MAINE POWER RELIABILITY PROGRAM

A CENTRAL MAINE POWER COMPANY PROGRAM

WELLS, MAINE

COMBINED SITE PLAN APPROVAL AND SHORELAND ZONING PERMIT APPLICATION

Section 3022 Transmission Line Construction

Prepared for:

Central Maine Power Company
83 Edison Drive
Augusta, Maine 04336

Prepared by:

TRC Engineers, LLC
16 Gabriel Drive
Augusta, ME 04330

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Application Form

Agent Authorization Letter

Town of Wells, Maine
Combined Site Plan Approval and Shoreland Zoning Application
Maine Power Reliability Program

Introduction

The project described in this application requires Site Plan Approval from the Planning Board. The project will also pass through the 75' Shoreland Overlay District and the Aquifer Protection District, and is subject to the separate standards of those districts. The application is divided into the following parts.

The Maine Public Utilities Commission has issued a Certificate of Public Convenience and Necessity (CPCN) and The Maine Department of Environmental Protection has issued a Site Location of Development and Natural Resources Protection Act permit for the proposed project. The United States Army Corps of Engineers has also issued a permit for the project.

PART A: PROJECT OVERVIEW AND DESCRIPTION

The Maine Power Reliability Program

The Maine Power Reliability Program (MPRP) is a project by Central Maine Power Company ("CMP") 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 was completed almost 40 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 pattern changes are combined with the 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. Central Maine Power Company must upgrade its bulk power system with this proposed project in order to meet the mandatory standards and to provide reliable electric service to Maine customers into the future.

In January of 2007, the MPRP began a comprehensive needs assessment of CMP's bulk power transmission system. The study included a 10-year forecast to evaluate the system in Maine, including a review of system reliability and performance under various system conditions and operating scenarios, as well as a needs assessment to ensure the transmission system is upgraded in the most cost-effective manner possible. The study identified a number of significant

reliability issues with Maine's bulk transmission system, including insufficient 345 kV transmission capacity, insufficient 115/345 kV transformation capacity, and insufficient transmission support and/or infrastructure in all regions served by CMP.
After completing the needs assessment, the MPRP team went to work to study potential transmission and non-transmission solutions. CMP ultimately selected a primarily transmission solution (a small geographic area known as the South Portland loop will be addressed through non-transmission alternatives) based on a number of factors, including electrical performance under various forecasts of future conditions, cost effectiveness, and impacts to landowners and Maine's environment. The proposed solution consists of a network of 345 kV and 115 kV transmission lines and associated substations throughout CMP's service territory where particular needs were identified. The proposed transmission solution ranges from Eliot in the south, Rumford in the west, Searsport in the east, and Orrington and Pittsfield to the north. In all, MPRP will encompass nearly 75 Maine towns. As noted above, the project has been exhaustively reviewed and been approved by the Maine Public Utilities Commission (PUC), the Maine Department of Environmental Protection (DEP), and the United States Army Corps of Engineers (ACOE).

Project Description in Wells

The project in Wells will take place entirely within the existing transmission line corridor which runs from Kennebunk to North Berwick in the western portion of the town for approximately 7.3 miles. CMP owns in fee the entire transmission line corridor within Wells. CMP will not need to acquire property in Wells in order to build the project.

The project is located primarily in the Rural District (R), though it also traverses the Residential A District (RA),the Aquifer Protection District (AP), and the Shoreland Overlay District (SZO).

The project involves:

- Installing a new 345 kV transmission line, to be known as Section 3022, on the eastern side of the corridor. There will be 72 new structures in Wells. Structure heights vary due to varying terrain and the need to avoid or minimize impacts to natural areas. See Exhibit 5 for structure information.

- Some clearing of trees on the eastern side of the corridor will be necessary in order to accommodate the project.

In accordance with Article VI, Section 145-47, the MPRP is a "Utility Transmission Line", and is an allowed use subject to Site Plan Approval in all of the districts in which it is located.

PART B: DISTRICT REGULATIONS

From Chapter 145, Article V, of the Town's Code

As noted earlier, the project is located in the Residential A, Rural, Aquifer Protection, and Shoreland Overlay Districts.

Section 145-21 Residential A District (RA)

The project crosses the RA at an area between the Merriland River and an unnamed stream northeast of the Sanford Road.

A-E. Pursuant to Article VI, Section 145-47B, Utility Transmission Lines are an allowed use in this and all other districts upon obtaining Site Plan Approval.

F. Dimensional Requirements

1. **Minimum lot size.** Not applicable. The project is not a single-lot development and is approximately 265 acres in size.

2. **Maximum density.** Not applicable. There will be no dwelling associated with this project.

