

Findings of Fact

Conclusions of Law

**In the Matter of the Site Plan Review of the
Maine Power Reliability Program**

Applicant: Central Maine Power

**For the upgrade of Transmission Lines on Two Existing Corridors and the
Construction of a New Transmission Line on One of Those Corridors**

March 10, 2010

Central Maine Power Co. proposes to upgrade existing power transmission lines and construct new transmission lines on two existing CMP right-of-ways. One corridor runs roughly north and south through the westerly portion of Greene from Lewiston to Turner. This is the corridor designated as CMP Section 200 and Section 251 and herein referred to as the northerly corridor. The other corridor runs roughly east and west from Lewiston to Leeds and is designated as CMP Section 41 and Section 212 and is herein referred to as the easterly corridor. The easterly right-of-way (ROW) will be widened by 25' over all or most of its length depending on CMP's ability to reach agreements with adjacent landowners.

Central Maine Power is seeking permits from a number of towns for an overall transmission line upgrade. A DEP Site Location of Development Permit is necessary as is an Army Corps of Engineers permit for wetland impacts. CMP is also seeking approval from the Town of Greene for a Shoreland Zoning Permit and a Floodplain Management Permit.

The Applicant is proposing to construct temporary access roads over most of the corridors in order to construct the facilities. Access roads will generally enter onto existing state and town roads. The Access Road has not been laid out on plans but will be generally laid out upon a walk-through by CMP representatives, the contractor and the Third Party Inspector that the Applicant says will be required by DEP. The Application indicates a number of cautions that must be taken so that the access road has the least impact on environmental resources. The Applicant proposes to clear vegetation for access with equipment running over the natural land or over ground stabilization materials such as timber mats when the natural ground will not support the equipment and vehicles. In sensitive areas, road development will be limited with access being provided to pole locations from either end of the resource rather than constructing road through the entire resource.

The Applicant has provided maps of the entire corridors with wetlands and vernal pools identified on them. Maps also had contour lines so that stream and drainages could be identified. A map also identified the watershed boundaries and a set of maps identified floodplains. No permanent stream crossings are proposed, and it is not proposed for access roads, especially those across sensitive areas to be permanent.

Portions of the project are located in the watersheds of Allen and Sabattus Ponds. While no impervious surfaces are proposed for the project, there is potential for impacts from eroded soil that could enter these lakes carrying phosphorus with it. Additionally, any compacted soil resulting from access road use will increase runoff. It will be necessary to carefully control erosion during and after construction and to ensure that road impacts on sensitive watershed areas are reduced to a minimum.

The Application contains the information noted below. The information contained in the Application and any submittals to the Planning Board are a part of the application and the overall approval. The site shall be constructed in accordance with the complete application materials and the conditions of the Planning Board findings, and any variation from the information shall be presented to the Planning Board for review.

The application contained alternatives for pole construction should CMP not obtain rights-of-way needed to install wooden poles or wooden H-frame construction. On March 9, 2010, CMP confirmed that they had acquired appropriate options so that the alternative that would require taller, steel poles would not be used.

The Application contained the following information:

- Site Plan Review Application Form
- Application Completeness Checklist
- A Statement noting each of the Site Review Standards and a narrative response as to why they have been met.
- A Shoreland Zoning Permit Application which is cited in the Site Plan materials
- A Floodplain Management Application which is cited in the Site Plan materials
- An Overview Map
- Project Scope and Topography Maps 1 through 13
- Project Scope and Natural Resources Maps 1 through 13 that were replaced by the preceding item.
- Project Scope and Natural Resources FIRM 100 Year Flood Zone Maps 1 and 2
- Great Pond Watersheds Map
- Transmission Line Configuration Cross Sections
- A table showing Structure Height Ranges in Greene
- Table of Deeds
- List of Abutters
- Environmental Guidelines for Construction and Maintenance Activities on Transmission line and Substation Projects
- Copy of Letters to Selectmen, Road Commissioner and Fire Chief and Abutters
- Noise Monitoring Data
- An e-mail to Ms. Laliberte from Derek Davidson at Maine.gov dated 1/19/2010 noting CMP's ability to use Eminent Domain
- Additional Submittals January 25, 2010 including
 - Letter to Randall Ray
 - Testimony of William H. Bailey, PhD for the Maine Public Utilities Commission

