



March 16, 2009

TRC
Attn: Richard Paquette
400 Southborough Drive
S. Portland, ME 04106

RE: Town of Jay Shoreland Zoning & Floodplain Permit

Dear Rick,

Enclosed please find two copies of the Town of Jay Planning Board Shoreland Zoning and Flood Hazard Development Permit for Minor Development, Permit 09-01 Power Reliability Program. The last page of the Permit has been signed by the Planning Board Chairman however a signature is needed from the permittee. Please sign the enclosed Permits and return one original to me at the Town of Jay, 340 Main Street, Jay, ME 04239.

As identified in the Permit, copies of all federal and state permits must be submitted to the Board prior to the permit becoming valid. Also, please keep in mind the effective date and the one year expiration date to ensure that, if necessary, a letter requesting an extension is submitted prior to the lapse of the Permit.

Thank you for your cooperation through this process and for the very informative presentations and material that you provided. If you have any questions regarding the Permit or the requirements contained therein, please feel free to contact me.

Sincerely,

Shiloh A. Ring
Code Officer



Town Of Jay

340 Main Street, Jay, Maine 04239-1697

Tel. 897-6785

Fax 897-9420

office of

SELECTMEN
 ASSESSORS
 TOWN MANAGER
 TREASURER
 TOWN CLERK
 PLANNING BOARD
 CODE ADMINISTRATOR

STATE OF MAINE TOWN OF JAY PLANNING BOARD

Shoreland Zoning Ordinance)	Shoreland Zoning Permit
)	
Floodplain Management Ordinance)	Flood Hazard Development Permit
)	for Minor Development
Central Maine Power Company)	
)	Permit 09-01 Power Reliability Program
March 10, 2009)	

1. **Applicant:** Central Maine Power Company
 83 Edison Drive
 Augusta, Maine 04336

2. **Authorized Agent:** TRC (Attn: Richard Paquette)
 400 Southborough Drive
 S. Portland, Maine 04106

3. **Zoning:** Shoreland – Resource Protection, Limited
 Residential and Stream Protection
 Floodplain – Zone AE

4. **General Proposal:**

By application dated February 12, 2009, Central Maine Power Company, through their authorized agent TRC, has applied for a Shoreland Zoning and Floodplain Permit to construct a new 115 kilvoltage (kV) electric transmission line and to rebuild two existing 115 kV electric transmission lines in Jay.

The proposed construction is part of the Maine Power Reliability Program (MPRP). CMP indicates that the MPRP is aimed at improving the reliability, safety and security of the bulk power transmission system in Maine, while at the same time meeting the increasing demand for electrical power. CMP further indicates that the proposed upgrades to its bulk power system are necessary to meet the reliability and security standards mandated by law.

The proposed activities in Jay will take place entirely within the approximately 6.8 miles of existing CMP transmission line corridor that runs from Livermore Falls to the Canton town boundary. CMP will not need to acquire additional lands for the project in Jay.

5. Project Details:

Section 243A (New)

CMP proposes to construct approximately 6.8 miles of new 115 kV electric transmission line within Jay, identified as Section 243A. The initial 0.9 miles of Section 243A is located in the southern part of Jay and will be constructed within the existing 437-foot wide CMP corridor that is currently occupied by two 115 kV transmission lines (Section 89 and Section 63). Section 243A will be located between the two existing transmission lines within this corridor. The new Section 243A will be constructed using primarily single-pole structures that are typically 75 feet aboveground.

Approximately 4,500 feet north of the Jay/Livermore Falls town line, the CMP corridor splits into two separate corridors (Section 89 and Section 63). Section 89 heads towards the Riley Substation and the center of Jay and Section 63 heads towards Wilton. The new Section 243A will continue towards the center of Jay within the existing 150-foot wide Section 89 corridor for approximately 5.9 miles.

Near Canton Mountain Road, the new Section 243A and existing Section 89 will deviate. Section 89 will continue to head towards the Riley Substation and Section 243A will head southwest for approximately 1,500 feet where it will connect with the existing Section 229 CMP corridor. The new Section 243A and the existing Section 229 will then continue within the existing 150-foot wide corridor for approximately 2,450 feet to the Jay/Canton town line.