3. **Maximum lot coverage.** The total amount of impervious surface area created by the project will be approximately 1,911 square feet over approximately 265 acres, or less than 0.01% of the project area.

4. **Minimum street frontage per lot served by public sewer.** Not applicable; the project is not served by public sewer.

5. **Minimum street frontage per lot not served by public sewer or per lot located west of the Maine Turnpike.** Not applicable, as this is not a single-lot development. However, the project has 300 feet of frontage at each road crossing.

6. **Maximum building height**. Not applicable. There are no buildings associated with the project.

7. **Setbacks.** Please see the discussion at Article VI, Section 145-47C.1, page 13.

Section 145-30 Rural District (R)

As noted above, the majority of the project is located within this district.

A-E. Pursuant to Article VI, Section 145-47B, Utility Transmission Lines are an allowed use in this and all other districts upon obtaining Site Plan Approval.

F. Dimensional Requirements

1-6(a)(4). Please see the responses to Section 145-21F(1-7) above.

6(b). All structures and parking lots shall be located at least 200 feet from the high-water line of the Merriland River (including Hobbs Pond), the Webhannet River, Ogunquit River, perkins Brook, and West Brook.

There will be two Section 3022 structures straddling the Merriland River. Structure #39 will be set back approximately 235 feet from the river and Structure #40 will be set back approximately 320 feet from the river. Please see Exhibit 4.

6(c). Each housekeeping cottage or seasonal cottage shall be placed at least 25 feet from any other housekeeping or seasonal cottage on the site.

Not applicable.

G. Special Provisions.

All proposed residential subdivisions containing more than four dwelling units shall be developed according to the provisions of § 145-48, Multifamily developments, or § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that a cluster development as regulated in § 145-49 is not practical because of the configuration of the original lot or because of its natural features.

Not applicable.

Section 145-31 Aquifer Protection District (AP)

The project crosses the AP where the transmission line corridor crosses Branch Brook.

A-E. Pursuant to Article VI, Section 145-47B, Utility Transmission Lines are an allowed use in this and all other districts upon obtaining Site Plan Approval.

F. Dimensional Requirements.

1-6(a)(4). Please see the responses to Section 145-21F(1-7) above.

6(a)(5) All structures shall be located at least two hundred fifty feet from the high-water line of Branch Brook.

One Structure, Section 3022 Structure #8, will be set back approximately 215 feet from the high water line of Branch Brook. Due to the constraints of topography, efforts to avoid impacts to natural resources, and industry spacing standards this setback is the greatest extent practical for this structure at this location and meets the standards of Section 145-47C.1, page 13.

G. Special Provisions

1. All residential subdivisions containing more than four dwelling units shall be clustered on the site according to the provisions of § 145-48, Multifamily

developments, or § 145-49, Residential Cluster Development. The Planning Board may waive this requirement for projects containing fewer than 20 lots if it determines that clustering is not practical because of the configuration of the original lot or because of its natural features.

Not applicable.

2. **At least 60 days before the application of any pesticide classified for restricted use by the Administrator of the United States Environmental Protection Agency, the applicator or landowner shall notify the Code Enforcement Officer of the name of the pesticide to be applied, the application rate and the projected application dates. A copy of this notification shall also be sent to the Kennebunk, Kennebunkport and Wells Water District. The Code Enforcement Officer shall review the notification and consult with the Water District, notifying the applicator or landowner, in writing, if the pesticide or its application rates present a danger to the quality of the groundwater or Branch Brook. If the Code Enforcement Officer does not respond within 30 days from the receipt of the notification, the applicator may apply the pesticide according to the EPA label and the rules of the Maine Pesticide Control Board.**

   The Applicant agrees to abide by the provisions of this standard. For information on herbicide use within the corridor, please see Section 145-75I, page 18.

3. **Timber harvesting within 250 feet of the high-water line of Branch Brook shall only be allowed as specified on a harvesting plan prepared by a registered professional forester and approved by the Planning Board. The Planning Board shall obtain review comments on any such plan from the Kennebunk, Kennebunkport and Wells Water District and the York County Soil and Water Conservation District.**

   Not applicable. The clearing of trees will be limited to that which is necessary for the development of the project. "Timber harvesting," as defined by the Town of Wells, "does not include the clearing of land for agricultural use or for approved construction." (Section 145-10)

Section 145-33 Shoreland Overlay District (SZO)

The project is within the SZO where it crosses four water bodies: Branch Brook (250' SZO), the Merriland River 75' SZO), and two sections of West Brook (75' SZO).