- Information on Construction in and around vernal pools in Greene
- Information detailing construction activities in the vicinity of Sabattus Pond
- A “flyer” on EMF apparently prepared by CMP for the MPRP.
- Additional Submittal 12/28/2009
 - A letter to Randall Ray relating to Checklist Items #16, #25, #28, and #65
 - Revised Completion Checklist
 - The above referenced topography maps
 - Information on Cultural Resources
 - Letter to Randall Ray from Sarah Verville dated December 21, 2009
 - Letter to Kyle Warren from Arthur Spiess dated February 4, 2010
 - Letter to Kyle Warren from Kirk Mohny dated October 26, 2009
 - Map of Scenic View Locations with Segments located on them

Compliance with Standards 6-501.1

- A. Preservation of Landscape:** The transmission lines rights-of-way (ROW) are located over several different land use districts including several shoreland zoning districts. All disturbed areas will be revegetated either naturally or through seeding or other planting. Species capable of growing to heights at which they will interfere with the power lines will be controlled, and some clearing of such species will occur on the easterly segment as approximately 25’ of new ROW is acquired. The general vegetative state of the ROW will be natural shrub type vegetation. Since the right of ways are already cleared of “capable” species, the additional clearing of width will not significantly change the aesthetics either locally or from viewpoints around town. The application contains two alternatives for the easterly section. One uses 75’ high wooden structures and the other proposes a 100 foot steel tower for one of the lines. The second alternative would be used in areas where additional ROW width can not be purchased. The height of new lines will be taller than existing lines, but heights for either alternative will not be so high as to significantly affect aesthetics. Wetlands and vernal pools are an integral part of the landscape along a number of segments of the transmission corridor. They will be protected to the extent feasible although the Board believes conditions in addition to the Guidelines and information submitted is required to ensure that these areas are protected and continue to be an important part of the landscape. Therefore, the board finds that the development meets this standard with the conditions noted below.
- B. Relation of Proposed Buildings to the Environment:** No buildings are proposed. Structures will be power line support poles of several different designs – either steel or, most probably wooden. Since the power line is being constructed in existing rights-of- way, the poles will have a similar relationship to the environment as the existing power line. All land will be restored to a vegetated condition (see A above)

and at similar grades and having a similar drainage pattern to that existing prior to construction. Therefore, the board finds that the development meets this standard with conditions required by other standards.

- C. **Vehicular Access:** The access to the site is generally temporary in nature, with permanent access only being required for periodic maintenance of the power lines and pole structures and the vegetation and any environmental issues that could arise due to unauthorized use of the corridors. Access areas must be located on the ROW frontage on existing roads. Caution is needed to ensure traffic safety at these access points, especially because the locations cannot be moved to accommodate required site distances and other access standards. Therefore, the board finds that the development meets this standard with the conditions noted below.
- D. **Access to Route 202:** As with other access locations, access to temporary roads must be clearly marked. Therefore, the board finds that the development meets this standard with the conditions noted below.
- E. **Off-Street Parking:** All parking by construction and other vehicles used for workers to access the site, whether laborers, engineers, inspectors or others shall be off street on the corridor. Therefore, the board finds that the development meets this standard with the conditions noted below.
- F. **Surface Water:** The project will not create any significant additional permanent impervious areas. (Pole tops and possibly concrete bases could add minute amounts of impervious area). There will be minimal increases in stormwater runoff associated with the project, since the land topography will not be permanently altered beyond the tracks made for construction purposes and natural low vegetation such as brush will be allowed to grow in any cleared areas and where clearing of “capable” species (trees that could grow to the height that would interfere with the power lines) occurs.