Section 89 (Rebuild) and Section 229 (Rebuild)

Section 89 and Section 229 are existing 115 kV transmission lines within Jay. Section 89 enters Jay from Livermore Falls and traverses the southwestern corner of Jay before crossing the Androscoggin River and connecting with the Riley Substation. CMP proposes to rebuild approximately 5.0 miles of Section 89. Section 229 enters Jay from Canton and runs to the northeast and then southeast across the Androscoggin River to the Riley Substation. CMP proposes to rebuild approximately 0.5 miles of Section 229.

Currently, both Section 89 and Section 229 run on approximately 45-foot tall H-frame structures within the middle of the existing 150-foot corridor. CMP proposes to rebuild Section 89 and Section 229 offset to the south from the center of the corridor on primarily single-pole structures that are typically 75 feet above ground. The new Section 243A line will be offset to the north from the center of the corridor. CMP is proposing to use the taller single pole structures so that both transmission lines can be located within the 150-foot corridor, thus minimizing impacts to landowners and environmental resources.

Ground Disturbance

CMP indicates that each single pole will require approximately 40 square feet of ground disturbance during construction. In addition, four structures within Section 243A, four structures within Section 89 and one structure within Section 229 will be H-frame dead ends with three poles each and will require approximately 300 square feet of ground disturbance during construction.

6. Shoreland Zoning Impacts:

The proposed project will traverse three districts within the Shoreland Zone in Jay:

- Resource Protection (RP)
- Limited Residential (LR)
- Stream Protection (SP)

SP District – Unnamed Stream – Construction of the new Section 243A transmission line will cross a SP District associated with the 75-foot wide shoreland zone along an unnamed perennial stream located north of the Jay/Livermore Falls line and east of Franklin Road. Two Section 243A transmission line poles will be located within the 75-foot wide SP District. Neither pole will be located in the stream itself. Installation of each pole will result in approximately 40 square feet of ground disturbance. In addition, approximately 0.9 acres of transmission line corridor land within the SP District will be cleared of capable species (i.e. tree species that are capable of growing into the transmission line security zone thus adversely impacting the safety and reliability of the line) and managed to encourage low-growing vegetation in an early successional srub/shrub habitat.

LR District – Freshwater Wetland - Construction of the new Section 243A transmission line will cross a LR District associated with the 250-foot wide shoreland zone of a freshwater wetland located approximately 1,500 feet east of Franklin Road. Four Section 243A transmission line poles will be located within the LR District. Installation of each pole will result in approximately 40 square feet of ground disturbance. In addition, approximately 3.1 acres of transmission line corridor land within the LR District will be cleared of capable species and managed to encourage low-growing vegetation in an early successional srub/shrub habitat.

SP District – Mosquito Brook - Construction of the new Section 243A transmission line and rebuild of the existing Section 89 transmission line will span a SP District associated with the 75-foot wide shoreland zone of Mosquito Brook located approximately 750 feet east of the Jay Plaza. No transmission line poles will be located within the SP District. In addition, no vegetation clearing is proposed within this SP District.

RP/LR District – Sevenmile Stream - Construction of the new Section 243A transmission line and rebuild of the existing Section 89 transmission line will cross a RP/LR District associated with the 250-foot wide shoreland zone of Sevenmile Stream approximately 500 feet north of Intervale Road. Two new single transmission line poles will be installed within the RP District as part of the construction of Section 243A. In addition, two existing Section 89 structures currently located in the RP District will be rebuilt. Installation of each pole will result in approximately 40 square feet of ground disturbance. No additional vegetation clearing of the corridor is proposed within this RP District.

Disturbance - Construction of the transmission line is not expected to affect the ecological functionality of the streams or associated wetlands as the project area is located within an existing maintained utility corridor vegetated primarily with emergent and shrub vegetation containing relatively few trees. CMP has committed to implementing the standards in its “Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects” (2007) contained within their application. In addition, herbicides will not be used within 25 feet of the streams, waterbodies or any open water wetland.

7. Floodplain Impacts:

The proposed project will cross one Federal Emergency Management Agency (FEMA) mapped 100-year flood Zone AE. The flood zone area is associated with Sevenmile Stream and is identified on the FEMA Flood Insurance Rate Map for the Town of Jay.

