

Notice of Decision

Date: July 26, 2011

To: Sean Donohue, CSS, CWS, LSE
400 Southborough Drive
South Portland, ME 04106

Re: *Public Hearing: Minor Site Plan Review: For Segment 19 of the Maine Power Reliability Program for construction of Section 3020, a new 345 kV transmission line within and reconstruction of Section 102, an existing 34.5 kV transmission line, within CMP's existing transmission corridors, within the Rural Residential 2 (RR2) district; various Tax Map and Lot numbers, owned by Central Maine Power; Sean Donahue, CSS, CWS, LSE, of TRC Representative, Central Maine Power Company, Owner.*

This is to advise you that on July 19, 2011 the Planning Board voted to approve your minor site plan application subject to the following conditions:

1. That the hours of work be limited to 7:00 a.m to 7:00 p.m., Monday through Friday, with no holiday work.
2. That an estimate of values be provided by the applicant and reviewed and approved by the Town Engineer prior to the pre-construction meeting.
3. That a performance guarantee be provided to the Town prior to the preconstruction conference.
4. That a pre-construction meeting be held prior to the start of construction
5. That a building permit be issued prior to the start of construction, if required by the Code Enforcement Officer.
6. That all clearing limits be flagged prior to the start of construction.
7. That all wells depicted on the final plan undergo pre and post construction water quantity and quality testing.
8. That a blasting permit be obtained from the Code Enforcement Officer prior to the start of construction.
9. That all recommendations of the Fire Chief be complied with.
10. That all fees be paid prior to the issuance of a building permit.
11. That a Certificate of Public Convenience and Necessity will be issued by the PUC for the angle structure 320-94 on parcel R6A, Lot 17 before any work on that property commences.
12. There shall be no clearing in the vicinity of Project Area # 1 until the issues with the Briggs and Lapping properties have been resolved and approved by the Planning Board.
13. That a construction bond be provided to cover any road repair costs on Hillside and Greely Road as a result of this project. The bond shall be in an amount acceptable to the Town Manager.

Findings of Fact: Below

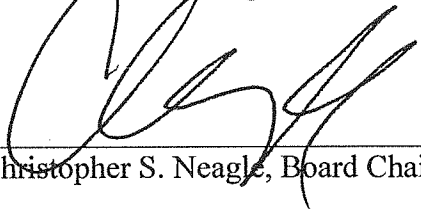
Waivers granted: None

Waivers Denied: None

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Cumberland Planning Board



Christopher S. Neagle, Board Chair

VIII. SITE PLAN APPROVAL STANDARDS AND CRITERIA

Sec. 206.8 Approval Standards and Criteria

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

.1 Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the

maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The project area in Cumberland will be co-located with and alongside the existing CMP corridor. The proposed improvements will require widening CMP's transmission corridor within CMP's existing property, and at two location, onto new property. CMP has worked with project abutters to revise the original plan to incorporate forested buffers between he proposed improvements and abutting residences. A 25 to 80 foot wide forested buffer will be maintained between the corridor and he existing abutting residences. A landscaped buffer will also be constructed on the northwest side of Hillside Avenue. The location of the poles and temporary construction access ways have been sited to avoid impacts to wetlands and streams where possible and to minimize any impacts that are required. These impacts have been reviewed by the MDEP and ACOE to ensure that impacts have been minimized and mitigated appropriately. No floodplains, significant wildlife habitats, rare species, unique natural communities and natural areas are documented with the project area. One aquifer protection area designated by the Town of Cumberland is crossed by the project. Construction activities will be monitored by the MPRP Environmental Inspector and the MPRP Third Party Environmental Inspector to ensure that natural resources are protected appropriately.

The Board finds the standards of this section have been met.

.2 Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

- .1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.**
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.**
- .3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.**
- .4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.**

- .5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.
- .6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
 - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
 - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

Not applicable. There will be no new roads, driveways, or parking areas associated with the transmission lines other than the temporary CMP – maintained access points and ways needed for construction.

The Board finds the standards of this section have been met.

.3 Accessway Location and Spacing

Accessways must meet the following standards:

- .1 Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

Not applicable. There will be no new roads or driveways associated with the project, other than temporary CMP access points and ways needed for construction

The Board finds the standards of this section have been met.

.4 Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- .1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
- .2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

Not applicable. There will be no new permanent roads or driveways within the transmission corridor.