Erosion of soils during and after construction have the potential to impact surface waters, including local brooks/streams, wetland, vernal pools and Allen Pond and Sabattus Pond. Sabattus Pond is particularly sensitive to any development in the watershed and any transport of soil and associated phosphorus into the lake.

Wetlands and Vernal Pools are also sensitive surface water bodies that will be disturbed to varying extents depending on their location on or adjacent to the corridor. These areas are also sensitive to any eroded soils that may be transported to them. They may also be sensitive to clearing around them as this can warm water temperatures and destroy habitat necessary to amphibian sustainability.

Erosion must be carefully controlled and clearing must be carefully executed. Some warming of small streams, wetlands and vernal pools are unavoidable due to the need to clear “capable” species in order to protect transmission lines. It will be important to encourage the growth of taller shrubs near vernal pools and along any areas where there is clearing adjacent to small streams and brooks. The Environmental Guidelines

For Construction and Maintenance Activities on Transmission Line And Substation Projects and the supplemental information entitled Construction in and around Vernal Pools in Greene and Construction in the Vicinity of Sabattus Pond create a reasonable framework for the protection of surface water resources and associated habitat. However, they do not provide definitive or directive recommendations needed to protect the resource types noted herein. Rather they provide for some subjectivity and contain phrases that suggest or recommend, but do not require use of BMPs in all cases of disturbed or potentially disturbed soil. Therefore, the Board finds that the development meets this standard with the conditions noted below.

Conservation, Erosion and Sediment Control: The Applicant has submitted Environmental Guidelines For Construction and Maintenance Activities on Transmission Line And Substation Projects and the supplemental information entitled Construction in and around Vernal Pools in Greene and Construction in the Vicinity of Sabattus Pond. As noted under Surface Waters, these documents create a framework for erosion and sedimentation control but do not provide adequate definition and do not assign specific techniques to the prevention of erosion or the protection of surface water resources, including wetlands and vernal pools, from sedimentation.

The Guidelines contain a statement, “An erosion control plan should be prepared during project planning and design phases. It will likely be required for any Maine Department of Environmental Protection and/or local permits. The erosion control plan should consist of:

- A narrative.
- A map.
- Plan details.”

There is no Erosion Control narrative as such or detailed map of where certain Best Management Practices will be installed or plan details for the installation of the temporary access road, temporary yards, and erosion and sediment control devices including diversions and sediment barriers.

The Guidelines further detail provisions that the Erosion Control plan and narrative should provide, a number of which are not included in the submittals. Conditions are needed to ensure that erosion and sediment control are carried out in such a manner as to be enforceable and ensure that all resources are protected.

One recommendation of the guidelines notes that the plan should contain a construction schedule and start and end dates. Given the uncertainty of all permitting, the Board realizes that such a timing cannot be provided. However, it is necessary to require conditions that will address timing and scheduling of the project.

Therefore, the Board finds that the development meets this standard with the conditions noted below.

