis of the Soil Survey Geographic Database (USDA) and the long-standing use of the site for this same purpose, soils will accommodate the proposed transmission line. CMP has provided Natural Resources Conservation Service Soils Mapping as an exhibit in the application. A high intensity soil survey of the transmission line corridor is unnecessary and not needed for this project component. This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6 B(5) – a storm water drainage and erosion control plan prepared by a professional engineer licensed in the State of Maine or registered landscape architect.*

In granting its approval for the project, MDEP determined that a stormwater analysis was not required for the transmission line corridors because the vast majority of transmission line improvements are limited to vegetation management only. CMP requests a waiver of the storm water drainage requirement for the 5.5 miles of transmission line corridor, as existing drainage conditions will not be altered within the corridor due to the construction of the proposed transmission line, and therefore this requirement is unnecessary and not needed for this project component. This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6 B(7) – a landscape plan, including a planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site.*

A component of the proposed 345 kV transmission line project is additional clearing of the existing transmission line corridor. CMP's existing corridor varies from 300 to 340 feet in width with a current maintained width of 240 to 290 feet. Construction of the 345 kV line

will require removal of all capable species from the full width of the transmission line corridor.

CMP proposes to provide a 25 foot wide buffer along the easterly edge of the transmission line corridor, which is the edge of the corridor closest to the new transmission line development, as described in the next section of this application (Section 8(2) below). This buffer will be composed of existing natural non-capable species within the transmission line corridor supplemented by plantings to obtain a density of 20 shrubs per 1,000 square feet of buffer area with a minimum height of three (3) feet. This 25 foot wide buffer will extend the length of the corridor in Kennebunk (approximately 5.5 miles) and will cover an area of approximately 726,000 square feet (16.6 acres) and will require approximately 14,520 plants with a minimum height of 3 feet to meet the planting density.

Until the clearing of the corridor and construction is completed, CMP will not be able to ascertain the density of existing/surviving non-capable species to determine the amount and type of supplemental plantings needed to meet the above density target, and therefore cannot develop a landscape plan at this time. CMP will commit to filing a detailed planting schedule once construction is complete and it can be determined what areas do not naturally meet the density requirements.

CMP requests a waiver of this submission requirement and site plan review conditional approval on this point requiring the filing of a plan and compliance with the above-described standards.

This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

- *Sec. 6B(9) – A lighting plan, showing locations of and type of fixtures, shielding method, level of illumination (foot-candles) and fixture height for all site lighting, in addition to the information required in Article 10, Section 6.*

Lighting will be based on CMP's "Yard Lighting Design Basis Manual, Specification 1000-A7-S01, Revision 0" (Exhibit 6). Once final design for the substation expansion is complete, CMP will submit a lighting plan pursuant to Article 11, Sec. 6B(9) and Article 10, Section 6. CMP requests a waiver of a lighting plan for the substation expansion and site plan review conditional approval upon submittal of a lighting plan in compliance with Article 11, Sec 8(9). This waiver will not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

Section 8. Approval Standards and Criteria

- (1) Preserves the natural landscape insofar as practical and adequately uses the natural features of the site and/or new landscaping to define, soften, and screen the impacts of development.*

With the exception of permanently filling a small amount of wetlands (0.31 acres) the MPRP project will preserve existing wetlands, stream corridors, steep slopes, and sensitive areas within the Town of Kennebunk. The filling of these wetlands has been approved by the MDEP and the U.S. Army Corps of Engineers. Project impacts are being offset through CMP's compensation plan that will permanently protect more than 4,500 acres of land containing various natural

resources including wetlands, as well as a substantial contribution (\$1.5 million) to the MDEP “In Lieu Fee Compensation Program”.

The MPRP would expand the impact of the existing transmission line corridor through several areas identified in the Kennebunk Open Space Plan:

Open Space Site	Env. Priority Area	High Value Plant & Animal Habitat	Recreational Priority Area	Open Space Area	Visual Corridors
Branch Brook Corridor	Priority 1	yes	Trails		
Blueberry Plains Area	Priority 3	yes		yes	
Kennebunk River Corridor	Priority 1	yes	Trails		
Ward Brook	Priority 2	yes	Trails		
Mousam River West Corridor	Priority 1	yes	Trails		
Day Brook Corridor	Priority 2	yes			
Alewife Road Corridor					High Priority
Webber Hill Road Corridor		yes			High Priority

The location of the MPRP project in relation to Open Space Priority Areas is shown of Exhibit 15.

Though construction of the proposed 345 kV transmission line and Maguire Road Substation expansion will result in the placement of structures and equipment in these areas, they will not impact these areas any more significantly than the utility infrastructure that currently exists within the transmission line corridor and the substation yard. Plant and animal habitats have been identified and located as a result of intense field investigations and delineation within the project area. The project will be constructed and maintained in accordance with the Maine Department of Inland Fisheries and Wildlife’s (MDIFW) document entitled “*Maine Power Reliability Program: Conservation Management Standards for Avoidance and Minimization of Take and Harassment of State Endangered and Threatened Species.*” CMP will also submit an incidental take plan to MDIFW for approval for black racer snakes prior to start of construction

of the Maguire Road Substation expansion. To avoid impacts to RTE plant species, CMP will utilize erosion and sedimentation controls, equipment mats, and dormant-season construction timing.

Buffer plantings will be installed on both sides of Route 35 (Alewife Road) and the Webber Hill Road and on the north side of Maguire Road to mitigate for potential visual impacts of the project.

To compensate for project impacts to natural resources (wetlands, vernal pools, streams, wildlife habitats), CMP has developed a compensation plan that will permanently protect 13 parcels of land totaling in excess of 4,500 acres within the MPRP project area. This plan has already been approved by Maine DEP and the Army Corps. One of these parcels is the Day Brook Parcel, so-called, totaling 54 acres in Kennebunk. The parcel is south of Webber Hill Road and east of the Maguire Road Substation expansion site. The property is crossed by Day Brook and contains 12 acres of wetlands, two significant vernal pools, 29 acres of significant vernal pool habitat, seven non-significant vernal pools, and documented nesting upland sandpipers. The property is adjacent to MDIFW's Kennebunk Plains Wildlife Management Area and The Nature Conservancy's Kennebunk Plains Preserve and protects additional land identified in the town's Open Space Plan as High Values Plant and Animal Habitat and an Environmental Priority Area. This property will also expand the Town's Open Space Area. CMP proposes to convey this property to MDIFW for permanent conservation purposes.