B. Setbacks from water bodies and wetlands. All roads, driveways and structures, except those required to control drainage or water movement and those needed for water-dependent uses, shall comply with the following setback requirements or those of the underlying district, whichever is greater:

1. **The minimum setback from the upland edge of a wetland shall be 75 feet, which may be reduced to the average of the setbacks of structures within 200 feet of**

the proposed structure on lots abutting the wetlands but shall not be less than 25 feet.

Not applicable. The project does not cross any wetlands identified as a Shoreland Overlay District Zone.

2. The minimum setback from the high-water line of Ell Pond shall be 100 feet.

Not applicable.

3. The minimum setback on the ocean side of Wells Beach, Drakes Island and Moody Beach shall be 20 feet from the sea wall. Where there is no sea wall, the setback shall be from a theoretical sea wall line extrapolated from the existing sea walls.

Not applicable.

4. The minimum setback from all other water bodies shall be 75 feet from their high-water line.

As can be seen at Exhibit 3, all structures are set back at least 75 feet from all water bodies as defined at Section 145-10.

C. Shore frontage.

Not applicable, as this is not a single lot development. However, wherever the transmission line corridor crosses a water body the shore frontage is at least 300 feet, as the corridor itself is 300 feet wide for its entire course in Wells.

D. Performance standards for agriculture and animal husbandry uses.

Not applicable.

E. Clearing of vegetation for development.

Some clearing of vegetation will be required within the service corridor to accommodate the project and ensure that the project meets federal reliability and safety standards (in accordance with P(1) of this standard). The amount of 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.

The cutting work will be performed using equipment typical of logging operations, including cable and hook skidders, forwarders, tree movers, chain saws, and logging trucks. In general all trees, saplings of capable species, and sometimes tall shrubs are cut at ground level. All root systems are left intact, as the ground is not grubbed or graded.

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). 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. Specifically, great care is taken to prevent rutting and erosion.

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.

See the attached maps (Exhibit 3) for more detailed information.

F. Roads and driveways.

There will be no new permanent roads or driveways associated with the project, other than CMP-maintained access points and ways suitable for routine and urgent maintenance by its own vehicles. Temporary access ways, which are not considered to be roads or driveways, will not add any impervious surface area, and will be established for use during the construction phase (see Exhibits 3 & 4). This will be an ongoing process as access will be established to areas undergoing immediate construction. Determinations surrounding the exact nature of the construction of these temporary access ways will be made by the contractor in consultation with an environmental representative. All access paths are temporary and will be removed once construction is complete. General access to the corridor for construction purposes will be achieved through the construction of temporary access ways which will be in place for more than one growing season, but will be removed once all aspects of construction in that area are complete. Access to pole sites, either for removal or construction, will be achieved by temporary access ways which will be in place for no more than one growing season. Areas where soils have been disturbed will then be mulched with hay. Vegetation will be allowed to reestablish itself once the temporary access ways have been removed.

Measures will be taken to avoid and minimize impacts to streams and wetlands through the use of crane mats, temporary bridges, geo-textile fabrics, and culverts, when necessary. 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. 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. Streams that are too wide to cross with crane mats or temporary bridges will be avoided.

G. Piers, docks, wharves, breakwaters, causeways, marinas, bridges and other structures and uses extending over or beyond the high-water line of a water body, stream or within a wetland.

Not applicable.

H. Timber harvesting.

Not applicable. The clearing of trees will be limited to that which is necessary for the development of the project. "Timber harvesting," as defined by the Town of Wells, "does not include the clearing of land for agricultural use or for approved construction." (Section 145-10)

PART C: TOWN WIDE REGULATIONS

From Chapter 145, Article VI, of the Town's Code

Section 145-35 General Regulations

A. All uses shall conform to the provisions of this Chapter.

Please see the responses to the items below.

B. All lots (except lots being merged with an abutting parcel) and structures shall comply with dimensional requirements specified for the district in which they are located, except those considered nonconforming. Where a single lot of record contains more than one principal structure, the lot may not be divided in a way which would create a parcel or parcels which do not conform to the requirements of this chapter for lot size, setbacks or street frontage.

Please see the response to Section 145-47, below.

C. The keeping of any animal for personal use or enjoyment other than normal household pets shall require site plan approval and shall only be permitted on lots larger than 100,000 square feet.

Not applicable.

D. No manufactured home which was manufactured before June 15, 1976, may be brought into the Town of Wells unless suitable evidence is provided to the Code Enforcement Officer that the manufactured home does not contain aluminum electrical wiring, that the manufactured home contains two exterior exits and that the roof is constructed to support a live load of 30 pounds per square foot.

Not applicable.