The Board finds the standards of this section have been met.

.5 Parking Layout and Design

Off street parking must conform to the following standards:

- .1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- .2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where

standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

.3 Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

N/A

.4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

N/A

.5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

N/A

.6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

N/A

There will be no parking areas associated with the transmission corridor.

The Board finds the standards of this section have been met.

.6 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

Not applicable. While CMP does permit public access within its transmission line corridors, there are no formal plans for maintained pedestrian walkways.

The Board finds the standards of this section have been met.

.7 Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- .2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- .3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
- .4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- .5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- .6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- .7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially

where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

The pre and post construction land contours and the direction of surface drainage will not be changed as a result of the project. There will be very minimal (.0002 percent of the 96 acre parcel) increase in impervious surface created. MDEP has determined that stormwater management plans are not needed for transmission line portion of the MPRP.

The Board finds the standards of this section have been met.

.8 Erosion Control

- .1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- .2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

Construction of the project will be in accordance with CMP's Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects. These guidelines have been approved for use by the MDEP and ACOE and are a requirement of both approvals. The implementation of these guidelines will be supervised by the MPRP Environmental Inspector and the MPRP Third Party Environmental Inspector. The Board finds the standards of this section have been met.

.9 Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

Not applicable. There is no water required for this project.

The Board finds the standards of this section have been met.

.10 Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

Not applicable. There is no need for sewage disposal with this project.

The Board finds the standards of this section have been met.

.11 Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

Not applicable. While this is a utility project, no utilities are needed to serve the lines or proposed as part of the project.

The Board finds the standards of this section have been met.

.12 Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

No wells or other groundwater withdrawal facilities that could potentially interfere with adjacent water supplies are proposed as part of the project. No on-site wastewater disposal systems that could potentially pollute adjacent water supplies are proposed. The proposed transmission lines and support structures do not pose a threat to the quality or quantity of groundwater.

During construction of the MPRP transmission lines, it is possible that blasting will be necessary to install the transmission line structures. When necessary, the extent of blasting is more limited and the charge size is generally smaller than that used for construction of buildings, parking lots, and other larger infrastructure. Nonetheless, prior to any blasting activities related to the construction of the proposed transmission lines, pre-blast surveys will be performed to identify the presence and condition of wells within 500 feet of the

blast area. Blasting precautions will be the contractual responsibility of the contractor.

The Board finds the standards of this section have been met.

.13 Water Quality Protection

All aspects of the project must be designed so that:

- .1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.**
- .2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.**

The infrastructure proposed as part of Section 3020 and Section 102 (transmission lines, hardware, poles, and, at two locations, foundations) does not pose a threat to water quality. Herbicides are utilized to maintain vegetation within the transmission corridor, and are discussed with respect to water quality below. Oil-based materials will be used within the transmission corridor with construction equipment. The management and use of oil-based products during construction is also discussed below.

Herbicides and Transmission Corridor Vegetation Management

CMP manages the vegetation in its corridors to ensure the safe and reliable operation of the transmission system. Trees and tall-growing shrubs are removed from within the corridor and the corridor edges are trimmed usually on a four-year cycle. Within the corridor, CMP's practices allow for the growth of dense, low vegetation to stabilize the soil, protect streams and wetlands, provide habitat for birds and wildlife, and discourage inappropriate or destructive activities. CMP uses mechanical cutting or hand cutting to clear the trees from corridors and along corridor edges. In addition, limited herbicide applications are used to control re-sprouting and some tall-growing shrubs.

Hardwood species are cut in the spring and early summer and the stumps are treated with herbicides to prevent re-sprouting. The herbicides used are registered by the Maine Board of Pesticide Control and approved by the U.S. Environmental Protection Agency. They are applied directly to each stump by

trained individuals carrying backpack sprayers. The crew foreman and another crewmember of each herbicide application crew must have a Maine Pesticide Applicator license. By Maine law, all herbicide applicators must be continually supervised on-site by someone possessing a Maine Pesticide license. Herbicides are not used within 25 feet of streams or open water. CMP does not use herbicides within 100 feet of identified wells or drinking water sources. In addition, CMP offers landowners (where CMP's transmission corridor rights are held by easement) and abutting landowners a "Vegetation Management Agreement," if they object to the use of herbicide on the transmission corridor. Landowners have the option of agreeing to maintain, at their cost and to CMP's specifications, the vegetation in the corridor.