Figure 6 of the Kennebunk Open Space Plan, shows the CMP transmission line corridor (and MPRP project area) as "Public/Semi-public and Other Open Space Areas". CMP has an open land policy on its transmission corridors that allows for low impact recreational activity. This will continue after construction of the MPRP project.

CMP is required by the North American Electric Reliability Corporation (NERC) to follow and meet various federal mandates for its facilities. NERC Standard FAC-003-1 requires transmission owners to develop and comply with a transmission vegetation management plan (TVMP) and must demonstrate compliance with TVMP on an annual basis. The TVMP provides standards for the operation and maintenance of transmission lines to ensure their operational reliability and public safety. The amount of clearing will be limited to that which is necessary for development of the project, which is a conditional use in all pertinent districts, and is generally limited to removal of species that are capable of growing tall enough to interfere with the transmission lines (so-called "capable species").

The existing contour and terrain of the transmission line corridor will remain largely unchanged as a result of this project. Material removed for the placement of transmission line structures will be backfilled and tamped around the structures. Any surplus material will be distributed the transmission line structures and mulched. Grading of the transmission line corridor will be minimal and limited to areas where necessary for the stabilization of construction mats for the safety of contractors working on the project.

There are no parking lots, paving exterior service, loading, storage, dumpster or utility areas associated with this project.

- (2) *For a nonresidential project, effective buffers are maintained or created between it and adjoining residential properties and residential zoning districts.*

Additional clearing of the CMP transmission line corridor will be necessary for the construction of the proposed 345 kV transmission line. This is to ensure compliance with federal requirements and to provide for public and employee safety. The clearing is generally limited to removal of species that are capable of growing tall enough to interfere with the transmission lines (so-called “capable species”).

However, CMP will provide a minimum 25 foot wide vegetative buffer within its transmission line corridor easterly of the proposed 345 kV transmission line. Buffer vegetation will be existing and/or planted non-capable species (see Exhibit 16 for list of approved non-capable species) with a planting density of 20 shrubs per 1,000 square feet of buffer area with a minimum height of three (3) feet at the time of planting. Buffer plants will be maintained at a maximum mature height of six (6) to ten (10) feet.

In addition, where an existing home is within 100 feet of the edge of the transmission line corridor nearest the proposed 345 kV transmission line, CMP shall make a good faith effort to work with the owner of the home to prepare a planting or buffering plan for installation on the homeowner’s property, and if authorized by the owner, CMP will be responsible for the implementation (but not ongoing maintenance) of the buffering plan.

(3) Filling, excavation and earth moving activity is carried out in a way that keeps erosion and sedimentation to a minimum.

The project will conform to CMP’s “*Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects*” (2010), which it uses as standard practice for all transmission and substation projects. This manual contains erosion and sedimentation control requirements, standards, and methods that will be used to protect soil and water resources during construction of the various MPRP components. The manual was developed in consultation with the Maine Department of Environmental Protection (MDEP) and is based on MDEP’s *Maine Erosion and Sediment Contrail BMP’s*, dated March 2003, and MDEP’s Chapter 500, and contains specific best management practices appropriate for electric transmission line and substation construction. Erosion and sedimentation control measures will comply with the Maine Erosion and Sedimentation Law and regulations.

No fill material will be stored within 50 feet of the banks of any stream, intermittent or perennial, or water body. The top of a cut or the bottom of a fill will not be closer than ten feet from a property line. Topsoil will only be removed from those areas to be developed, i.e., the Maguire Road Substation yard and the locations of transmission line structures.

(4) Adequate provision has been made for surface drainage, so that removal of storm waters will not have an unreasonably adverse affect on neighboring properties, downstream water quality, soil erosion, or the public storm drainage system.

A stormwater management plan has been designed for the substation yard in accordance with Maine Department of Environmental Protection requirements (Chapter 500) and is being submitted as part of this application. Stormwater from the substation site and the transmission line corridors will not be directed to the municipal storm drainage system. As this project will result in the disturbance of more than one (1) acre, it will meet the requirements of this subsection and the requirements of the Site Location of Development Law, 38 MRSA, 481-490, the Maine Stormwater Management Law, 38 MRSA Section 429-D, and regulations

promulgated there under, specifically Rules 500 and 502, and all subsequent amendments and revisions.

The complete stormwater management plan for the Maguire Road Substation expansion is attached as Exhibit 8. The proposed stormwater control system will be capable of handling a 25-year storm.

Impervious surface associated with the transmission line project, as determined by MDEP, are limited to the areas occupied by the transmission line structures. The construction of the transmission lines will result in an increase of approximately 2,700 square feet of impervious surface, spread out over the 5.5 mile length of the project. Therefore, there will be no significant stormwater run-off generated by the transmission lines. All new construction will be designed to minimize storm water run-off from the site in excess of predevelopment conditions. The transmission line project will not adversely affect any mapped aquifers, the quality of quantity of groundwater, or any public or private water source.

(5) Adequate provision has been made for water supply and sewerage disposal.

There will be no modifications to the existing water supply or sewerage disposal systems at the Maguire Road Substation. There are no water supply or sewerage disposal systems associated with the transmission line component of the project.

(6) The site plan provides for safe access to and egress from public and private streets, with adequate parking and internal circulation.

Access to the Maguire Road Substation expansion is over an existing public road (Maguire Road) and an existing gravel access road to the present substation entrance gates on the south side of the substation.

Access to the transmission line corridors will be needed during construction. Access to CMP's rights-of-way (ROW) will be gained over existing public roads, private land over which CMP has access rights, and existing CMP-maintained access points and ways used for routine and emergency maintenance by its own vehicles. There will be no new permanent roads or driveways associated with this component. Temporary access ways will be established for use during the construction phase, including construction within the shoreland areas. This will be an ongoing process as access will be established to areas undergoing immediate construction. All access ways are temporary and will be removed once construction is complete. Areas where soils have been disturbed will then be mulched with hay. Vegetation will be allowed to reestablish once the temporary access ways have been removed.