E. Land within the lines of a street right-of-way on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the lot area requirements of this chapter, even though the fee to the land may be in the same ownership as the lot.

Not applicable.

F. No part of a setback area, open space or off-street parking or loading space required by this chapter shall be included as part of any other setback area, open space or off-street parking or loading space similarly required for any other structure or use except as explicitly provided for within this chapter.

Not applicable.

G. Multiple principal and accessory uses, which may be located within multiple buildings, shall be permitted on a lot.

Not applicable.

H. Any lot created after January 1, 1994, shall have frontage on a street which existed prior to January 1, 1994, or on a street which is constructed to the standards required by Chapter 201, Articles II and III of the Wells Municipal Code.

Not applicable. The transmission line corridor was purchased in 1951. See Exhibit 6.

I. No floor of a building higher than 30 feet above the average finished grade shall be designed as habitable space. The maximum building height may be increased by the amount required to comply with Chapter 115, Floodplain Management, § 115-6, Development standards, but not to exceed five additional feet provided the building shall not exceed three stories, be covered with a pitched, shingled roof, and be constructed on a foundation used for parking or storage only and not living space.

Not applicable. The project does not have any buildings or habitable space associated with it.

J. Maximum building height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills and similar uninhabitable structures. However, except chimneys which do not exceed the height limit by more than 10 feet, such structures require a lot line setback no less than the minimum required in the district plus the height by which they exceed the prescribed height limitations.

Please see the response to Section 145-47, page 13.

K. Lot area used to meet the density requirements of a use on a lot shall not be used to meet the density requirement of any other use.

Not applicable.

L. A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use may be placed within the ordinarily required setbacks as set forth in Article V on any residential lot that contains 5,000 square feet or less, as long as the following minimum setbacks are met:

(1) Twenty-five feet from the boundary of any cemetery or any street right-of-way.
(2) Forty feet from the right-of-way of any state highway.
(3) The full required setback from any seawall, water body or wetland, according to § 145-33.
(4) Five feet from other lot line.

Not applicable.

M. A single, uninhabitable accessory structure of 120 square feet or less in gross area and 15 feet or less in height, such as a utility shed, which is accessory to a residential use on a residential lot shall be considered legally nonconforming if it was in existence at its current location prior to January 26, 1998.

Not applicable.

N. The construction, renovation, alteration, maintenance and/or operation of a building, structure or any other type of facility for use in whole or in part as a gambling casino is prohibited in all zoning districts within the Town of Wells. No building permit or certificate of occupancy shall issue for a gambling casino.

Not applicable.

Section 145-36 Timber Harvesting

If timber harvesting is deleted as a permitted use in a district, timber harvesting on a parcel of land in the Maine Tree Growth Program (36 M.R.S.A. §§ 571 to 584-A) shall continue as a permitted use as long as the subject lot, or portion thereof, remains in the Tree Growth Program.

Not applicable.

Section 145-37 Yard Sales

Not applicable.

Section 145-38 Landscaping/Buffers

A. **The setback areas along lot lines other than those along street rights-of-way on lots in nonresidential districts which abut a residential district shall be landscaped to provide a visual screen between residential and nonresidential uses. Parking lots, outdoor business storage areas and outdoor business uses shall be visually screened from adjacent residential lots. Said visual screening shall consist of a continuous border of shrubbery at least six feet in height and/or solid fencing six feet in height. Notwithstanding the above requirement, all visual screens shall comply with the sight distance requirements of Chapter 201, Articles II and III. The reviewing authority may waive all or part of this requirement for outdoor business uses if such uses are defined as a low-intensity commercial recreation use. Except in the Beach Business District, all business or institutional parking and outdoor storage areas shall be separated from a street right-of-way by a landscaped buffer strip at least 15 feet wide, planted with shade trees a minimum diameter of three inches at breast height (dbh). In the Beach Business District a landscaped strip four feet wide shall be provided between any outdoor business, storage area or parking lot and a street right-of-way.**

Not applicable. The project is not located within a nonresidential district. Please also see the response to Article X, Section 145-75, page 13.

B. In the Light Industrial District, except to allow for the development of a driveway, the first 40 feet of a lot as measured from the right-of-way of any street shall be planted with shrubs and/or ground cover and shade or evergreen trees with a minimum two-inch diameter at breast height (dbh) planted a maximum of thirty feet on center along the entire distance of the street frontage.

Not applicable. The project is not located in the Light Industrial District.

Section 145-39 Off Street Parking

Not applicable. There is no off-street parking associated with this project.

Section 145-40 Signs

Not applicable. There are no signs associated with this project.

Section 145-41 Light and Glare

Not applicable. There are no lights associated with this project and no glare will be produced as a result of this project.