There are currently two existing Section 89 H-frame structures located within the 100-year floodplain of Sevenmile Stream. Each structure is anchored to the ground by two poles. One of the existing structures is located in the mapped regulatory floodway. CMP is proposing to remove the two existing Section 89 H-frame structures and replace them with three new single poles; and install three new single poles within the flood zone for the new Section 243A line. Two of the new poles will be located within the FEMA mapped floodway.

8. Other Permits:

Per the February 12th application, CMP is in the process of filing for its federal and state permits, which include a DEP Natural Resource Protection Act and Site Law Permit, and U.S. Army Corps of Engineers Section 404 Permit.

9. Review Criteria – Shoreland Zoning Ordinance:

Under the provisions of Section 11 of the Town’s Shoreland Zoning Ordinance, no structure or land shall be used, erected, constructed, expanded, moved or altered except in conformity with all the regulations of the specified district in which it is located.

Under the provisions of Section 16.B. no person shall engage in any activity, expand, change or replace an existing use or structure without first obtaining a permit.

Under Section 14, Table 1. Land Uses in the Shoreland Zone, Essential Services within all shoreland zone districts require a permit from the Planning Board.

Under Section 15. Land Use Standards, the following Standards are applicable:

- | | |
|---|--------------------------------------|
| H. Roads and Driveways | Q. Erosion and Sedimentation Control |
| L. Essential Services | R. Soils |
| P. Clearing of Vegetation for Development | S. Water Quality |

Under Section 16. the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological & historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

10. Review Criteria – Floodplain Management Ordinance:

Under the provisions of Article II of the Town’s Floodplain Management Ordinance, before any development begins within any areas of special flood hazard established in the Ordinance, a flood hazard development permit must be obtained from the Planning Board. The flood hazard permit shall be in addition to any other permits which may be required.

Under the provisions of Article V of the Town’s Floodplain Management Ordinance, the Board must review all applications to assure that the proposed development is reasonably safe from flooding and to determine that all pertinent requirements of the development standards are met.

In its review of the application, the Board must determine that all necessary permits have been obtained from those federal, state and local government agencies from which prior approval is required.

Under the provisions of Article VI of the Town’s Floodplain Management Ordinance:

A. All development shall:

1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

K. Floodways – In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

FINDINGS

Based on the application, the Board hereby finds the following:

With regard to the Shoreland Zoning Ordinance:

1. The proposed project is located within the Resource Protection, Limited Residential, and Stream Protection Districts of the Town of Jay’s Shoreland Zone.

2. The proposed project will be in compliance with Section 11, Section 16.B. and Section 14, Table 1. Land Uses in the Shoreland Zone, contingent on the issuance of this permit.
3. The proposed project will be in compliance with Section 15.H. Road and Driveways, in that there will be no new permanent roads or driveways other than the CMP maintained access points and ways suitable for routine and urgent maintenance by its own vehicles. Temporary light duty access paths will be established for use during construction, but will be removed once construction is complete. Areas where soils are disturbed will be mulched with hay and allowed to re-vegetate. 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. Within wetland areas, minor grading may be done on a limited basis and with prior approval of CMP's environmental representatives to ensure mat stability and construction access safety.
4. The proposed project will be in compliance with Section 15.L. Essential Services, in that the construction of the new line and the rebuild of the existing lines will occur entirely within the existing transmission line corridor. Due to the location of the existing corridor within the SP and RP District, and the fact that the single pole structures cannot be sited in such a manner that allows the entire district to be spanned, six structures will be located in these Districts. No reasonable alternatives exist and by co-locating the new line with the upgrade lines, adverse impacts are minimized.
5. The proposed project will be in compliance with Section 15.P. Clearing of Vegetation for Development, in that the amount of clearing required to accommodate the project and ensure federal reliability and safety standards are met will be limited to what is necessary for development of the project, and is generally limited to removal of capable species. Non-capable species are allowed to remain to ensure that the corridor is vegetated, which prevents erosion and provides wildlife habitat.
6. The proposed project will be in compliance with Section 15.Q. Erosion and Sedimentation Control, in that CMP will be following the guidelines outlined in the "Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects" (2007) which contain erosion and sedimentation control requirements, standards and methods used to protect soil and water resources. The only increase in impervious surface will be in the immediate area around the base of the support structures and the amount of ground disturbance associated with the project will be limited to the immediate vicinity of the pole placements and the impacts associated with access roads.
7. The proposed project will be in compliance with Section 15.R. Soils, in that CMP has analyzed the Soil Survey Geographic Database compiled by the US Dept. of Agriculture and has determined that the soils within the transmission corridor will accommodate the proposed construction. Soil constraints will be managed and mitigated through implementation of erosion and sediment control measures, proper site and project design and special construction procedures.
8. The proposed project will be in compliance with Section 15.S. Water Quality, in that no fueling or maintenance of vehicles will be performed within 100 feet of wetlands, streams or other sensitive natural resources in order to minimize spill potential; and the herbicide program