Parking areas, loading areas, and internal circulation access are not applicable to this project.

(7) Vehicular access to the site will be on roads which have adequate capacity to accommodate any additional traffic generated by the development.

There will be no traffic movement increases associated with this project, other than that associated with construction, which may result in slight increases for that time period. After completion, there will be no public vehicular access to the transmission line corridors, and traffic over the Maguire Road should not change.

(8) *The site plan provides for safe pedestrian circulation both on-site and off-site.*

The project being applied for under this application are public electric utility transmission facilities, and therefore do not have pedestrian facilities or improvements as part of the project.

(9) *Exterior lighting does not adversely affect neighboring properties or streets.*

See page 27 of this application for a description of the Maguire Road Substation lighting.

There is no exterior lighting associated with the transmission line component of the project.

(10) *Electrical and telephone utility lines and components serving the site will be placed in a manner that is not hazardous or unsightly.*

Adequate utility capacity already exists at the existing substation facility to service the proposed substation expansion. Electric service to the substation will be provided directly from transmission line circuits into the substation through stepdown transformers that will lower the voltage to a usable voltage. Communications to/from the substation will be provided through fiber optics in the transmission lines.

Utility capacity is not applicable for the transmission line component.

Section 9. Waiver of Criteria

See Sec. 8 above for requested waivers.

Section 10. Performance Guarantee

A. *No site plan approval shall be deemed final nor shall the final site plan be released until the developer has filed a performance guarantee with the Town Planner covering the following improvements:*

(1) *The construction of any streets or street extensions which are eligible to be accepted by the Town as public ways.*

Not applicable.

(2) *The construction of any water supply or sewerage system other than individual onsite facilities or evidence that a satisfactory guarantee has been approved by the appropriate district.*

Not applicable.

(3) *The construction of any drainage systems involving piping, culverts, or retention or detention facilities.*

There will be no alteration of existing natural drainage ways for the substation expansion component. Runoff from the expansion area will be collected in vegetated swales and conveyed to the existing infiltration basins or level spreaders. Infiltration basins will be modified as necessary to handle the additional volume from the expanded substation.

No permanent drainage systems will be constructed as part of the transmission line component. Temporary access ways may require culverts, but these will be removed upon completion of the project.

(4) The construction of erosion and sedimentation control measures or landscaping required to meet the standards of this Ordinance.

Erosion and sedimentation control measures will be used throughout the project and are detailed in Exhibit 3 of this application.

CMP has prepared a Visual Impact Assessment (VIA) for each segment of transmission line corridor and for each substation where physical changes will occur. The VIA follows the methodology and addresses the standards described in the Maine Department of Environmental Protection's (MDEP) Natural Resources Protection Act (NRPA) Chapter 315 Regulations and also addresses the standards in the Site Law's Chapter 375.14 (Scenic Character). This is the same format that was recently used for CMP's Maguire Road Project (rebuild of Section 163 transmission line and construction of the Maguire Road Substation).

Based on the VIA, visual buffer plantings consisting of native non-capable species will be installed at certain road crossings to minimize views into cleared transmission line corridors, including both sides of Route 35 (Alewife Road) and the Webber Hill Road and on the north side of Maguire Road to mitigate for potential visual impacts of the project. Detailed planting plans will be prepared by landscape architects for these three road crossings, and the plans will be implemented completion of construction activities.

The primary mitigation strategy being employed with the Maguire Road Substation expansion is to use the existing vegetation surrounding the site to screen most of the facility from public view. Additional visual buffer plantings will be installed to mitigate visual impacts on the scenic character of the surrounding area.

In addition, CMP will provide a minimum 25 foot wide vegetative buffer within its transmission line corridor easterly of the proposed 345 kV transmission line. Buffer vegetation will be existing and/or planted non-capable species (see Exhibit 16 for list of approved non-capable species) with a planting density of 20 shrubs per 1,000 square feet of buffer area with a minimum height of three (3) feet at the time of planting. Buffer plants will be maintained at a maximum mature height of six (6) to ten (10) feet.

In addition, where an existing home is within 100 feet of the edge of the transmission line corridor nearest the proposed 345 kV transmission line, CMP shall make a good faith effort to work with the owner of the home to prepare a planting or buffering plan for installation on the homeowner's property, and if authorized by the owner, CMP will be responsible for the implementation (but not ongoing maintenance) of the buffering plan.

(5) The construction of traffic improvements off the site necessary to meet the standards of this Article.

Not applicable.

- (6) *Other improvements required by the Board or the Committee to meet the standards of this Ordinance.*
- C. *The amount of the performance guarantee shall be 125 percent of the cost of furnishing, installing, connecting and completing in good working condition all of the street grading, paving, storm drainage, erosion control, utilities, and other similar improvements, as specified above, or at the reasonable cost of restoring the site, whichever is greater. All guarantees shall be conditioned upon the completion of all such improvements within two (2) years from the date of the approval of the plan, as recorded on the plan, or from the date of any required approval by a state agency, or from the date of the decision on an appeal, if any, affecting the approved site plan, whichever date occurs last. Upon the approval of the Site Plan Review Board or Staff Review Committee, this deadline may be extended by up to two six month periods.*
- D. *CMP acknowledges it may have obligations to provide a performance guarantee for certain aspects of the MPRP project. CMP would like to retain the option to have this project considered as a “phased development” for the purpose of providing an appropriate performance guarantee(s). Presently, work in Kennebunk is slated to begin in January 2011 and be completed in November 2013. Due to the scope of the project (450 miles of transmission line construction/upgrades and construction/expansion of 12 substations in 74 municipalities), events beyond the control of CMP (e.g., weather), and other unforeseen circumstances, the project schedule may need to change to compensate for these factors. This flexibility would allow CMP to provide appropriate guarantees to the Town and to ensure the project would be completed within the required timeframe (within 2 years of approval of the plan, with possibly two six month extension periods). The Site Plan Review Board may approve plans to develop a site plan in distinct phases, subject to a schedule mutually agreed upon by the board and the developer. The performance guarantee shall cover the entire site plan, but, pursuant to paragraph E below, the appropriate part of the guarantee may be released upon the completion of each phase.*

Section 11. Amendments After Approval

No changes, erasures, modifications or revisions shall be made in any major site plan or minor site plan approved by the Site Plan Review Board after approval has been given by the Board, unless the plan is first resubmitted and the Board approves any changes, erasures, modifications, or revisions. This provision shall not prohibit minor field changes during construction, made with the approval of the Code Enforcement Officer and reflected on as-built drawings.