Section 145-42 Erosion and Sedimentation Control

Earthmoving operations associated with development construction activities shall be conducted in a manner to prevent or minimize erosion and sedimentation of surface waters in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. Location of structures and streets shall be designed using the existing topography in a manner which avoids slope modifications which could expose areas of soils to erosion or which could jeopardize the slope stability.

The entire project is designed to minimize erosion and sedimentation. Once construction is complete, with the exception of the immediate area around the base of the support structures, there will be no increase in impervious surface area associated with the transmission line. During construction the amount of ground disturbance associated with this project will be limited to the immediate vicinity of the pole placements and the impacts associated with access ways. CMP has developed a standard manual, "Environmental Guidelines for Construction and Maintenance Activities on Transmission line and Substation Projects" (2010), which it uses as a routine part of all transmission and substation projects. (A copy of the manual is attached as Exhibit 8.) 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, which was developed in consultation with the Maine Department of Environmental Protection (DEP), is largely based on DEP's *Maine Erosion and Sediment Control BMPs*, dated March 2003, and DEP's Chapter 500, and contains specific Best Management Practices appropriate for electric transmission line and substation construction.

All bid packages and contracts for work performed on the MPRP will include these guidelines. CMP representatives will ensure that the procedures contained in this manual are followed by regularly inspecting all work and requiring corrective action when necessary.

Section 145-43 Stormwater Management

The MDEP determined that a Stormwater Management Plan was not required for the transmission line portion of the MPRP. The existing transmission line corridor currently manages stormwater by using natural features already associated with the site. This condition will continue once the project

is complete. With the exception of the immediate area occupied by the support structures, there is no increase in impervious surface area associated with the proposed upgrades, therefore, there will be no significant storm water run-off generated from the project. All new construction will be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. In addition, the corridor will remain vegetated in much the same manner as it is currently, with the only permanent clearing at the immediate base of the transmission line structures.

Section 145-44 Vision Obstructions at Intersections

All corner lots shall be kept clear from visual obstructions higher than three feet above ground level for a distance of 25 feet or a distance equal to the required building setbacks from the streets, whichever is less, from the intersection, measured along the intersecting lot lines.

Not applicable. The project is not located on any corner lot.

Section 145-45 Noise

A. Permitted sound-pressure levels. The maximum permissible sound-pressure level produced by any activity (existing or future) on a lot shall not exceed the following limits measured at any lot line of any receiving lot at a height of at least four feet above the ground surface:

Sound-Pressure Level Limits				
	7:00 a.m. to 10:00 p.m.		**10:00 p.m. to 7:00 a.m.**	
District	**dB(A)**	**dB(C)**	**dB(A)**	**dB(C)**
LI and QM Districts	70	82	60	70
GB and BB Districts	65	75	55	58
All other districts	60	70	55	58

(1) Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.

(2) In any one day the sound-pressure levels emitting from a lot may exceed the above standards by 10 dB(A) for a single period not exceeding 15 minutes.

Noise levels generated by the project will not exceed the prescribed limits. For electric transmission lines, audible noise (AN) is relative to conductor (wire) size. CMP has selected conductor sizes that under ideal, dry conditions are designed to be noise free. Under adverse weather conditions (e.g., very high humidity and storm conditions) these same conductors will emit only a slight crackling sound, usually quieter than the sound of the adverse weather conditions. AN is produced when protrusions on the conductor surface--particularly water droplets on or dripping off of the conductors--cause the electric field intensity at the conductor surface to exceed the breakdown strength of air, producing AN. This AN can be characterized as a hissing, crackling sound. Therefore, AN from transmission lines is typically a foul-weather/wet conductor phenomenon.

Audible noise modeling was done by Dr. William Bailey of ExPonent for the MPRP. Baseline noise monitoring was conducted using integrating sound level meters that were certified to American National Standards Institute (ANSI) traceable standards by a certified laboratory within one year of any monitoring conducted for this project. The meters were also calibrated in the field at the beginning and end of the monitoring period using a certified hand-held calibrator. An altitude of 2,000 feet was used for all sections in the calculation and an assumed height of a sound receiver of five feet. At lower altitudes the levels of AN will be lower.

Based on the modeling done by Dr. Bailey, it was determined that the sound produced by the conductors at the edge of the transmission corridor right-of-way will be a maximum of about 40 decibels during foul weather (comparable to a quiet office) as the result of the proposed upgrades, usually quieter than the sound of the foul weather conditions themselves. AN levels will be lower than the anticipated maximum as one moves away from the edge of the right-of-way.

Section 145-46 Utility Distribution Lines

Not applicable. The project is a Utility Transmission Line.