- G. **Phosphorus Export:** Since no significant permanent impervious surfaces will be created, phosphorus export from the site will be related to erosion and soil movement into Allen Pond and Sabattus Pond. It is necessary to control erosion and sedimentation to ensure that phosphorus contained in soils does not impact these water bodies. Therefore, the Board finds that the development meets this standard with the conditions noted below.
- H. **Site Conditions:** The Applicant agrees that the site will be maintained such that it will be left each day in a safe, sanitary and environmentally sound manner, and that all construction waste will be cleared from the site once the site is complete. Site clearing waste may remain on the site but shall not be left in unsightly piles or in areas where it will obstruct surface water flows. Therefore, the board finds that the development meets this standard.
- I. **Signs:** The only signage proposed is for vehicular control of temporary access to the corridor. It is also expected, but not stated in the application, that there may be a limited amount of signage to be used for documentation and maintenance purposes. Therefore, the board finds that the development meets this standard.
- J. **Special Features:** There are no special features to the development. Therefore, the board finds that the development meets this standard.
- K. **Exterior Lighting:** No external lighting is proposed. Therefore, the board finds that the development meets this standard.
- L. **Emergency Vehicle Access:** Emergency vehicle access will be provided over the temporary access roads planned to support construction of the power line. The Fire Chief appears to believe this is adequate access to the site. Therefore, the board finds that the development meets this standard.
- M. **Municipal Services:** The project will not use any municipal services. Solid waste disposal will be the responsibility of the Applicant/Owner. Therefore, the board finds that the development meets this standard.
- N. **Water Supply:** Water will be provided to construction workers as for any construction project. No permanent source of water is needed. Therefore, the board finds that the development meets this standard.
- O. **Ground Water:** All clearing and maintenance will be performed by mechanical means. No chemicals will be used on site. Spills of fuels and petroleum based fluids, such as hydraulic fluids, must be cleaned up immediately upon detection of the spill or leak. Therefore, the board finds that the development meets this standard with the conditions noted below.
- P. **Air Emissions:** The use will not create any air pollution beyond dust created by excavation and vehicle movement activities. Vehicles meet federal and state

standards for emission controls. Idling times shall be minimized. Therefore, the board finds that the development meets this standard with the conditions noted below.

- Q. **Odor Control:** It is not expected that there will be any odors emitted from the site during or after construction. Therefore, the board finds that the development meets this standard.
- R. **Noise:** A noise analysis was presented in the application. The modeling of noise levels indicates that noise will be within limits of the ordinance. Therefore, the board finds that the development meets this standard.
- S. **Sewage Disposal:** There is no need for permanent sewage disposal. Temporary chemical toilets will be provided for construction workers as required by federal rules (Occupational Safety and Health). Therefore, the Board finds that the development meets this standard.
- T. **Waste Disposal:** Solid waste will be handled by the contractor. It will be the responsibility of the Applicant to dispose of any wastes generated in accordance with applicable federal and state rules. Therefore, the board finds that the development meets this standard.
- U. **Buffer Areas:** Natural vegetation will be maintained along the transmission line corridor. The base of poles will be adequately screened by such vegetation. Due to the nature of transmission lines, it is not possible to create buffers over the full height of the line. Therefore, the board finds that the development meets this standard.
- V. **Technical and Financial Capacity:** The Applicant has hired design professionals to provide adequate technical capacity. The Applicant appears to have adequate financial resources to undertake a successful project. The Maine Public Utilities Commission will further review the project to ensure that financial capacity exists to complete the work. Therefore, the board finds that the development meets this standard.
- W. **Conformance with Comprehensive Plan:** Since the transmission line ROW were in the community when the plan was completed and adopted, and the project complies with the applicable ordinances, the Board finds that the project conforms to the Comprehensive Plan. Therefore, the board finds that the development meets this standard.

Therefore, the Board approves the plan with the following conditions:

Administrative, relating to a number of Standards.

1. The Applicant will inform the Greene CEO at least four weeks prior to the start of construction. The Applicant will provide a copy of construction drawings and any additional details on road or yard construction and any additional details on

erosion and sediment control to the Code Enforcement Officer at least two weeks prior to the start of construction.

2. The Applicant will arrange for the Greene CEO to attend the walk-through and to meet with the Third Party Inspector as well as any representatives of CMP that will be on site either full time or occasionally. The Applicant will also provide the Greene CEO with contact e-mail and phone numbers of these parties.
3. The Applicant will provide the Greene CEO with a cover sheet and index of the construction drawings for Greene's permanent files. Drawings shall be signed by a Maine Licensed Professional Engineer and shall indicate that all construction drawings have been signed by a Maine Licensed Professional Engineer.
4. A copy of the DEP permit including findings of fact, conclusions and conditions shall be provided to the Greene CEO within 10 days of CMP receiving it. If any findings, conclusions or conditions conflict with the application materials or the conditions herein required such that the requirements of these findings cannot be implemented, then the Planning Board maintains the right to open its review and approval of the project.
5. The Planning Board hereby incorporates all conditions placed upon the project in general or in the town of Greene into this approval and therefore maintains the right to enforce such conditions as if such conditions were a part of this approval.
6. CMP shall forward to the Greene CEO the weekly reports, which shall be prepared by the Third Party Inspector, within one working day of their completion and in no case later than two working days after the completion of the calendar week. Any additional reports prepared by the Inspector or other responsible party and provided to DEP shall also be provided to the town at the time of submittal to DEP. Such reports may be submitted by e-mail, U.S. Mail or other recognized carrier or in person.