CMP will apply for amendments, if necessary, and will contact the Code Enforcement Officer for approval of any minor field changes prior to the start of such field changes.

Section 12. Expiration of Approval

Site plan approval shall expire within two (2) years of the date of site plan approval (when plans are signed by the Site Plan Review Board or the Staff Review Committee), or the date of the decision on an appeal, if any, affecting the site plan, if development has not begun. The Site Plan Review Board or the Staff Review Committee may grant up to three one-year extensions to the expiration deadline provided: the request is submitted prior to the expiration of the site plan

approval; the approved plan conforms to zoning in effect at the time the extension is grants; and, that any and all Federal and State approvals and permits are current.

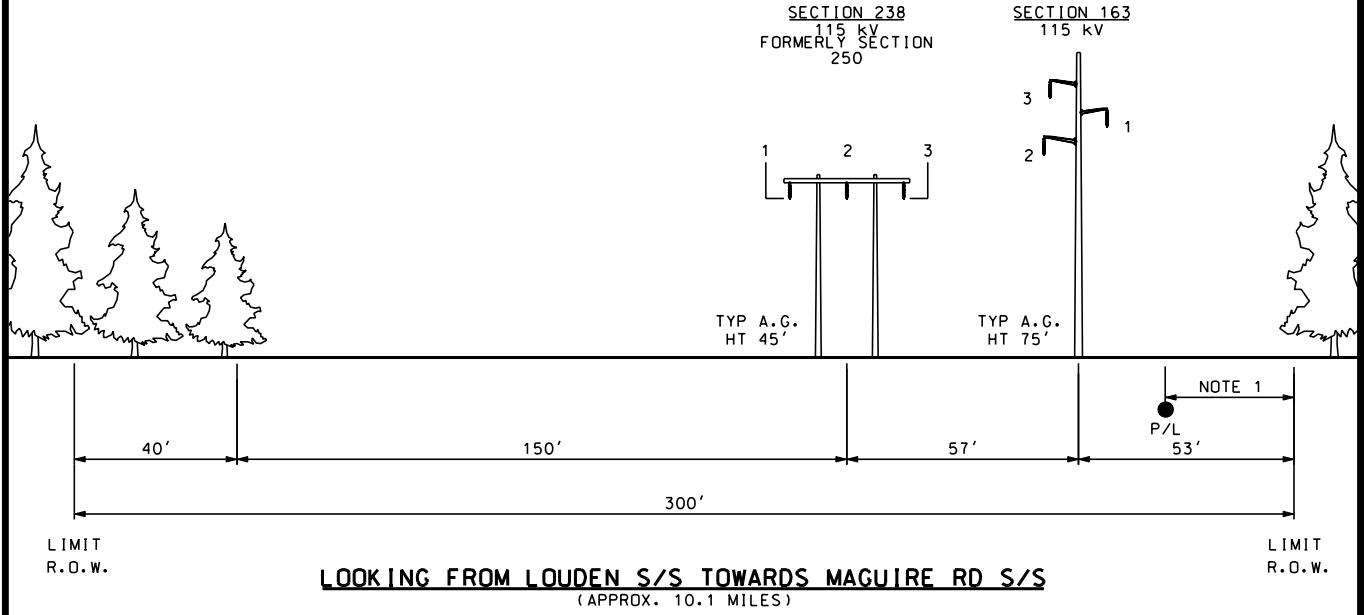
As previously noted, the MPRP project in Kennebunk is estimated to take approximately three (3) years to complete; therefore, it is likely CMP will need to request an extension for the project. CMP will apply for an extension(s) pursuant to the conditions in this Section of the Ordinance.

EXHIBIT 1

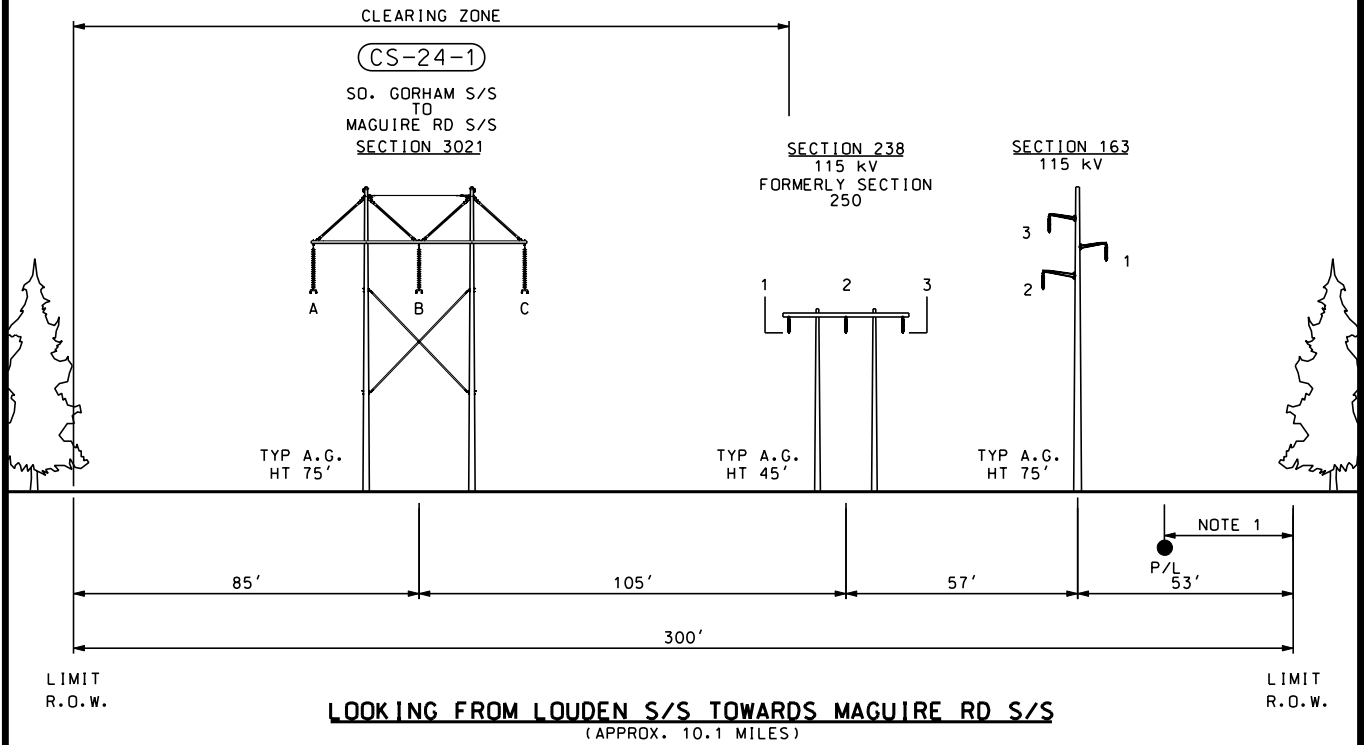
**Project Overview Map
Cross Sections
Natural Resource Maps**