Herbicides are also used as a low-volume spray on foliage to control tall-growing shrubs. This technique uses 3-5 gallon, non-motorized backpack sprayers to selectively apply the herbicides to certain shrub species (alder, buckthorn, etc.) to maintain open access to the corridor. Foliar spraying is stopped when wind speeds are capable of carrying the spray mixture off the corridor. Spray pressure will be kept as low as possible to reduce drift. Maine drift regulations prohibit spraying when the wind speed is over 15 mph. All herbicide applications will be stopped during rainfall or when rain is imminent. CMP avoids using foliar herbicide applications near yards, gardens, pools, and where humans or animals are congregating. These situations will require manual cutting and stump treatments where appropriate. CMP sends a letter in January to each town where foliar herbicide work is planned for the up-coming year.

Oil and Hazardous Materials

The methods, plans, and procedures to prevent water quality degradation during construction, operation, and maintenance of the proposed transmission lines are incorporated in CMP's Environmental Control Requirements for Contractors and Subcontractors - Oil and Hazardous Materials (see Section 11.0). 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. During construction the MPRP Environmental Inspectors will ensure that all personnel working on the site follow these procedures. Employees operating construction vehicles will be trained to promptly contain, report, and clean up any spill in accordance with standard procedures. To reduce the risk of water quality degradation from a potential spill during construction, no fuel storage, vehicle/equipment parking and maintenance, and refueling activity may occur within 100 feet of a protected wetland and within 200 feet of a private water supply without special exception approval from the MDEP.

No oil-based or hazardous materials will be stored in the transmission corridor after construction. In addition, during routine operations, CMP employees follow the procedures outlined in CMP's Spill Management and Prevention section of its 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 Section 11.0 for contractors, and cover reporting, immediate response, cleanup, and documentation.

The Board finds the standards of this section have been met.

.14 Capacity of the Applicant

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

CMP will be financially responsible for the project. CMP is a subsidiary of Energy East Corporation and has access to equity capital through a large energy company, Iberdrola; a 2008 Annual Report is available upon request.

Technical expertise was provided by TRC Engineers, Bracket and Drake, LLS, Terrence DeWan, RLA, Power Engineers, Inc., Burns and McDonnell, and CMP.

The Board finds the standards of this section have been met.

.15 Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

During the period 2008-2011, CMP has engaged in extensive consultation with the Maine Historic Preservation Commission (MHPC) regarding the investigation of pre-contact archeological, post-contact 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).

As a result of these surveys, the MHPC has determined that there are no eligible or potentially eligible pre-contact or post-contact archaeological sites in Cumberland or Yarmouth that would be adversely impacted by MPRP. The MHPC also has determined that there are no eligible or potentially eligible historic architectural structures in Cumberland or Yarmouth that would be adversely impacted by MPRP.

The Board finds the standards of this section have been met.

.16 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The site is not located within the 100 year floodway of any river or stream.

The Board finds the standards of this section have been met.

.17 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

Not applicable. No exterior lighting is needed or proposed.

The Board finds the standards of this section have been met.

.18 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

At certain locations existing residences abut the Segment 19 transmission corridor in Cumberland. Where the transmission corridor is abutted by residential properties not owned or controlled by CMP, the project design includes a 45 to 80 foot wide forested buffer along the transmission corridor edge. The two exceptions to this are at structure 3020-94, which is an angle pole requiring the forested buffer width be reduced to 25 feet to accommodate guy wires, and at one location northeast of Aspen Crest Lane where clearing on an abutting property has encroached into part of CMP's corridor.

The incorporation of forested buffers into the project is a significant design change resulting from consultations with the MPRP Ombudsman and interveners, as ordered by the PUC. The proposed forested buffers are identifiable on the Project Scope and Natural Resources Maps 1 -5 provided in Section 6.0 and also on the transmission corridor cross sections provided in Section 5.0. The proposed forested buffers would be in addition to any existing forested buffers that also exist on abutting land.

CMP has also developed a landscaping buffer plan for the northwest side of Hillside Avenue, where the Segment 19 transmission corridor crosses this road. The purpose of the buffer plan is to minimize down-corridor views. Down-

corridor views from the southeast side of Hillside Avenue are blocked by natural topography. The landscaping buffer plan provided in Section 13.0 has been reviewed and approved by the town engineer and town planner.