Preservation of the Landscape, Surface Waters, Erosion Control, Phosphorus Export.

7. The work in Greene will follow the erosion and sediment control practices presented in the most recent (currently 2003) version of the Maine Erosion and Sediment Control BMPs developed by the Maine Department of Environmental Protection, the Environmental Guidelines For Construction and Maintenance Activities on Transmission Line And Substation Projects (referred to herein as Guidelines) as included in the application, and these conditions. The more restrictive application of the DEP BMPs and the Guidelines shall apply unless the Conditions noted below provide for a less stringent procedure. Both the DEP BMPs and the Guidelines provide choices of BMPs, and the Guidelines contain many instances of subjective wording such as "should" instead of more definitive wording such as "will" or "shall." Where such wording is used, the word "should" will be taken as a directive rather than a more passive recommendation with the

exception that, in some instances, the use of a recommended practice is not necessary or practical. Examples of this would be the mulching of access roads or staging areas that are under constant use, the installation of all poles located in wetlands within one day, and the timing on the removal of mats that may be need for additional activity well in the future or may be needed on a short term basis at another location. Where a directive reading of the word “shall” is impractical as in the examples given, then CMP’s environmental inspector or the DEP 3rd Party Inspector shall consult with the Greene CEO, or if unavailable for consultation, shall report such deviation to the Greene CEO within one working day of the decision. In a few instances, the directive wording for the application of certain Guidelines or BMPs can be reviewed with the Greene CEO on the walk-through and a general exemption may be granted by the CEO.

8. Prior to construction, a “walk-through” will be conducted with particular attention given to sensitive areas including vernal pools, wetlands, and stream and drainage crossings. Attendees at the walk-through will include: 1) the contractor, 2) CMP and/or any designated representative, the assigned Third Party Inspector and the town Code Enforcement Officer or, if he is unavailable at the time of the walk-through, his designee, and any other representative that the Planning Board designates. The walk-through will accomplish the following objectives as stated in the Guidelines:
 - Identify available or alternate points of access to the project site.
 - Identify sensitive natural areas.
 - Flag sensitive natural areas and other areas where additional caution must be used in order to protect environmental resources and town drainage systems.
 - Identify “No-Access” areas and so indicate with signage as well as color coded flagging.
 - Review color designation for all flagging used and provide a color chart to the contractor(s) and the CEO.
 - Establish the Communication Chain of Command (Contact Point).
 - Identify and flag access/construction roads within the ROW and/or project area.
 - Establish methods of access over water resource areas if proposed to be different than timber or composite mats including the method of installation of mats such as lying directly on ground or elevating by cribbing.
9. CMP will provide a copy of drawings adequate to note the methods agreed to in the walk-through on them for use by the Contractor and the Town. At CMP’s expense, CMP shall make such notes, provide a copy to the town Code Enforcement Officer for approval, and then provide an approved copy to the Contractor.