NOTE 1: GAS PIPELINE LOCATION
VARIES ALONG R.O.W.

EXISTING



PROPOSED

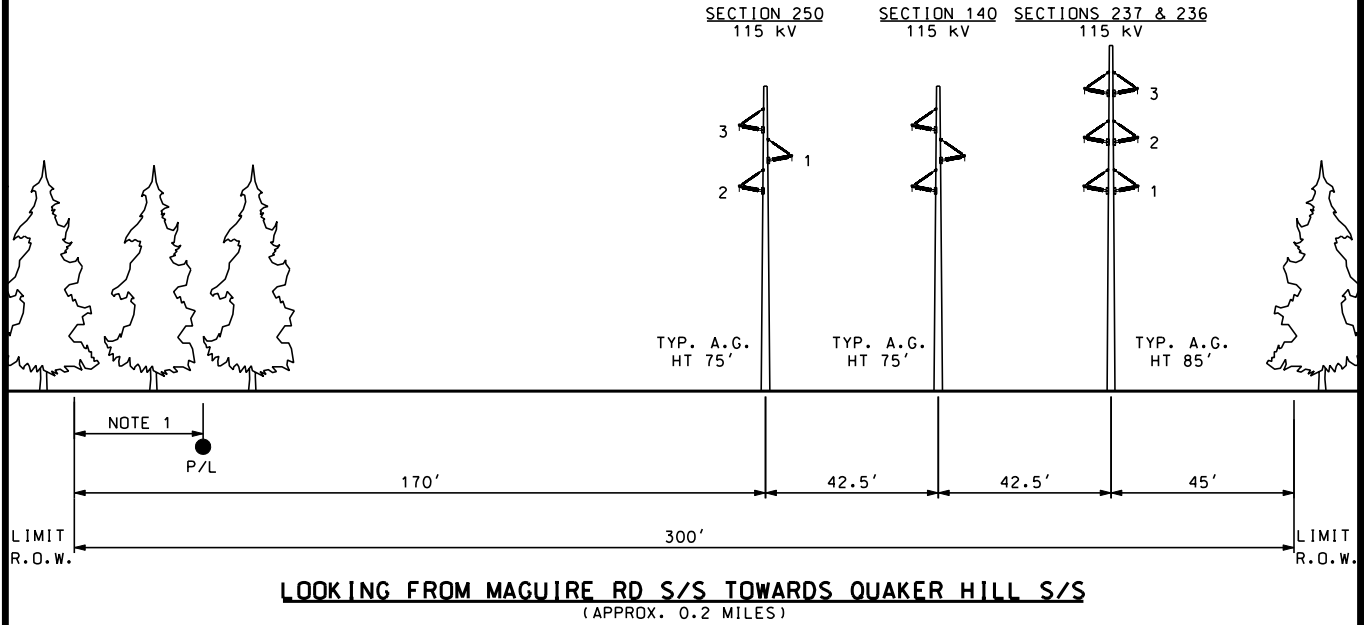


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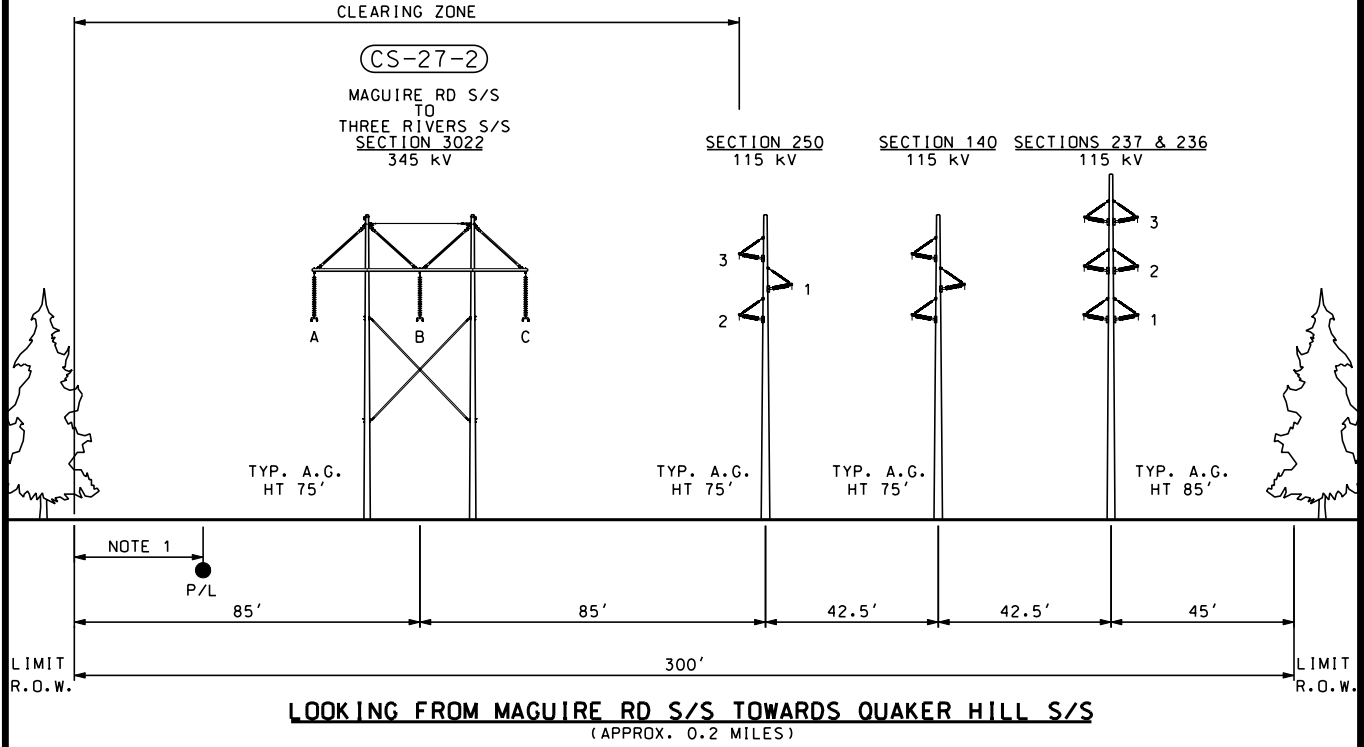
-DRAFT- FOR REVIEW ONLY				SECTION 250		POLE 22 TO 153		STA. 88+30 TO 594+00	
ENG. CONTRACTOR				MAINE POWER RELIABILITY PROGRAM					
E ADDED CLEARING ZONE 9/23/09 PEI				EXISTING AND PROPOSED R.O.W.					
D ADDED SEQUENCING/PHASING REVISED STRUCTURES 8/18/09				ALTERNATIVE S1 (ELM) FOR N-1-1 ANALYSIS					
C REVISED STATIONING 12/9/08 PEI				CHECKED		DESIGNED KJF		DATE 8/22/07	
B REVISED SECTION 163 4/11/08 PEI				SGW 8/7/09		DRAWN KGH		APPR.	
A ISSUED FOR REVIEW 9/28/07 PEI				SCALE NTS		CENTRAL MAINE POWER CO.			