The Board is not yet satisfied that the proposed buffering is sufficient with regard to the Briggs and Lapping properties located in Project Area # 1.

Otherwise, the Board finds the standards of this section have been met.

.19 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

The project will not create noise that is a nuisance to neighboring properties. In general, transmission lines may produce a slight hissing, crackling sound that results from the partial electrical breakdown of the air around the conductors during certain weather events. Audible noise (AN) from electrical transmission lines is based on conductor (wire) size selection. Conductor size selection is based on consideration of electrical capacity requirements, support structure configuration, and other factors. CMP has selected conductors that are designed to be noise free under dry conditions. During very humid or stormy weather, the conductors will emit only a slight crackling sound. During these weather conditions, the AN produced by the conductors will be of a relatively low decibel, of irregular frequency and infrequent in occurrence, and generally will not be apparent beyond the limits of the transmission line corridor.

As with any construction project, construction activities will generate some noise. Construction will generally occur between the hours of 7 a.m. and 7 p.m., Monday through Friday with no holidays. Construction related noise would be temporary.

The Board finds the standards of this section have been met.

.20 Storage of Materials

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

- .2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

Not applicable. After construction is completed no materials will be stored in the transmission corridor, and no storage areas are proposed in the transmission corridor.

The Board finds the standards of this section have been met.

.21 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

A roadside landscaping buffer will be installed in the transmission corridor at the Hillside Avenue crossing in order to buffer down-corridor views of the lines from the road. This has been designed by Terrance DeWan Associates.

The Board finds the standards of this section have been met.

.22 Building and Parking Placement

- .1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

- .2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

Not applicable. No buildings or parking areas are necessary or proposed.

The Board finds the standards of this section have been met.

.23 Fire Protection

The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance once the applicant has met the design requirements of the Town's Fire Protection Ordinance.

An emergency response plan has been developed by the applicant and approved by the Fire Chief.

The Board finds the standards of this section have been met.

.24 Aquifer Protection (if applicable)

If the site is located within the Town Aquifer Protection Area a positive finding by the board that the proposed plan will not adversely affect the aquifer, is required.

The transmission corridor does cross an Aquifer Protection Area to the northeast of Mere Wind Drive. Approximately 3.5 acres of the project is in the Aquifer Protection Area. None of the activities specified in Section 303.2 of the Cumberland Zoning Ordinance as being regulated within Aquifer Protection Areas are proposed as part of the project. Small amounts of petroleum based projects and other hazardous materials for equipment operation may be used or stored within the transmission corridor during project construction but these materials will be stored and managed in accordance with the "Environmental Control Requirements for Contractor and Subcontractors of Central Maine Power Company – Oil and Hazardous Material. No bulk fuel storage will occur within the transmission corridor.

The Board finds the standards of this section have been met.

.25 Route 100 Design Standards (if applicable)

All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of

consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals.

N/A

.26 Route 1 Design Guidelines (if applicable)

All development in the Office Commercial North and Office Commercial South districts is encouraged to be consistent with the Route 1 Design Guidelines.

N/A

Limitation of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

STANDARD CONDITION OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

PROPOSED CONDITIONS OF APPROVAL

1. That the hours of work be limited to 7:00 a.m to 7:00 p.m., Monday through Friday, with no holiday work.
2. That an estimate of values be provided by the applicant and reviewed and approved by the Town Engineer prior to the pre-construction meeting.
3. That a performance guarantee be provided to the Town prior to the preconstruction conference.
4. That a pre-construction meeting be held prior to the start of construction
5. That a building permit be issued prior to the start of construction, if required by the Code Enforcement Officer.
6. That all clearing limits be flagged prior to the start of construction.
7. That all wells depicted on the final plan undergo pre and post construction water quantity and quality testing.
8. That a blasting permit be obtained from the Code Enforcement Officer prior to the start of construction.
9. That all recommendations of the Fire Chief be complied with.

10. That all fees be paid prior to the issuance of a building permit.
11. That a Certificate of Public Convenience and Necessity will be issued by the PUC for the angle structure 320-94 on parcel R6A, Lot 17 before any work on that property commences.
12. There shall be no clearing in the vicinity of Project Area # 1 until further review by the Planning Board.
13. That a construction bond be provided to cover any road repair costs on Hillside and Greely Road as a result of this project. The bond shall be in an amount acceptable to the Town Manager.