Section 145-47 Utility Transmission Line

A. Lot lines. For the purposes of Subsection C, the boundary lines of a utility transmission line right-of-way, whether the right-of-way is in fee simple ownership, a leasehold or an easement, are considered the lot lines of the right-of-way.

Please see the response to Subsection C, below.

B. Review. A utility transmission line is a permitted use in all zoning districts upon obtaining site plan approval from the Planning Board in accordance with the provisions of Article X.

Please see Part D of the Application, starting on page 16, where the provisions of Article X are addressed.

C. Dimensional Requirements

(1) Utility transmission lines must meet setback requirements from lot lines and water bodies to the greatest extent practical by the configuration of the utility corridor in

which they are located and by the constraints of topography. With the exception of the setback from lot lines, the dimensional requirements of Article V do not apply to utility transmission lines. All aboveground portions of utility transmission lines shall comply with the setback requirements of Article V and § 145-35J.

Section 145-47C.1 rightly recognizes that utility transmission lines are constrained by the corridors in which they are located and by topography by allowing that "Utility transmission lines must meet setback requirements from lot lines…**to the greatest extent practical**…" [emphasis added]. The "greatest extent practical" provision is a recognition that transmission line structures, which are part of a long linear interconnected network that provides an essential service, are not typical structures and as such some latitude can be given with respect to setbacks. The same provision is also an implicit recognition of the fact that by maximizing the use of the existing utility corridor one is able to minimize impacts to the environment, the landscape, abutting properties, and ratepayers. Accordingly, the MPRP in Wells utilizes the existing corridor while also meeting local setback standards to the greatest extent practical, thus avoiding the kinds of impacts that would occur if new corridors were created or existing corridors were widened.

The transmission line corridor in Wells, which is owned by CMP, is 300 feet wide for its entire length. There are currently two 115 kV transmission lines within the corridor. As can be seen in Fig. 1, below, the new Section 3022 structures will be set back approximately 85 feet on center from the southwest edge of the right of way. This means that the side setback from the edge of the structures on the ground to the edge of the right of way will be approximately 72 feet, and the side setback from the edge of the conductor arm to the edge of the right of way will be approximately 59 feet. (As can be seen in Fig. 1, the proposed Section 3022 structures will have approximately the same side setback as the existing Section 140, which was constructed in 2000-01.)

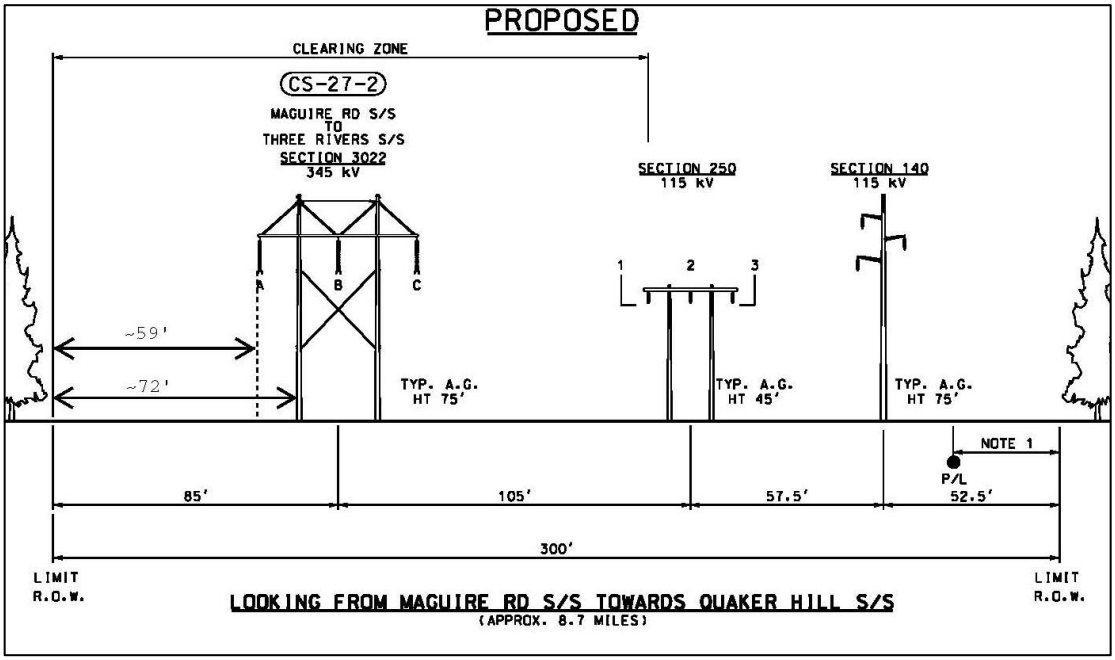

Fig. 1. Typical structure heights, types, and setbacks, Section 3022 Transmission Line, Wells, ME.