NO. REVISION DATE BY				SCALE NTS		TRANSMISSION ENGINEERING			
						SEGMENT 24			
						SHEET S1-E-24-5			

NOTE 1: GAS PIPELINE LOCATION VARIES ALONG R.O.W.

EXISTING



PROPOSED

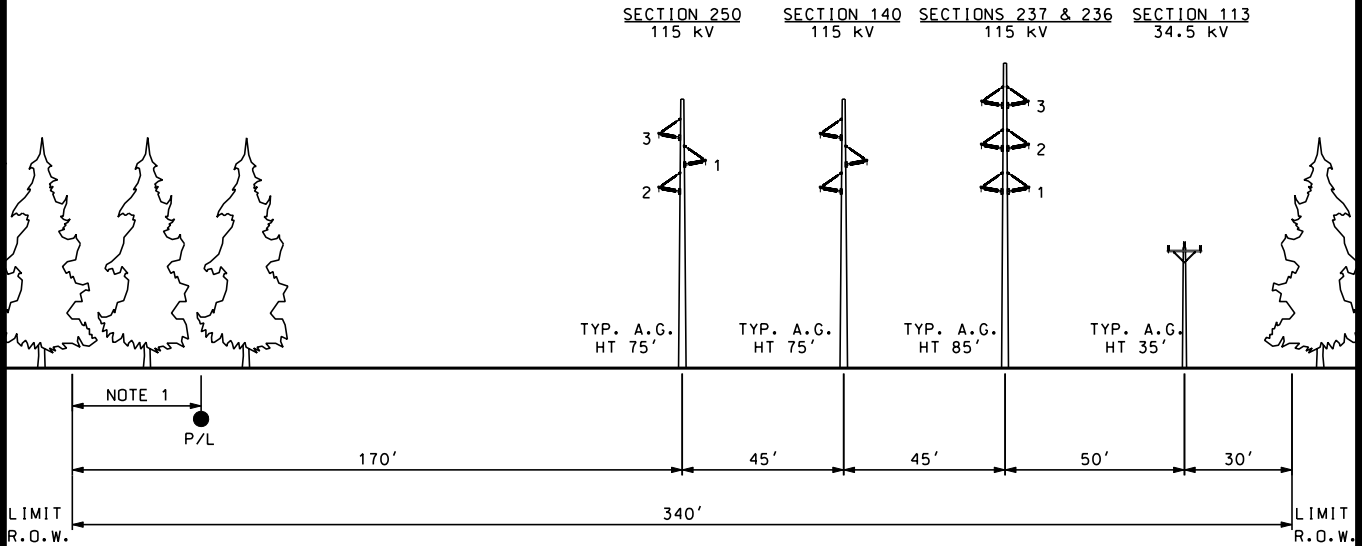


THIS DRAWING SHALL BE REVISED ON THE CADD SYSTEM ONLY

-DRAFT- FOR REVIEW ONLY				SECTION 250		POLE 157 TO 159		STA. 608+35 TO 616+60	
ENG. CONTRACTOR				MAINE POWER RELIABILITY PROGRAM					
EXISTING AND PROPOSED R.O.W.				ALTERNATIVE S1 (ELM) FOR N-1-1 ANALYSIS					
NO. REVISION DATE BY				CHECKED SGW 8/9/09		DESIGNED KJF		DATE 8/24/07	
SCALE NTS				DRAWN KJF		APPR.		SEGMENT 27	
NO. REVISION DATE BY				CENTRAL MAINE POWER CO. TRANSMISSION ENGINEERING					
NO. REVISION DATE BY				SHEET S1-E-27-1A					