10. Use of documented construction and erosion control methods as noted on the set of maps during the walk-through may be evaluated periodically during the construction process and amended as mutually agreed upon. If modifications to the plans need to be made in the field, CMP will designate a person who shall make necessary changes and shall notify all necessary personnel including the Greene Code Enforcement Officer promptly, and in no case in more than 24 hours.
11. Erosion controls on the project shall be checked preceding all forecast heavy rain (1" or more) and/or snow events to ensure proper erosion controls are in place and in proper working order. Disturbed areas where staging and vehicle movement is not an on-going activity shall be mulched prior to such events.
12. All disturbed areas shall be stabilized or restored as soon as possible when not scheduled for additional excavation or use, preferably while equipment is on site. Disturbed areas that will not undergo additional earthwork or be used for a period of seven days shall be mulched with hay or an erosion control mix.
13. As noted in the Guidelines, for a project of this nature and scope, exact scheduling at this point in the permitting process is not practical. However, as noted, including environmental considerations in the daily and weekly project planning is important in order to minimize environmental impacts. Consider and consult with the Greene CEO on the weekly project schedule. Consider the schedule and weather in planning construction activities.
14. Buffers or "filter strips" as noted in 3.1 Road Construction of the Guidelines shall be used downslope of all excavation or other activities that disturb soil with the width of the strip regulated by the table in that section. Where it is necessary to use narrower strips, a double row of filter material such as siltation fence or erosion control berm shall be used.
15. Slopes of cut-and-fill banks will be no steeper than 1 horizontal to 1 vertical. If located within 100 feet upslope of water resources, the slopes will be no steeper than 2 horizontal to 1 vertical. All cut and fill bankings or other areas, except the travel way of roadways, having slopes greater than 3:1 will be stabilized with erosion control mix within 7 days of disturbance.
16. Timber or composite mats or other bridge material or DEP-approved methodology as noted in Section 4.1 of the Guidelines will be used for all stream and drainage crossings and for wetland crossings where soils are organic or mucky or where soils are saturated so that soils will be disturbed by equipment crossing them or where there is flowing or free standing water in the wetland. Variation of this crossing method is permitted and shall be determined at the time of the walk through in conjunction with the Greene CEO. Variation may also be permitted upon consultation with the CEO at least one working day before the crossing is to be installed.

17. All crossings shall include water bars, broad based dips or turn outs on the access, approximately 50 feet from each side of the crossing, to promote filter-strip treatment of runoff. All temporary crossings must be stabilized within seven (7) days of its removal. This requirement is not applicable in instances where the matted travel lane extends 50 feet or more from the interface with adjacent uplands. In addition, this requirement is not applicable in instances where installing the water bar, broad based dip, or turn out would direct sediment laden waters into a sensitive resource.
18. A Licensed Professional Engineer shall design all permanent culvert crossings. Culverts shall be installed in accordance with the Guidelines with the word "shall" substituted for the word "should" in the guidelines, except that the Greene CEO may be consulted at least one full work day prior to any variation in the Guidelines due to specific field conditions.
19. When temporary culverts are removed, the fill material can be redistributed and spread out on uplands at distances greater than the those in the "filter strip" width table presented in the Guidelines. All fill material so spread shall be mulched with hay or erosion control mulch within 48 hours of placement. Material shall be placed so that there is no upslope drainage that may erode the material.
20. The banks and bottoms of the stream, drainage way, or wetland should be restored to original conditions upon the removal of crossings. Exposed soils on the banks and on slopes draining towards the stream or waterbody shall be stabilized using seed and mulch within 7 days of removal. Steep banks and slopes (over 8%) adjacent to streams shall be stabilized with curlex or jute matting in combination with seed and mulch.
21. Disturbed stream or drainage way bankings in the Allen Pond or Sabattus Pond watersheds shall be stabilized with non-capable, native vegetation consistent with what already occurs on site, erosion control mix, mulch, and/or appropriate matting, except that drainage ways through wetlands, where there is no exposed soil "banking" need only be seeded and mulched.
22. Mats shall be of sufficient length to minimize the need for piers or support mats within the crossing area. Mats shall be in good condition so as to avoid any soil disturbance when transporting mats. Mats shall be installed and maintained according to the guidelines with the word "shall" substituted for the word "should" in the guidelines.
23. The planned removal of mats should be coordinated with CMP (or designated representative), the project environmental inspector, and any Third Party Inspector. As temporary structures, they shall be removed within 30 days of completion on that segment of the work in Greene, unless otherwise approved by the town Code Enforcement Officer.