For safety and reliability reasons, transmission lines must maintain a certain degree of separation from each other and from trees and other objects that might interfere with their operation. These separation requirements are based on federal, CMP, and industry standards. The proposed 85-foot setback from the edge of the right-of-way to the center of the proposed structures meets these standards.

The 105-foot on center separation between the proposed Section 3022 line and the existing Section 250 line preserves sufficient space within the corridor for the possible addition of a new transmission line. It is CMP's policy, supported by the MPUC and state and federal policy, to maximize the use of its existing corridors. This co-location of needed infrastructure within an existing corridor helps to avoid and to minimize impacts to the environment and the landscape, while also minimizing the need for property acquisition, the cost of which is borne by all ratepayers.

As a result there are no practical alternatives to locating the structures further from the edge of the right-of-way. Purchasing additional right-of-way to achieve greater side setbacks is prohibitively expensive, and can lead to greater environmental impacts. In addition there is no guarantee that abutters would be willing to sell the needed land. Moving the lines toward the center of the corridor is also not practical as this would eliminate the possibility of adding a new line in the future without the very costly rebuilding of existing lines. Indeed, Section 145-47C.1 recognizes these facts by noting that the project must meet side setback "requirements from lot lines…to the greatest extent practical **by the configuration of the transmission corridor in which they are located**…" [emphasis added**].** Section 145-47C.1 recognizes the benefits of co-location of current and future needed infrastructure within the parameters of an existing corridor as well as the impracticality of expanding existing corridors.

Additionally, as a practical matter the transmission line corridor runs through a rural portion of Wells, with fewer than 10 residences abutting the project area along its entire 7.3 mile course. Where residences do abut the project area, primarily in the Sagamore Drive subdivision, none of them is closer than 150 feet of any proposed structure, with most residences at least 200 feet from any proposed structure. Given that the tallest proposed structure is 101.5 feet, all abutting residences are well outside the "fall zone" of any proposed structure, so that in the extremely unlikely event of a pole falling over there is no danger that any existing structures would be damaged.

(2) In all zoning districts where the setback for structures is greater than 10 feet from any lot line, the setback for the underground portion of a subsurface transmission line may be reduced to 10 feet from any lot lines.

Not applicable. The project as proposed is an overhead transmission line.

(3) Subsurface and aerial utility transmission lines may be placed within the setbacks from any lot line abutting a street right-of-way provided no portion of a utility transmission line is placed between ground level and a height of 20 feet above the center line of the street within said setback.

Section 145-47.1 Public Transportation Shelter

Not applicable.

Section 145-47.2 School Bus Shelter

Not applicable.

PART D: SITE PLAN APPROVAL

From Chapter 145, Article X of the Town's Code

Section 145-75 Criteria and Standards

A. Traffic. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements at intersections, schools and other traffic generators. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town road system and shall provide adequate parking and loading areas. No use or expansion of a use shall receive site plan approval if any parking spaces are located in a public right-of-way or if any travel lane of a state number highway is used as part of the required aisle to access any parking spaces.

There will be no traffic generated by the project once the project is complete. During construction there will be limited traffic for construction-related purposes. As a result any adverse effects on traffic within Wells will be very limited and temporary. Access to the project area is typically from public roadways. Please see the project maps at Exhibit 3 for information about access way location. All access ways are temporary and will be removed once construction is complete.

B. Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.

Once construction is complete there will be no dust, fumes, vapors, or gases generated by the project. During construction, due to the fact that there will be very little grading or movement of soils, the amount of dust generated, if any, will be very limited and is not expected to damage human health, animals, or property at any point beyond the boundaries of the project area.

C. Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.

Once the project is complete there will be no odors of any kind generated by the project. During construction, as is typical with any construction project, there may be some temporary odors generated by the operation of equipment such as diesel powered vehicles and the like.

D. Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way.

There will be no glare generated by the project either during construction or once it is complete.

E. Stormwater runoff. Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word "site plan" shall be substituted for "subdivision"). If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding which would be caused by his project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible.

Please see the response to Section 145-43, page 11.

F. Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices….