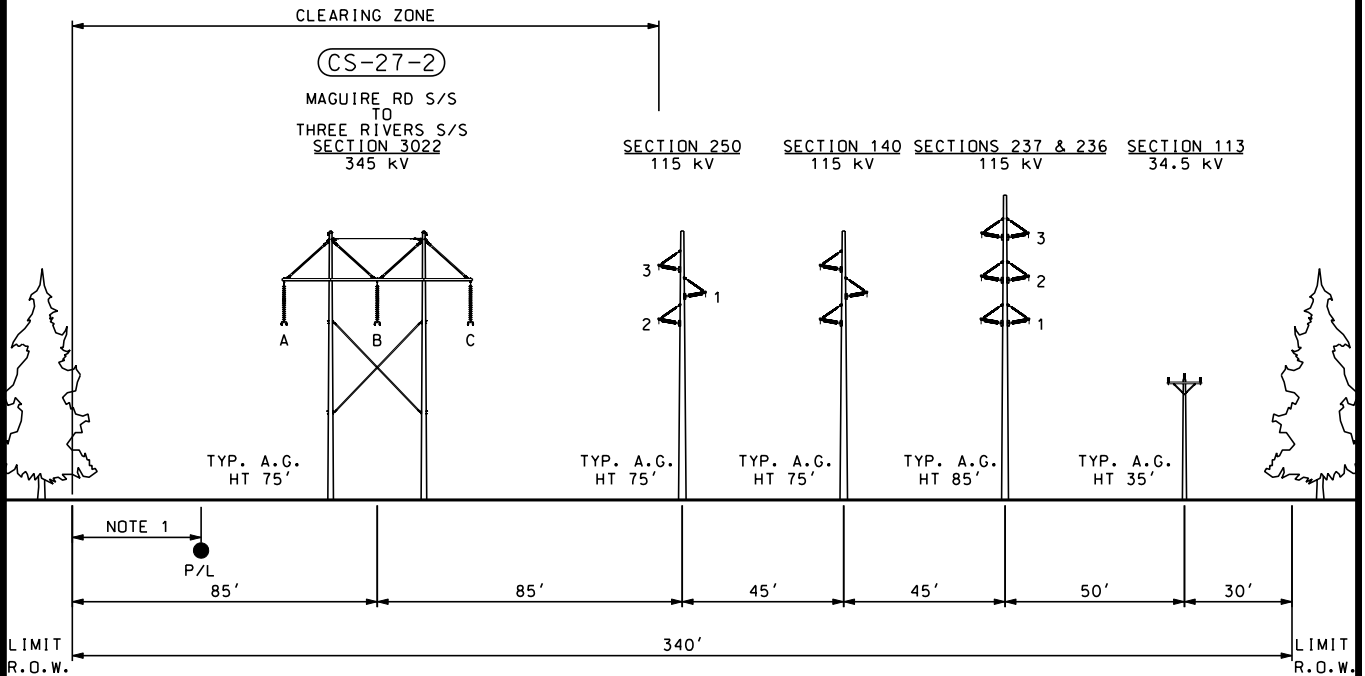
NOTE 1: GAS PIPELINE LOCATION VARIES ALONG R.O.W.

EXISTING



LOOKING FROM MAGUIRE RD S/S TOWARDS QUAKER HILL S/S
(APPROX. 0.4 MILES)

PROPOSED



LOOKING FROM MAGUIRE RD S/S TOWARDS QUAKER HILL S/S
(APPROX. 0.4 MILES)

THIS DRAWING SHALL BE REVISED ON THE CADD SYSTEM ONLY

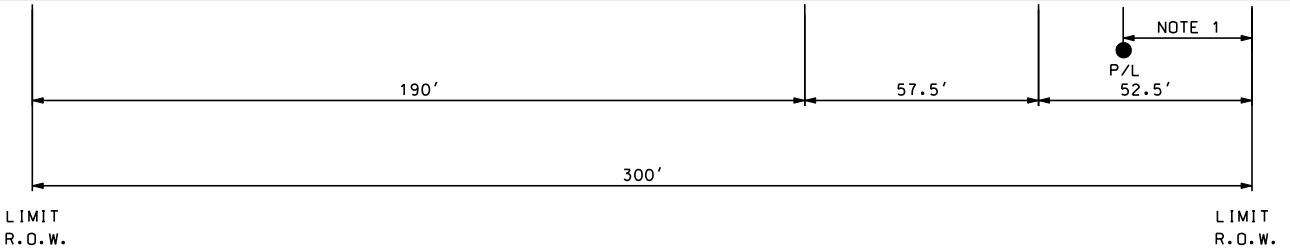
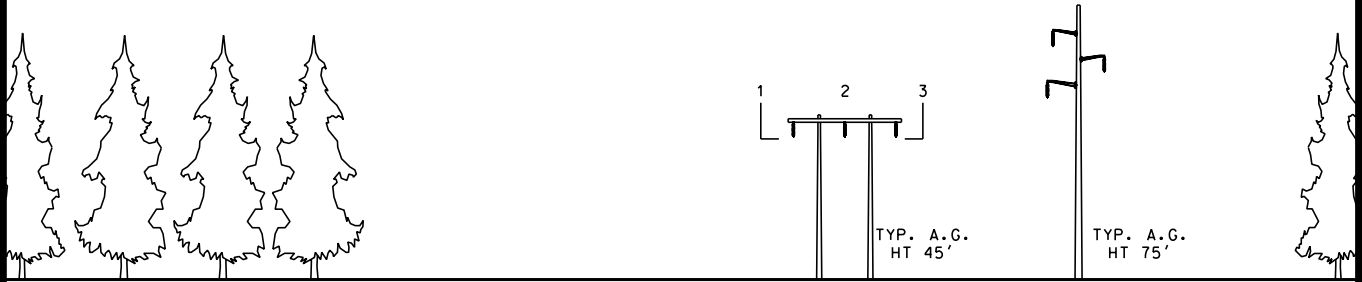
-DRAFT- FOR REVIEW ONLY				SECTION 250 POLE 159 TO 165 STA. 616+60 TO 637+00	
ENG. CONTRACTOR				MAINE POWER RELIABILITY PROGRAM	
EXISTING AND PROPOSED R.O.W. ALTERNATIVE S1 (ELM) FOR N-1-1 ANALYSIS					
E	ADDED CLEARING ZONE	9/23/09	PEI	SEGMENT 27	
D	ADDED SEQUENCING/PHASING	8/18/09	PEI		
C	UPDATED TYPICAL STRUCTURE HEIGHT	5/28/09	PEI	CENTRAL MAINE POWER CO. TRANSMISSION ENGINEERING	
B	UPDATED 115kV STRUCTURES	10/20/08	PEI		
A	ISSUED FOR REVIEW	1/22/08	PEI	SHEET S1-E-27-1B	
NO.	REVISION	DATE	BY		

NOTE 1: GAS PIPELINE LOCATION
VARIES ALONG R.O.W.