24. Fords and corduroy shall not be used for stream, drainage or wetland crossings unless specifically approved by the CEO at least one week prior to their use.
25. The contractor shall use above-ground structures or techniques to divert water out of travel ways and work areas in order to prevent subsequent runoff and erosion. Upslope diversions shall be used around any yards or exposed work areas to divert upslope runoff around these areas.
26. Broad-based dips, water bars, skid humps, water turnouts, and cross-drainage box culverts shall be used to redirect water moving down a travel way slope into adjacent vegetated areas (filter strips). Measures shall be installed in accordance with the recommendations of the Guidelines with the word "shall" substituted for the word "should" that frequently appears in the Guidelines. Measures shall be installed at intervals contained in Table 4 (Recommended Distances Between Water Diversion Structures). These structures should be installed immediately above and along steep pitches (slopes greater than 6%) in the road. They shall be sited to take advantage of existing vegetation for filtering and slope away from the travel surface.
27. Where the structure is within 100 feet of a stream or wetland, the incorporation of a small, excavated settling basin or ditch turnout to reduce the velocity of flows and the continued movement of sediment downslope shall be installed. In addition, a sediment barrier (silt fencing or erosion control mulch berm) will be installed at the outlet of the diversion structure.
28. Maintenance shall occur on a regular basis, and in all cases, maintenance shall maintain the functionality of structures.
29. Prior to the disturbance of any soil for any activity located in the Allen Pond or Sabattus Pond watersheds, the Contractor shall install Sediment Barriers downgradient of the activity. Outside these two lake watersheds, sediment barriers shall be installed downgradient of all disturbed soils on slopes that are steeper than 6% when soil from such disturbed areas could flow across the land and otherwise in accordance with the Guidelines with the word "shall" being substituted for the word "should" in the Guidelines.
30. The use of filter fabric or erosion control mix for sediment barriers is preferred. Barriers shall be installed and maintained in accordance with the recommendations in the Guidelines and the Maine Erosion and Sediment Control BMPs.
31. Nonstructural measures shall be used whenever there is a possibility that exposed soils could wash into adjacent surface water resources including wetlands and vernal pools. Temporary hay or other mulch material shall be spread on exposed, disturbed soils within 48 hours after regular disturbance of the soils (for traffic

movement, further excavation or filling) has ceased or before any predicted storm event. Temporary mulching shall be installed and maintained in accordance with the recommendations of the Guidelines, except as more stringent requirements are required by these conditions.

32. Temporary seeding covered by hay or straw mulch shall be applied to all disturbed areas not scheduled for final restoration for 30 days between the dates of April 16 to October 31 of any given year.
33. Temporary hay mulch or similar mulch materials shall be held in place with netting or other suitable material on slopes greater than 8% or on areas subject to high wind exposure or on unstable soils and river or stream bankings. Netting or other appropriate materials shall be held in place according to the manufacturer's directions.
34. Erosion control mix can be used as a substitute for temporary mulching or seeding and mulching.
35. All temporary measures shall be installed and maintained in accordance with the recommendations in the Guidelines.
36. Areas of disturbed soils shall be permanently revegetated either naturally or with permanent grass and legume seeding covered by hay or straw mulch once they have been brought to final grade. Seeding shall be accomplished between the dates of April 16 to October 31 of any given year, otherwise temporary stabilization will be used in accordance with Winter Construction procedures until permanent seeding can occur in the spring. Small areas of disturbed soils (100 square feet or less or areas of similar size that are joined by narrow strips of disturbed soil) and that are located in areas where root systems have been disturbed but appear to be viable may receive 4 to 6 inches of erosion control mix instead of permanent seeding.
37. Permanent seeding shall be accomplished in accordance with the Guidelines. Soils shall be conditioned, as appropriate, seed applied, and areas shall be mulched with hay or straw mulch. Mulch shall be anchored with netting installed in accordance with manufacturer's directions in areas of high wind exposure, on slopes greater than 8% or on unstable soils or disturbed stream and drainage bankings. If used, fertilizers shall not contain phosphorus.
38. Erosion control mulches can generally be left in place to decompose, and it shall be allowed to support vegetation. On steeper slopes or on disturbed stream or other bankings near surface bodies, wetlands, or vernal pools, legumes and woody vegetation shall be planted when there is no viable root system remaining.
39. Wetlands may be allowed to revegetate naturally provided there is no threat of erosion and sedimentation due to the occurrence of high flows through the wetland