applied to capable species every four years does not occur within 25 feet of any waterbody or open water wetland, nor does it pose a threat to groundwater quality.

9. The proposed project will be in compliance with Section 16 of the Town's Shoreland Zoning Ordinance when constructed in accordance with the application and as conditioned herein.

With regard to the Floodplain Management Ordinance:

1. The project is located within Zone AE of the Town's area of special flood hazard.
2. The project will be in compliance with Article II, contingent on the issuance of this permit.
3. The project will be in compliance with Article V, in that the proposed project will be reasonably safe from flooding when constructed in accordance with the application and as conditioned herein; and that the project will have received and submitted to the Board, all necessary permits from other agencies as conditioned herein prior to construction.
4. The project will be in compliance with Article VI.A. All Development, in that the transmission line poles will be adequately anchored to prevent flotation, collapse or lateral movement during a flood. All construction will be in accordance with CMP's transmission standards, general industry standards, and "Good Utility Practice", including all necessary liveline working clearances and strength and reliability factors as governed by NESC.
5. The project will be in compliance with Article VI.K. Floodways, in that no reasonable alternative exists to locating the proposed structures and, since the proposed structures will be replacing structures that are currently in place (replacement of one H-frame pole with two single poles), the proposed development will not reasonably present a risk of increased flood levels within the community. CMP will be replacing one Section 89 H-frame structure supported by two poles with a single pole and constructing a second single pole as part of the new Section 243A construction.

ORDER

1. Based upon the application, the proposed project will meet the requirements of the Town of Jay Shoreland Zoning and Floodplain Management Ordinances. Therefore, the Board approves the application for Shoreland Zoning Permit and Floodplain Management Permit 09-01, provided that all applicable standards of the Jay Shoreland Zoning Ordinance and Floodplain Management Ordinance shall be met as proposed and as conditioned herein.

CONDITIONS

1. This permit is approved based upon the submitted application and remains valid only if the permittee complies with the proposal as set forth in the application and with the conditions stated above.

2. The CMP "Environmental Guidelines For Construction and Maintenance Activities on Transmission Line and Substation Projects" shall be followed at all times in order to protect soil and water resources.

3. CMP shall submit to the Board a copy of all federal and state permits. Such permits may include, but are not limited to a DEP Natural Resource Protection Act and Site Law Permit, and U.S. Army Corps of Engineers Section 404 Permit. This permit shall not be valid until such time as all federal and state permits are submitted to the Board.

4. In accordance with Section 16.E. of the Shoreland Zoning Ordinance, if no substantial start is made in construction within one year of the date that this permit becomes valid (see Condition 3 above), the permit shall lapse and become void. Due to the nature and extent of this project, the Board hereby recognizes that a one year timeline to begin construction within the Town of Jay may not be achievable. Therefore the Board orders that, in order to expedite additional review of this project, at least sixty days prior to the lapse of this permit, CMP shall submit a letter to the Board requesting that the permit be extended and certifying that all information contained in the February 12, 2009 permit application is still correct, or, if changes have been made, documentation outlining those changes to the application.

Any person aggrieved by this decision may, within 30 days, appeal this decision, in writing, to the Board of Appeals.

Approved: March 10, 2009



Planning Board Chairman




Date

The permittee understands and certifies that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of this permit;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,

Further, the permittee hereby certifies that all the statements in, and in the application for this permit are a true description of the existing property and the proposed development project.

Permittee: 

Date: 