EXISTING

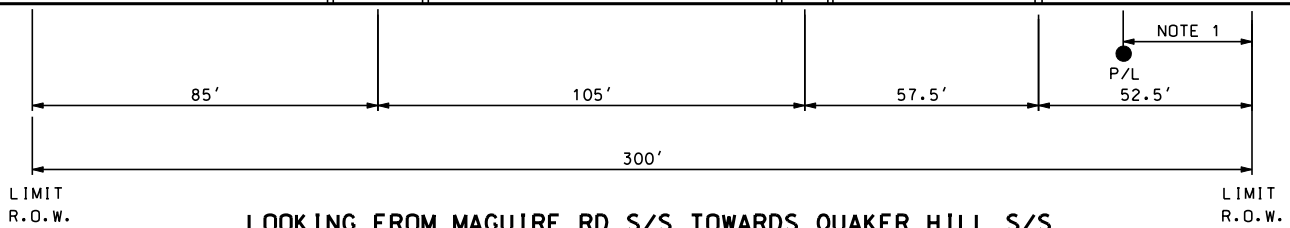
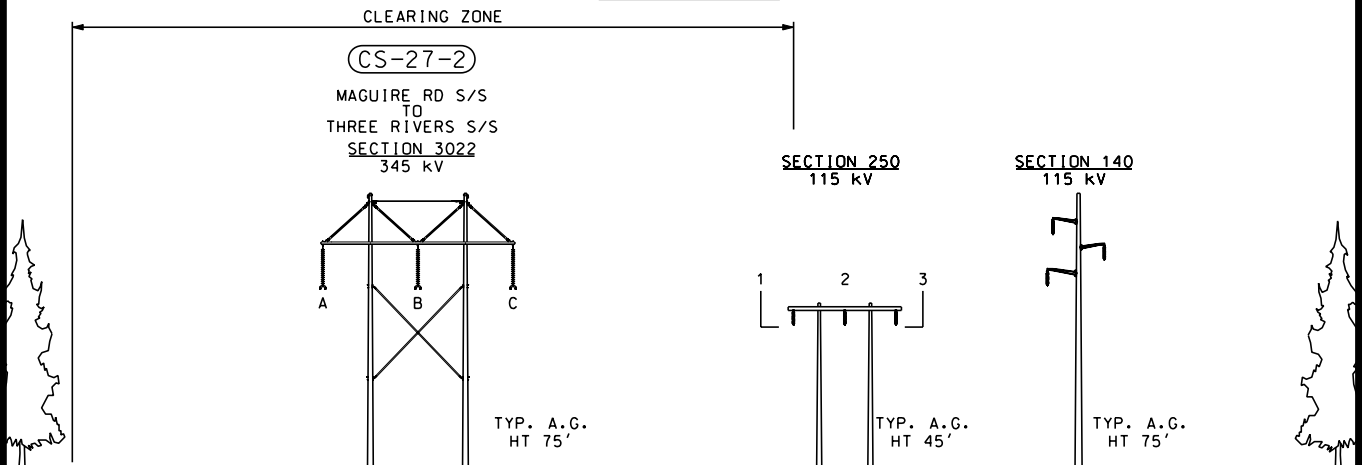
SECTION 250
115 kV

SECTION 140
115 kV



LOOKING FROM MAGUIRE RD S/S TOWARDS QUAKER HILL S/S
(APPROX. 8.7 MILES)

PROPOSED



LOOKING FROM MAGUIRE RD S/S TOWARDS QUAKER HILL S/S
(APPROX. 8.7 MILES)

THIS DRAWING SHALL
BE REVISED ON THE
CADD SYSTEM ONLY

-DRAFT- FOR REVIEW ONLY				SECTION 250	POLE 165 TO 279	STA. 637+00 TO 1098+48.3
MAINE POWER RELIABILITY PROGRAM				EXISTING AND PROPOSED R.O.W. ALTERNATIVE S1 (ELM) FOR N-1-1 ANALYSIS		
ENG. CONTRACTOR				SEGMENT 27		
E	ADDED CLEARING ZONE	9/23/09	PEI	CHECKED SGW 8/9/09		
D	ADDED SEQUENCING/PHASING	8/18/09	PEI			
C	UPDATED STRUCTURE TYPICAL HEIGHT/ REVISED SHEET NUMBER	5/28/09	PEI	DESIGNED KJF DATE 8/24/07 DRAWN KGH APPR.		
B	UPDATED	1/22/08	PEI			
A	ISSUED FOR REVIEW	9/28/07	PEI	CENTRAL MAINE POWER CO. TRANSMISSION ENGINEERING		
NO.	REVISION	DATE	BY			

EXHIBIT 2
Project Area Zoning

EXHIBIT 3

CMP's Environmental Guidelines for Construction and Maintenance Activities on Transmission Lines and Substation Projects (2010)

EXHIBIT 4

**Natural Resources Conservation Service Soils Mapping for the Transmission Line
Corridor**

EXHIBIT 5

CMP's Environmental Control Requirements for Contractors and Subcontractors – Oil and Hazardous Material Contingency Plan

EXHIBIT 6

Yard Lighting Design Basis Manual, Specification 1000-A7-S01. Revision 0

EXHIBIT 7

Maguire Road Substation Signs

EXHIBIT 9

Right, Title and Interest

EXHIBIT 10

Names and Addresses of Abutting Landowners

EXHIBIT 11

Location of Owners Adjacent Lands and Corridors

EXHIBIT 12

Project Area Coordinates and Bearings

EXHIBIT 13

Maguire Road Substation Existing and Proposed Building Plans

Exhibit 13A: Existing Buildings

Exhibit 13B: Proposed Building Expansion

EXHIBIT 14

Construction Schedule

EXHIBIT 15

Open Space Priority Areas

EXHIBIT 16

Non-Capable Species

EXHIBIT 17

Vegetation Management Plan (VMP)