or flooding of the wetland. Restoration, grading and seeding shall occur in accordance with the Guidelines.

40. If soils are to remain disturbed through the winter or winter construction (between October 31 and April 15) is necessary, Central Maine Power shall submit a more detailed Erosion Control Plan for Winter Construction to the Greene CEO at least two weeks prior to the work or by October 1 if it is in areas where construction is continuing or soils cannot be permanently stabilized prior to October 31. The Winter Construction plan shall generally follow Table 6 of the Guidelines.
41. Upon completion of the project, the Applicant will continue to maintain the corridor and restore any disturbed areas from maintenance operations in accordance with the conditions and other guidance on erosion control contained in the application. Herbicides shall be selectively applied (using a low-pressure backpack applicator) to capable species to prevent growth (or re-growth of a cut plant) of individual plants. CMP shall not store, mix, or load herbicides within 50 feet of any surface water. Application shall not occur when wind speeds exceed 15 MPH, as measured on-site at the time of application and shall be administered to minimize the potential for drift to the maximum extent practicable. CMP shall not use herbicides within 25 feet of any waterbody, vernal pool depression, or wetland with standing water, or within 100 feet of a known well. In addition, within the 250-foot critical terrestrial habitat, vegetation maintenance operations during the region – specific peak breeding period, as defined in DEP’s Chapter 335 Significant Wildlife Habitat § 9(B)(3) and (4), as amended from time to time, may not use wheeled/tracked equipment, and must utilize hand tools only (e.g., brush hooks, chainsaws, selective herbicide applications), unless otherwise approved by MDIF&W. Crew forepersons shall be certified by the Maine Pesticide Control Board, and all herbicides must be EPA registered and approved for use by Maine DEP.
42. CMP will use their best efforts and work with the town to control unauthorized use of the corridor, or to control recreational uses, such as ATV use, to protect important habitat and surface waters.

Traffic, Parking

43. The Applicant will mark temporary access sites so as to warn motorists of entering and leaving the ROW. Signage shall follow procedures provided in the Manual of Uniform Traffic Control Devices for temporary access. Whenever work is accomplished on the corridor, signage shall be used to warn motorists of vehicles accessing the corridor.

Groundwater

44. In addition to the condition that herbicides only be applied in the manner described above, the contractor on site shall have a written spill and leak control protocol including the number of the Greene Fire Chief and DEP Spill Response on site and shall have adequate absorbent materials, hand shovels and equipment

to contain and clean up spills and leaks. Any spilled or leaked material including contaminated soil shall be disposed off site in accordance with Maine DEP requirements.

Air Emissions

45. Dust from excavation and vehicle movement shall be controlled by water and/or water calcium chloride application when dust could impact nearby residents.

Shoreland Zoning and Floodplain Management

By virtue of the Site Plan Review, the application materials submitted for Site Plan Review, Shoreland Zoning and Floodplain Management, and a review of the Shoreland Zoning and Floodplain standards, the Planning Board finds that this project complies with these ordinances subject to the conditions noted in the Site Plan Review Findings of Fact.

R. L. Lathrop, Chair

John F. ...

Peter A. Johnson

Scott B. ...

Date: 5.11.10