With the exception of the immediate area around the base of the support structures there will be no increase in impervious surface area associated with the transmission line. The amount of ground disturbance associated with this project will be limited to the immediate vicinity of the pole placements and the impacts associated with access roads. CMP has developed a standard manual, "Environmental Guidelines for Construction and Maintenance Activities on Transmission line and Substation Projects" (2010), which it uses as a routine part of all transmission and substation projects. (A copy of the manual is attached as Exhibit 8.) 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, which was developed in consultation with the Maine Department of Environmental Protection (DEP), is largely based on DEP's *Maine Erosion and Sediment Control BMPs*, dated March 2003 and DEP's Chapter 500, and contains specific Best Management Practices appropriate for electric transmission line and substation construction.

All bid packages and contracts for work performed on the MPRP will include these guidelines. CMP representatives will ensure that the procedures contained in this manual are followed by regularly inspecting all work and requiring corrective action when necessary.

G. Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on the surrounding lots. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.

Once the project is complete there will be no parking areas, no loading areas, and no storage of materials of any kind. As a result screening is not required for this project. For a discussion of setbacks see Section 145-47C, page 13.

H. Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.

Once construction is complete there will be no explosive materials stored on site. During construction there may be limited amounts of fuel and other equipment-related fluids temporarily stored on site. These materials will be stored in accordance with federal, state, local, and industry standards.

I. Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.

Once the project is complete there will be no storage of fuel, chemicals, chemical or industrial waste, or potentially harmful raw materials on site. During construction, as mentioned above, there may be limited amounts of fuel and other fluids used for construction equipment stored on site. To minimize spill potential during construction, no fueling or maintenance of vehicles will be performed within 25 feet of wetlands, streams or other sensitive natural resources. A copy of CMP's Environmental Controls for Contractors and Subcontractors is supplied at Exhibit 8.

After construction herbicides are used for periodic vegetation management purposes. CMP will conduct vegetation management for MPRP pursuant to a vegetation management plan required by the Maine Department of Environmental Protection.

After construction, the electrical transmission line corridor is maintained to encourage the growth of scrub-shrub vegetation. Trees within the corridor that are capable of growing up into the conductors ("capable species") must be removed for safety and reliability reasons. CMP uses a selective herbicide program to treat an area once every four years to maintain an early successional stage of growth. Herbicide is selectively and individually applied, using a low-pressure backpack applicator with low-drift nozzles, on a plant-by-plant basis to capable species to prevent growth (or re-growth of a cut plant) of individual plants. CMP does not use herbicides within 25 feet of any waterbody, wetland with standing water at the time of application, or significant vernal pool depression, or within 100 feet of any known well or spring. Crew forepersons are certified by the Maine Pesticide Control Board, and all herbicides are EPA registered. In addition, CMP will not store, mix, or load herbicides within 50 feet of open water. Crew foremen are certified by the Maine Pesticide Control Board, and all herbicides are EPA registered. The selective use of herbicides within the transmission line corridor does not impose a threat to surface water or groundwater quality and will not impair designated uses or the water classification of any water body.

J. Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.

The entire project takes place within an existing transmission line corridor that already contains structures of a similar size and nature. Any changes in grade will be temporary; the project area will be restored to its original contours once construction is complete. Tree clearing will be limited to that which is necessary for the safe and reliable operation of the transmission lines. Once the project is complete the area will be allowed to revegetate and the landscape will exhibit characteristics very similar to those which currently exist, typically a heavily vegetated scrub-shrub environment.

K. Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

Once complete there will be no solid or liquid waste generated by the project. CMP anticipates that solid waste generated from the proposed project will be limited to minimal land clearing and construction debris. This debris is inert, non-hazardous material that will be handled in accordance with the Maine State Solid Waste Management and Recycling Law (38 M.R.S.A. § 2101 *et seq.*). Waste electrical system and construction process components such as scraps of cable, cable spools, and ceramic insulators may be generated. Most of these materials will be recycled or reused. Small amounts of waste plastic containers for oils and lubricants, broken filters and belts, and damaged tires, etc., will be generated from the use of construction equipment. Construction and managerial staff will generate some incidental 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. Contractors will hire a licensed waste management company for the collection and disposal or recycling of such incidental waste.

L. Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.

Not applicable. There will be no water supplied to the site.

M. Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.

Not applicable. There will be no wastewater generated by the project.

N. Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.

The Applicant provides safety training to local fire, police, and EMT departments on request. As a practical matter, there is no difference in safety procedures for incidents within the existing corridor as there will be once the project is complete; the standards and practices are the same.

Exhibit 1
Project Cross Section

Exhibit 2
Project Overview Map

Exhibit 3
Project Area Maps Showing Natural Resources

Exhibit 4
Project Area Maps in the Shoreland Zone

Exhibit 5
Table Showing Structure Types and Heights

Exhibit 6
Proof of Title, Right, or Interest

Exhibit 7
Table of Project Abutters

Exhibit 8
CMP's "Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects