Decision on an application for a Site Plan Review Permit under the Site Plan Review Ordinance for the Town of Starks

Findings of Fact, Conclusions of Law, and Decision

Planning Board, Town of Starks, Maine

Date: June 3, 2020

1. **Name of Proposed Project:** New England Clean Energy Connect
   Applicant: Central Maine Power
   Contact Person: Gerry J. Mirable
   Address: 83 Edison Drive
   Augusta, Maine 04336
   Telephone: (207)629-9717 Cell Phone: (207) 242-1682
   Email: Gerry. Mirable@cmpco.com

   Property Owner information:

   Proof of Right, Title and Interest has been provided: Exhibit 3 Site Inventory and Analysis "Proof of Title, Rights or Interest"

   Type Business:
   Corporation

2. **Is the proposed project part of a subdivision? shoreland zone? floodplain?** If yes, explain:

   While the proposed project is not part of a subdivision, sections of the transmission line are located within Shoreland Zoning and floodplain areas

3. **Description of Project:**

   The proposed transmission line extends for approximately 6 miles through Starks. The Project involves the construction of a new 320k High Voltage Direct Current electric transmission line co-located within the existing CMP corridor.

   Location (Town Tax Maps): Map #(s):_____; Lot #(s):_____

   Refer to Exhibit 3 of Application which includes detailed maps of the relevant area within Starks' boundaries

   Street Address: N/A

   Size of Parcel: N/A

   Existing Use: transmission line

   Proposed Use: co-locating new direct current transmission line

Structures: 33 new transmission line support poles

Size of Impervious areas (see definition) Section 4.2 of Site Plan Review Ordinance

Transmission poles will total 2,520 sq. ft. of impervious surface

4. Summary of Submissions:

Application

Application Fee: $150. Receipt dated 3/3/20

Attachments:

Waivers and findings

Deposit amount determined based on:

$1000 deposit for Legal and Technical Review Fees waived with the understanding that the Town will be reimbursed for any expenses incurred as part of the permitting process

Requests for waivers: See attachment. The requests were granted in the Pre-Application meeting on December 6, 2019 as documented in the minutes for that meeting which were approved by the planning board on February 5, 2020.

6.1.3.E,F,H

6.1.3.E5

6.1.3 E9

6.2.2.C 2 & C4

6.2.2H

5. Process:

Date Board met to consider application:

March 4, 2020

The application was determined to be a "major" development upon a motion and vote of the Board.

Applicant took the position that the Starks Site Planning Ordinance does not apply to the proposed project nor does it qualify as a "major" development. The Board reviewed the application using the guidelines outlined in Section 6 Submission for Major Developments: Site Inventory and Analysis Submission Requirements (pgs.15-16)

Date Board determined the application to be complete for processing:

March 4, 2020

List of waivers of application requirements

See attachment "A"

Date Board held a public hearing:

The Site Site Plan Review Ordinance requires that a public hearing be scheduled within 30 days of the application being determined to be complete. Due to the intervening State of Emergency the public hearing was not held within the required 30 days and the Applicant waived that requirement via email on April 1, 2020.

Date Board made a decision:

Upon a motion and second, the Board approved the project on June 3 by a vote of 3-1 with respect to the Site Plan Review Ordinance and Section 15 K 2 of the Shoreland Zoning Ordinance as an Essential Service under the Shoreland Zoning Ordinance.

Upon a motion and second, the Board approved the project on June 17 with respect to the remainder of the Shoreland Zoning Ordinance and the Floodplain Ordinance.

6. Public Comments. A brief description of the substantive materials and testimony received at the public hearing or otherwise (in writing)

Public comments ranged from support for the project, based in large part on the increase tax revenue that the project would generate, to concerns about possible damage to streams along the corridor. Moreover, there was strong sentiment that the Board should consider the vote against the project by townspeople at a special public hearing held in April of 2019. There was also extensive commentary about the hydro damns in Quebec and the effect on the First Peoples of Canada. A list of speakers and a summary of their comments as well as copies of their written statements are included in the minutes of the public hearing that took place on June 3, 2020.

7. Findings of Fact and Conclusions on Law: Section 7 Approval Standards and Criteria

7.2 Lot Size and Setback Requirements

The proposed project complies with the lot size and setback requirements, and is in compliance with the Building Ordinance for the Town of Starks.

Findings:

The Project in Starks will be on a lot area of not less than one acre, as required in Section 7.2.1. All poles erected in Starks will meet the setback of at least 60 feet from the centerline of all adjoining rights-of-way, and the setback of at least 15 feet from any adjoining lot line.

Upon a motion to approve and a second, the Findings were approved.

7.3 Utilization of the Site and Preservation of Important Natural and Cultural Features

As demonstrated by CMP's Site Inventory and Analysis, CMP identified all environmentally sensitive areas as required by the Ordinance, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitat, fisheries, habitat of rare and endangered plants and animals, unique natural communities and natural areas, and significant sand and gravel aquifers. To the greatest extent practicable, CMP sited each pole based on best engineering design and pole siting principles, taking into consideration many factors, including environmentally sensitive areas.

7.3.1 The development must reflect the natural capabilities of the site to support the proposed use. Buildings, lots, and support facilities should be located in those portions of the site that have the most suitable conditions for the development.

As demonstrated by the Site Inventory and Analysis, submitted on January 22, 2020 and reviewed by the Planning Board on February 5, 2020, CMP considered the existing site constraints and opportunities and sited the Project in those portions of the site that have the most suitable conditions for development. The Project has been sited and designed to conform to existing topography, and any areas requiring grading or cut and fill for construction purposes will be returned to original contours and permanently stabilized with vegetation. As described in CMP's Vegetation Clearing Plan, existing vegetation will be preserved to the maximum extent practicable (i.e., grubbing will be avoided).

Findings:

The project reflects the natural capabilities of the site to support the proposed use.

7.3.2 All building, site, and roadway designs and layouts should be compatible with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity is kept to a minimum. Natural vegetation and drainage should be preserved and protected wherever possible. The design should take all practical steps possible to prevent a visible scar up or across a ridgeline visible from public streets, roads, or water bodies.

Findings:

There are no buildings on the site and the project is consistent with the requirements of the Ordinance.

7.3.3 Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and significant sand and gravel aquifers must be preserved to the maximum extent practicable.

7.3.4 Significant historic or archaeological resources should be preserved to the maximum extent practicable.

CMP conducted extensive prehistoric archaeological, historic archaeological, and historic architectural investigations and surveys along the Project route, for State purposes under Chapter

375.11 of the DEP rules and for federal action under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C § 470-f). CMP consulted with the Maine Historic Preservation Commission (MHPC) throughout the state and federal permit application development and approval process. No archaeological sites or historical properties eligible to be listed on the National Register of Historic Places were documented in Starks. In areas where agricultural uses are being permitted or agricultural rights have been retained, those activities will continue uninterrupted after construction of the NECEC.

7.3.5 Actively farmed agricultural land identified as prime and significant farmland should be preserved and protected to the maximum extent practicable. The development should be designed to minimize adverse impacts to existing farming operations. This standard shall not be construed to obstruct purposeful alternative uses of land, but shall seek to prevent land from being permanently removed from agricultural production unnecessarily.

7.3.6 To demonstrate that the above criteria have been met, applicants should refer to maps and information within the Town of Starks Comprehensive Plan and information readily available at https://geolibrary-maine.opendata.arcgis.com/datasets#data, and/or solicit information from the Maine Historic Preservation Commission, the Maine Department of Inland Fisheries and Wildlife, the Maine Natural Areas Program, the U.S. Department of Agriculture Natural Resources Conservation Service, the Starks Historic Society, the Starks Agricultural Commission, and other state and federal agencies, as appropriate to determine what resources might be impacted and the best approaches to mitigate impacts. In addition, the Planning Board may require that applicants of Major Developments look for and identify important natural and cultural features in addition to those identified above, if the Planning Board has reason to believe important features exist.

Findings: For Section 7.3.3 through 7.3.6

Based on the information contained in the Application and the Site Inventory and Analysis the Board finds the application consistent with the requirements of Sections 7.3.3 through 7..3.6.

Upon a motion to approve and second as to Sections 7.3.3 through 7.3.6 the motion carried.

7.4 Water Quality and Quantity Protection

7.4.1 The proposed project will not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

7.4.2 The quantity of the water to be used by the development will not significantly lower the ground water table or surface water levels; cause adverse changes in groundwater flow patterns; cause ground subsidence; or cause adverse impacts on the quality or quantity of groundwater.

7.4.3 Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of 2,000 gallons per day or greater must demonstrate that the groundwater at the property line will comply with the standards for safe drinking water as established by the State of Maine. The Planning Board may require a report from a qualified hydrogeologist stating that the quantity of water to be taken will not substantially lower the ground water table beyond the property lines or cause undesirable changes to subsurface flow patterns under drought conditions, and that the

proposed development will not cause diminution of the quality of the aquifer from which water is to be extracted.

7.4.4 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, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground waters 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.

7.4.5 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the U.S. Environmental Protection Agency, the Maine Department of Environmental Protection and the Maine Fire Marshall's Office.

7.4.6 The Planning Board shall require that proposed uses, such as junkyards, automobile graveyards, gas stations, bulk storage of petroleum products, and other similar uses be located at least 500 feet from existing private wells and at least 1,000 feet from existing public water supplies.

7.4.7 The Starks Water District and other public water suppliers shall be notified of all proposed developments that are located within 1,000 feet of public water supply well-heads. Applicants of developments within 1,000 feet of public water supply wellheads should obtain a written statement from the Starks Water District or any other public water supplier to demonstrate that the proposed development will not negatively impact public water supplies.

Findings:

The Project will not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Additionally, the Project will not withdraw water from the ground and therefore will not lower the ground water table or surface water levels, cause adverse changes in groundwater flow patterns, cause ground subsidence, or cause adverse impacts on the quality or quantity of groundwater.

To protect water quality and minimize spill potential during construction, no fueling or maintenance of vehicles will be performed within 100 feet of wetlands, streams, or other sensitive natural resources, unless done on a paved road. As described in the VMP, CMP uses a selective herbicide program to treat areas once every four years to maintain early successional scrub shrub growth. Herbicide is selectively applied (using a low-pressure backpack-mounted applicator) to I individual capable specimens to prevent growth of individual plants or re-growth of cut plants. Herbicides will not be used within the 100-foot riparian buffers.

The methods, plans, and procedures to prevent water quality degradation during construction, operation, and maintenance of the NECEC are incorporated into CMP’s Environmental Control Requirements, Vegetation Management Plan, and Environmental Guidelines.

The Project does not include on-site water supply or sewage disposal systems. CMP is not aware of any public water supply well-heads located within 1,000 feet of the Project.

Upon a motion and second to approve under the requirements of Section 7.4, the motion carried.

7.5 Water Supply

7.5.1 The proposed project will have an adequate supply of water for the proposed use.

The project is to be served by a private well – existing or new – that should provide an adequate quantity for water for domestic and fire protection flows.

7.5.2 If the development is to be served by an existing public water supply, the applicant must provide a written statement from the supplier that the proposed water supply system conforms with the supplier's design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

7.5.3 If a new public water supply is proposed, the public water supply system must be designed in accordance with all state and federal laws and regulations.

7.5.4 Applicants of Major Developments must demonstrate that the development will have access to an adequate supply of water for fire protection either through existing sources or through the installation of a dry hydrant, fire pond, or other mechanisms. The applicant shall provide a written statement from the Starks Fire Chief to indicate how this requirement is or will be satisfied.

Findings:

There will be no need for water supply systems associated with the Project. In the past, fires that have occurred on CMP's ROW were caused primarily by weather events and were typically handled by the Maine Forest Service (MFS) and local fire departments. Water used to extinguish fires was obtained from nearby ponds or lakes or from water supplied by trucks from the fire stations. Additionally, the fire department may extinguish a fire on the ROW by use of backpack water tanks, on-road fire trucks with hoses, AWD off-road fire trucks with fire hoses, ATV/UTV's with tanks and hoses, or by helicopter water drops by the MFS. Thus, the development will have access to an adequate supply of water for fire protection. The Town of Starks Fire Chief provided a statement, in Exhibit 11 to the Application, documenting that the "Starks Fire Department is capable of providing adequate fire/emergency protection for the proposed work on the transmission lines and the corridor along that line."

Upon a motion and second to approve under the requirements of Section 7.5, the motion carried.

7.6 Sewage Disposal

The development must be provided with a method of disposing of sewage which is in compliance with the Maine Plumbing Code and the Maine Subsurface Waste Water Disposal Rules. The Applicant shall provide written evidence that this requirement will be met.

Findings:

No sewage will be generated by the project.

There was a motion and second that this section was non applicable. Motion carried.

7.7 Solid Waste Management

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

Findings:
Operation of the Project will not generate waste. CMP anticipates that solid waste generated from the construction of the Project in Starks will be limited to minimal tree cutting and construction debris. These inert, non-hazardous materials will be handled in accordance with the Maine State Solid Waste Management and Recycling Law (38 M.R.S. §§ 2101 et seq.). Wood removed from the Project corridor will be limited to capable species, (i.e., species that grow tall enough that they are capable of growing into the safety zone beneath conductors (wires)). All merchantable wood will be hauled off and sold for lumber or firewood. All other woody material will be managed in compliance with the Maine Slash Law (12 M.R.S. §§ 9331-9338). All non-merchantable wood waste will be shipped off site to be used as fuel at an appropriate licensed boiler, provided to a licensed chip processing plant, or donated to a facility to be utilized in the production of erosion control mulch.

During construction, the Project will generate other construction-related debris. Waste electrical and construction process components such as scraps of cable, cable spools, and ceramic insulators will be generated. Most of these materials will be recycled or reused. Small amounts of waste plastic containers for oils and lubricants, broken filters and belts, and damaged tires, etc., will be generated from the use of construction equipment. Construction and managerial staff will generate some incidental waste such as paper, bottles, cans, plastic, and food scraps. All of these materials will be recycled or shipped to a licensed waste management facility for disposal or recycling of such incidental waste.

Findings:

Based on the above, the Application in in compliance with the requirements of the Ordinance.

Upon a motion and a second that the Application was in compliance with this section, motion carried.

7.8 Storage of Materials

7.8.1 All materials stored outdoors, including solid waste, shall be stored in such a manner so as to: prevent the breeding and harboring of insects, rats or other vermin; not be a fire hazard; and otherwise not create a public health hazard or nuisance to adjacent properties.

7.8.2 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.

7.8.3 The Planning Board may require the following for Major Developments:

A. 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 road, it must be screened by fencing or landscaping.

B. 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 roads.

Findings:

There will be no permanent storage of materials associated with the Project. Temporary storage of materials needed for construction (e.g. transmission poles, reels of conductors and associated hardware) will be stored within CMP's corridor in upland areas. Flammable materials such as hydraulic fluids and gasoline will be managed and stored in accordance with Environmental Control Requirements.

Upon a motion that the Application was in compliance with this section, motion carried.

7.9 Traffic Access, Internal Traffic Circulation and Parking

7.9.1 Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Vehicular access to and from the development must be safe and convenient.

7.9.2 All developments must meet the requirements of the Road and Utility Structures Ordinance for the Town of Starks, as applicable.

7.9.3 Internal roads, pedestrian areas, parking areas, loading/unloading areas and emergency access must be safe, convenient, and adequately constructed and designed to handle anticipated vehicular and pedestrian movements.

7.9.4 Adequate off-street parking must be available for the development to include the necessary number, size and configuration of parking spaces and areas.

A. Parking areas with more than 2 parking spaces must be arranged so that it is not necessary for vehicles to back into the road.
B. All parking spaces, access drives, and impervious surfaces must be located at least 5 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 5 feet of the front property line.
C. The following parking guidelines may be used to determine the amount of parking needed for the proposed development.

Parking Guidelines

Activity	Minimum Number of Parking Spaces
Residential (Multifamily)	
- with 1 bedroom	1.5 spaces per dwelling unit
-with 2 or more bedrooms	2 spaces per dwelling unit
Lodging house, motel, inn, bed & breakfast	1 space per room/rental unit and 1 space for each employee
Church, House of Worship	1 space per 3 seats based upon maximum seating capacity
Retail and Service Businesses	1 space for every 250 sq. ft. of floor space or market space
Industrial Businesses, Manufacturing	1 space per employee on maximum work shift

Warehouse, wholesale	1 space for every 500 sq. ft. of floor area
Automobile/large equipment repair garages and gasoline stations	5 spaces for each bay or area used for repair work
Commercial recreation facility	1 space for each 100 sq. ft. of floor area
Motor vehicle sales	1 space reserved for customers per 30 vehicles on the lot

Findings:

Prior to construction activities, CMP will establish temporary access points from private or public roadways. These access points will be selected in locations that provide safe access with respect to sight distances and intersections. The Project will not cause unreasonable highway or public road congestion.

Upon a motion that the Application was in compliance with this section, motion carried.

7.10 Hazardous, Special, and Radioactive Materials

7.10.1 The handling, storage, and use of all materials identified by a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

7.10.2 No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet in the case of underground storage.

Findings:

No hazardous waste or radioactive material will be generated by construction. All flammable or explosive liquids, solids or gases will be stored in accordance with CMP's Environmental Control Requirements.

Upon a motion that the Application was in compliance with this section, motion carried.

7.11 Stormwater Management and Erosion and Sedimentation Control

7.11.1 Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed roads, parking areas, roofs, and other surfaces to prevent adverse impacts on abutting or downstream properties. Stormwater runoff in excess of the natural pre-development conditions should be minimized. Existing features, such as berms, swales, terraces and wooded areas should be retained where they reduce runoff and encourage infiltration of stormwater. Stormwater runoff control systems and features shall be maintained to ensure proper functioning.

7.11.2 All activities that involve filling, grading, excavation, or other activities resulting in unstabilized soil conditions shall require a written soil erosion and sedimentation control plan that addresses the following: mulching and revegetation of disturbed soil; temporary runoff control features such as hay bales, silt fencing or diversion ditches; and permanent stabilization structures such as retaining walls or riprap.

7.11.3 Guidelines

A. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine months of the initial date of exposure. In addition:
   1. Where mulch is used, it shall be applied at a rate of at least 1 bale per 500 square feet and shall be maintained until a catch of vegetation is established.
   2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
   3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

B. Natural and man-made drainage ways and drainage outlets shall be stabilized with vegetation, lined with riprap, or otherwise protected from erosion from water flowing through them.

7.11.4 Major Developments. In addition, the Planning Board may require the preparation of a stormwater management plan by a professional engineer and the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control, or disposal of surface waters. Adequate measures shall be taken for both the construction phase and for long-term management.

7.11.5 Applicants shall demonstrate that the proposed development complies with all federal and state requirements for stormwater management and erosion and sedimentation control. [NOTE: A Stormwater Management Permit is required from the Maine Department of Environmental Protection prior to the disturbance of five acres or more or the construction of 40,000 square feet or more of impervious surface.]

Findings:

The Project will minimize stormwater runoff by deploying stormwater control methods described in the Environmental Guidelines. Temporary access roads and construction activities will be carefully planned and designed to utilize existing natural runoff control features, such as upland vegetated buffers, and diversion and dissipation techniques such as water bars, check dams, or settling basins. Shrubby vegetation will be retained to the extent practicable and soil exposure during construction will be minimized. After construction is complete, all areas will be returned to pre-construction contours, reseeded as needed, and allowed to revegetate to a scrub/ shrub condition. The Project will not alter storm water runoff from pre-development conditions.

Upon a motion that the Application was in compliance with this section, motion carried.

7.12 Nuisance and Aesthetics

7.12.1 Nuisance Containment: The proposed land use shall be designed so as to incur no off-site adverse impacts, including but not limited to glare, dust, smoke, fumes, noise, odor, or activity at unreasonable hours, beyond those consistent with existing background levels. The Planning Board may require landscaped buffers adequate to protect neighboring property owners and the traveling public from disturbance that would otherwise exceed background levels. The Planning Board may make exceptions for this requirement for short periods of time during the construction phase of the

development or for activities on a short-term, temporary basis. (Note: Agriculture, forestry and sand and gravel extraction are exempt)

Finding:

The Project will not create levels of dust, dirt, fly ash, vapors, or gas emissions which could lower ambient air quality, at any point beyond the lot line. The Project will comply with applicable federal and State regulations. Minimal, localized and temporary influences on air quality as a result of construction-related activities, such as exhaust from diesel engines, may occur. Given the limited duration of activities at the location and the generally rural nature of the Project area, any effects on overall air quality will be insignificant. Fugitive dust is anticipated only along unpaved construction access roads. Best management construction practices will be employed to minimize emissions of fugitive dust, including:

1. Use of water or other wetting agents on areas of exposed and dry soils;

2. Use of covered trucks for transport of soils or other dry granular materials;

3. Controlled storage of spoils on the construction site, which may include mulching storage piles with hay or covering with tarps in concert with containing the piles with erosion control mix and/or silt fencing.

4. Final grading, landscaping, and revegetation or permanent stabilization with approved materials as soon as practical.

Upon a motion that the Application was in compliance with this section, motion carried.

7.12.2 Noise

A. The estimated sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four feet above ground at the property boundary of the source.

Noise Standards

Abutting Use	7 A.M. - 10 P.M.	10 P.M. - 7 A.M.
Residential	55	45
Public, semi public and institutional	60	55
Vacant or rural	60	55
Commercial	65	55
Industrial	70	60

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (leq 1) (Measured in dB(a) Scale)

B. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4- 1961) *American Standards Specification for General Purpose Sound Level Meters*.
C. Construction of approved projects and on a site abutting any residential use, shall limit external building activity to between the hours of 7:00 A.M. and 10:00 P.M.
D. Sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities are exempt from these noise requirements.

Findings:

Noise from equipment will be temporary during the construction phase of the Project. The Project will limit construction activities to between the hours of 7:00 am and 10:00 pm. Construction of the Project will involve tree cutting, excavation, placement of concrete, and the use of typical utility construction equipment and best practices. If under special circumstances construction activity must occur outside of the hours of 7:00 am to 10:00 pm, the construction contractor will comply with all applicable noise limits. The construction contractor selected will implement, where necessary, construction methods that maintain construction noise below the DEP sound level limits.

Upon a motion that the Application was in compliance with this section, motion carried.

7.12.3 Hours of Operation: The Planning Board may set reasonable limits to hours of operation as a condition of permit approval; any such restrictions will be held to the minimum necessary to provide neighboring residents with adequate relief from any unavoidable adverse impacts caused by the development or activity, including traffic. Normal hours of operation shall be deemed to be 6 A.M. To 8:30 P.M. (Monday-Saturday) and 8 A.M.-8:30 P.M. Sunday, although variations from this standard may be approved by the Planning Board if the affected parties are agreeable.

Finding: After completion of construction of the NECEC, the site will be unmanned except for maintenance or repair.

Upon a motion that the Application was in compliance with this section, motion carried.

7.12.4 Lighting and Advertising: Exterior lighting, signs and other advertising features shall not be placed so as to cause glare, light pollution, or constitute a safety hazard for the public or neighboring properties. Emergency lighting shall be consistent with state and federal law. Lighting shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties, directed downward and incorporate full cut-off fixtures to reduce light pollution. The Planning Board may specify the hours when exterior lighting is permitted, and may specify that only motion-sensitive lighting be used for security purposes or business operations during night-time hours.

Finding: This provision is not applicable. Construction and operation of the Project does not require lighting or advertising.

Upon a motion that the Application was in compliance with this section, motion carried.

7.12.5 Buffers:

A. The Planning Board may require that developments and commercial activities located within 100 feet of existing residences plant a vegetative buffer that will effectively shield 80% of the activity from residential view on a year-round basis within five years of establishment of the proposed use, unless the Planning Board, based upon input from abutting property owners, finds this to be unnecessary to preserve compatibility.
B. The Planning Board may require that new developments adjacent to areas of active farmland, forestry operations or mineral extraction (such as an operating gravel pit) provide buffers to reduce potential complaints by future residents or operators of their proposed development.

Findings: The Board has not required any buffers

Upon a motion that the Application was in compliance with this section, motion carried.

7.13 Signs

7.13.1 No sign shall extend higher than 20 feet above the ground.

7.13.2 Signs may only be illuminated by stationary, shielded, non-flashing light sources, directed solely at the sign and not casting light off the premises. Any sign lighting that creates a safety hazard or glare to pedestrians or motorists must be replaced to address the safety hazard, or removed entirely.

7.13.3 Digital, light-emitting diode (LED), and electronic signs are prohibited. Any sign that in whole or in part uses electronic or digital means to display words, symbols, figures or images, including signs that can be electronically or mechanically changed by remote or automatic means is prohibited.

7.13.4 Signs owned and operated by the Town of Starks or another governmental agency shall be allowed without restriction.

Findings: Not applicable. No signage will be used.

Upon a motion and second that this section was not applicable, motion carried.

7.14 *Landscaping*

The Planning Board may require a landscaping plan for major developments that are visible from a public road. Landscaping should integrate and enhance the various natural and built elements on the site. Landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties. Landscaping may include plant materials such as trees, shrubs, ground covers, flowering plants, and other materials such as rocks, water, walls, fences, and paving materials.

Findings: In areas where the Project crosses public roads and the existing transmission line is visible from nearby locations, landscaping would not be practical or effective in screening views of the transmission line and therefore no landscaping is required in these areas. Additionally, the Visual Impact Analysis provided as part of the DEP Site Law application for the Project concluded that there will be no adverse visual impact in Starks due to the Project. The Board has not required a landscaping plan.

Upon a motion that the Application was in compliance with this section, motion carried.

7.15 Common Open Space Areas

The Planning Board may require that multifamily developments provide areas for open space and recreational purposes that are of a character, configuration and location suitable for the particular use intended. As examples, a site for active recreational purposes, such as a playground or a play field, should be relatively level and dry, and sites for passive recreation should have scenic attributes and walking paths for viewing wildlife.

Findings: This provision is not applicable. The Project is not a multifamily development.

Upon a motion and second that this section was not applicable, motion carried.

7.16 Automobile Graveyards, Automobile Recycling Businesses and Junkyards

[omitted intentionally as not applicable]

7.17 Commercial Water Extraction

[omitted intentionally as not applicable]

7.18 Kennels and Veterinary Hospitals

[omitted intentionally as not applicable]

7.19 Multifamily Developments

[omitted intentionally as not applicable]

7.20 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.

Findings

The NECEC Project was selected as the winning bid of the Massachusetts REP and the Project will be fully funded, at a cost of approximately $950 million, by Massachusetts ratepayers. Not only has CMP secured funding for the Project, but CMP is an experienced and financially strong developer and operator of transmission facilities in Maine, with a track record of being in compliance with all federal, state, and local statutes, regulations, and approvals. CMP is a subsidiary of AVANGRID, Inc., which has approximately $32 billion in assets and operations in 24 U.S. states. AVANGRID has two primary lines of business: Avangrid Networks and Avangrid Renewables.

CMP has significant experience in the design, construction, and operation of electric infrastructure projects, and will utilize existing staff capabilities for this Project. CMP's delivery system includes 2,900

miles of overhead transmission lines and 23,500 miles of distribution lines. To support the proposed development, CMP has engaged a team of highly qualified and experienced engineers, permitting specialists, consultants, and contractors. CMP provided its "Certificate of Good Standing" and a "Letter of Commitment to Fund," as evidence of its financial capability.

Upon a motion that the Application was in compliance with this section, motion carried.

7.21 Conformance with Other Laws

Proposed developments and activities shall be in conformance with all other applicable local, state and federal laws and regulations. The applicant shall demonstrate this conformance through copies of all required permits, or other evidence that anticipated permits are pending.

Findings:

The Project will fully comply with all local, state, and federal ordinances, statutes, laws, codes, and regulations and secure all required permit approvals prior to the start of construction in Starks, including:

- U.S. Department of Energy Presidential Permit
- International Boundary Commission Joint Letter of Authorization
- Army Corps of Engineers Department of the Army Permit and Clean Water Act Section 404 Permit
- DEP Natural Resources Protection Act Permit (issued May 11, 2020)
- DEP Site Location of Development Act Permit (issued May 11, 2020)
- DEP Water Quality Certification (issued May 11, 2020)
- Land Use Planning Commission Site Law Certification (for those portions of the Project in LUPC territory) (issued January 8, 2020)
- Maine Public Utility Commission Certificate of Public Convenience & Necessity (issued May 3, 2019)
- Town of Starks Site Plan Review Approval
- Town of Starks Shoreland Zoning Permit
- Town of Starks Floodplain Management Permit
- Town of Starks Building Permit
- MDOT Utility Location Permit

• MDOT Driveway Entrance Permit

• National Electrical Safety Code (no approval required)

Approval of the Application is subject to satisfactorily obtaining all required permits and providing evidence thereof to the Vice Chair of the Planning Board.

Upon a motion that the Application was in compliance with this section, motion carried.

Approved on June 3, 2020: Town of Starks Planning Board

BY: _____ Date _____
Ken Lust, Vice Chair

Request for Waivers:

6.1.3 E, **F, H** *Request for waiver of scale requirement of not more than 100 ft per inch.*
John had issues with both the readability and complexity of the maps provided (200 ft. per inch). Applicant acknowledged that the maps contained a lot of information and that the legends were challenging but that the data provided was in response to requirements cited in the Ordinance.
Lauren walked the Board through a number of maps to help familiarize us with their content. Among other issues addressed were the projects impact on Resource Protection Districts, Shoreland Zoning and Floodplain areas. Temporary access roads will be addressed with timber mats, seeding, and mulching to avoid sedimentation and erosion.
Motion made, seconded and carried to waive requirement. Vote was unanimous based on the strength of applicants argument.
6.1.3 E.5 *Request for waiver of Features within 1000 ft of site*
CMP does not have access rights to privately owed land adjacent to its properties. The features required in the Ordinance can therefore only be depicted within CMP's ownership boundaries. Publicly available data obtained through the Maine Office of GIS and other sources address natural features outside of the projects boundaries.
Motion was made, seconded and carried to waive the features requirement. The applicant will provide the publicly available data as part of its final application.
6.1.3.E9 *Request for waiver of Soil Survey*
The project calls for only one pole to be located in a Resource Protection Area. Based on the U.S. Department of Agriculture- Natural Resources Conservation Service, the project will be located in areas whose soils can support the proposed activity.
Motion was made, seconded and carried to grant the waiver based on soil analysis that CMP had previously done.
6.2.2.C.2 ***& C4*** *Request for waiver of Stormwater drainage and erosion control (additional requirements p. 19)*
The Board determined that this Section of the Ordinance was not designed for this type of project i.e. the 6 mile nature of the corridor. The applicant agrees to provide documentation that it will comply with requirements set by the Maine Stormwater Management Law 38 M.R.S. 420-D for utility corridors as well as Maine's Department of Environmental Protection permitting requirements.
Motion made, seconded and carried to grant waiver.
6.2.2.H *Request for waiver of requirement for letter from certified financial institution as evidence of financial and technical capability*
Concerns were raised regarding Avangrid's qualified audit opinion for FY 2016 based on the auditor's concerns over lack of internal controls. Further, recent PUC fines citing a lack of internal controls indicates a troubling pattern which begs further explanation. The applicant proposes to provide a "Certificate of Good Standing" issued by the Maine Department of the Secretary of State to verify its corporate status and a "Letter of Commitment to Fund" to satisfy the requirement to demonstrate financial ability.
Motion was made, seconded and carried to approve these documents as sufficient evidence to satisfy this requirement.

Application Submission and Review Procedures:
5.3.1.C3 *Status of Site Inventory and Analysis*

Motion was made, seconded and carried that the Site Review and Analysis application was complete. Applicants will be notified in writing of the list of approved waivers and can then submit formal application.

5.4.2.A& B Application *and Technical Review Fees*

Motion was made, seconded and carried to waive the $1000 deposit for Legal and Technical Review with the understanding that the Town will be reimbursed for expenses incurred as part of the permitting process. Once it has submitted a final application CMP agrees that it will notify abutting landowners while the Town will assume responsibility for public notifications for any public hearings.

Moreover, the applicant has agreed to provide a list of all agencies requiring permitting approval with the understanding that final Board approval will be contingent on obtaining all those permits.

ADDENDUM ONE

Findings of Fact, Conclusions of Law, and Decision

Planning Board, Town of Starks, Maine
Shoreland Zoning Ordinance

Section 16(D) - Approval Standards

1. Maintain safe and healthful conditions.

Findings: The Project will maintain the same safe and healthful conditions that currently exist in the transmission line corridor. The infrastructure and equipment in the transmission line corridor is regularly maintained to established industry standards to ensure the safety of utility workers and the general public. All construction will be in accordance with CMP's transmission standards, general industry standards, and "good utility practice," including all necessary live-line working clearances, strength factors, and reliability factors as governed by the National Electrical Safety Code (NESC). The Project has been designed to meet or exceed the NESC and other applicable standards. The transmission line and all facilities will be operated in full compliance with CMP safety standards.

Upon a motion that the Application was in compliance with this section, motion carried.

2. Not result in water pollution, erosion, or sedimentation to surface waters

Findings: As described in the above findings with respect to Shoreland Zoning Ordinance Sections 15(J), (P), (Q) and (S), the Project will not result in water pollution, erosion, or sedimentation to surface waters.

Upon a motion that the Application was in compliance with this section, motion carried.

3. Adequately provide for the disposal of all wastewater

Findings: There will be no wastewater disposal required for this Project.

Upon a motion that the Application was in compliance with this section, motion carried.

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat

Findings: In order to identify existing resources, field biologists documented wildlife while conducting extensive field surveys for the Project. In addition, CMP conducted fish and wildlife database searches and contacted state and federal natural resource agencies to obtain existing data on wildlife and fisheries

resources in the vicinity of the Project components. There are deer wintering areas, vernal pools, rare, threatened or endangered species, inland waterfowl and wading bird habitats, and wildlife habitat identified within the mapped shoreland zones crossed by the Project corridor. However, there will be no in-stream work, and CMP will maintain the applicable riparian buffers, described in its Vegetation Management Plans (VCP and VMP), and implement its environmental protection requirements described in its Environmental Guidelines and Environmental Control Requirements, such that there will be no adverse impacts to fisheries, aquatic life, bird, and other wildlife habitat.

Upon a motion that the Application was in compliance with this section, motion carried. [June 3, 2020]

5. Conserve shore cover and visual, as well as actual, points of access to inland waters

Findings: The Project will take place entirely within the existing corridor and does not include alterations to points of access to inland water.

Upon a motion that the Application was in compliance with this section, motion carried.

6. Protect archaeological and historic resources as designated in the Comprehensive Plan

Findings: As described in the above findings with respect to Shoreland Zoning Ordinance Section 15(S), the Project will not impact any archaeological or historic resources.

Upon a motion that the Application was in compliance with this section, motion carried.

7. Avoid problems associated with flood plain development and use

Findings: The portions of the Project within the floodplain will not cause problems with flood plain development. Because of the nature of a transmission line and the minimal additional impervious surface associated with the Project, construction and maintenance of the Project will not cause or increase flooding or cause a flood hazard to any neighboring structures. Furthermore, the Project will not affect runoff/infiltration relationships.

Upon a motion that the Application was in compliance with this section, motion carried.

8. Be in conformance with the provisions of Section 15, Land Use Standards

Findings: The Project complies with all applicable provisions of the Ordinance, as described in the Section 15 findings above. The Project is considered "Essential services" as referenced in Table 1, section 21 of the Shoreland Zoning Ordinance.

One pole placement is in the Resource Protection District of Lemon Stream. In accordance with Section 15 K.2 of the Shoreland Zoning Ordinance, the Project is an Essential Service as defined by the Shoreland Zoning Ordinance and the Applicant has demonstrated that no reasonable

alternative exists. A rationale as to why this pole placement is unavoidable is detailed in section 4-1 of the applicant's proposal. In addition to permitting by the town's Code Enforcement Officer, the Floodplain Ordinance requires Board review and approval under Section VIII of the existing Ordinance.

Upon a motion and second that the Application was in compliance with this section, motion carried. [June 3, 2020]

A. **Shoreland Zoning Permit Application Conclusions of Law**

The Planning Board concludes that all criteria and standards set forth in the Section 16.D. Procedure for Administering Permits of the Shoreland Zoning Ordinance are met, as follows:

1. The Project will maintain safe and healthful conditions. CMP has demonstrated that the infrastructure and equipment in the transmission line corridor is regularly maintained to established industry standards to ensure the safety of utility workers and the general public.

All construction will be in accordance with CMP's transmission standards, general industry standards, and "good utility practice," including all necessary live-line working clearances, strength factors, and reliability factors as governed by the NESC. The transmission line and all facilities will be operated in full compliance with CMP safety standards, which fully comply with Federal Occupational Safety & Health Administration requirements.

2. The Project will not result in water pollution, erosion, or sedimentation to surface waters. As described in the above findings with respect to Shoreland Zoning Ordinance Sections 15(J), (P), (Q) and (S), CMP has demonstrated that the Project will not result in water pollution, erosion, or sedimentation to surface waters.

3. This standard is not applicable, as there will be no wastewater disposal required for this Project.

4. The Project will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. CMP has demonstrated that there will be no in-stream work, and CMP will maintain the applicable riparian buffers, described in its Vegetation Management Plans (VCP and VMP), and implement its environmental protection requirements described in its Environmental Guidelines and Environmental Control Requirements, such that there will be no adverse impacts to fisheries, aquatic life, bird, and other wildlife habitat.

5. The Project will conserve shore cover and visual, as well as actual, points of access to inland waters. CMP has demonstrated that the Project will take place entirely within the existing corridor and does not include alterations to points of access to inland water.

6. The Project will protect archaeological and historic resources as designated in the Comprehensive Plan. As described in the above findings with respect to Shoreland Zoning Ordinance Section 15(S), CMP has demonstrated that the Project will not impact any archaeological or historic resources.

7. The Project will avoid problems associated with flood plain development and use. CMP has demonstrated that the portions of the Project within the floodplain will not cause problems with flood plain development. Because of the nature of a transmission line and the minimal additional impervious

surface associated with the Project, construction and maintenance of the proposed transmission line will not cause or increase flooding or cause a flood hazard to any neighboring structures. Furthermore, the Project will not affect runoff/infiltration relationships.

8. The Project is in conformance with the provisions of Section 15, Land Use Standards. As described in the above findings with regard to Section 15, CMP has demonstrated that, for those Land Use Standards applicable to the Project:

C. Piers, Docks, Wharves, Bridges, etc.

The Project will not require access from the shore. No new or existing structures will be built on, over, or abutting a pier, dock, wharf, or other structure extending beyond the normal high water line of a water body or within a wetland. There will be no in-stream work and CMP will provide the riparian buffers described in its Vegetation Management Plans, and implement the environmental protection requirements described in its Environmental Guidelines and Environmental Control Requirements, such that impacts will be minimized and there will be no adverse impacts to fisheries. The Project is sized appropriately for its purposes as an HVDC transmission line.

G. Roads and Driveways

There will be no new permanent roads or driveways associated with the Project. Temporary access ways will be established for equipment access within the corridor for construction and maintenance purposes and will be in place for less than 18 months. Within the SP and RP districts, temporary access ways will be minimized to the extent possible and will only be used to gain access to pole installation locations. CMP will follow the requirements and best practices set forth in its Environmental Guidelines.

I. Stormwater Runoff

The Project will minimize stormwater runoff by deploying stormwater control methods described in the Environmental Guidelines. Temporary access roads and construction activities will be carefully planned and designed to utilize existing natural runoff control features, such as upland vegetated buffers, and diversion and dissipation techniques such as water bars, check dams, or settling basins. Shrubby vegetation will be retained to the extent practicable and soil exposure during construction will be minimized. After construction is complete, all areas will be returned to pre-construction contours, reseeded as needed, and allowed to revegetate to a scrub-shrub condition. The Project will not alter stormwater runoff from pre-development conditions.

K. Essential Services

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

Construction of the proposed Project will occur entirely within CMP's existing transmission line corridor adjacent to existing line Section 63. This portion of the Project will be built entirely on

land that CMP owns. The existing CMP corridor will be widened by 75 feet to accommodate the transmission line.

> *(2) The installation of essential services other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.*

CMP's existing transmission line corridor crosses the RP district in two locations and the SP district in two locations. The Project will not be "installed" in the SP district or the RP district located along an unnamed tributary to Hilton Brook, but will simply pass overhead. The Project will require placement of one new transmission line pole (3006-248) in the RP district associated with Lemon Stream. No reasonable alternative to this installation of essential services in the RP district exists due to other protected and sensitive natural resource areas in the general vicinity of this protection district.

CMP minimized the impact of the new transmission line by co-locating it within an existing corridor and limiting new tree cutting to 75 feet. Co-locating the new transmission line within an existing transmission line corridor minimizes impacts on the surrounding uses and resources, including natural resources and visual impacts. The alternative to CMP's proposal would be to acquire additional land rights and site the transmission line in an entirely new corridor, which would not be a reasonable alternative because it would have greater environmental and visual impacts and CMP would likely be unable to avoid the district that runs with the resource. Within the corridor, CMP sited each pole to avoid impacts on surrounding uses and protected natural resources to the greatest extent practicable, and to minimize and compensate for impacts that cannot be avoided.

Given the Maine DEP requirement to avoid and minimize environmental and visual impacts, avoidance of the RP district was not possible, and thus there are no reasonable alternatives to locating one new transmission line pole in the RP district associated with Lemon Stream. Avoiding this district would require expanding or relocating the transmission line corridor or erecting much taller and much more visible and substantial transmission line poles (e.g., larger steel poles with concrete foundations), to achieve the required transmission line spans. The overall environmental and visual impacts of either of these alternatives would be greater than the impacts associated with the Project as proposed. CMP would be unable to move the Lemon Stream pole out of the RP district without also moving several additional structures, resulting in greater impact to resources to the north and south of the RP district. The amount of ground disturbance associated with the structure installation will be small and limited to the immediate vicinity of the pole placement, approximately 40 square feet. There is no reasonable alternative to locating the conductors in this district and performing the associated vegetation management activities, because the NECEC is co-located within the existing corridor and must pass through this district, as does the existing transmission line corridor, to accomplish the Project purpose.

O. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

Cutting and removal of vegetation for the Project is allowed in the SP and RP districts with review and approval from the CEO. Some removal of vegetation will be required within the existing transmission line corridor to accommodate the Project and ensure that the Project meets federal reliability and safety standards. The extent of vegetation removal in the shoreland zone will be limited to the 75 feet of widening necessary for development of the Project, and is necessary to remove safety hazards. Where the SP district overlaps with the 100-foot protected riparian buffers, CMP has established additional protections as part of the Vegetation Management Plans (such as no herbicide use) that satisfy the requirements of this provision.

P. Erosion and Sediment Control

CMP's Environmental Guidelines, which contain erosion and sedimentation control requirements, standards, and methods will be followed in the construction of the Project in Starks and are consistent with the requirements of the Shoreland Zoning ordinance.

The Project will not result in undue soil erosion or sedimentation or adversely affect neighboring properties, downstream conditions, or public storm drainage. The Project has been designed to fit the existing topography and soils of the site and will utilize natural contours as closely as possible to minimize soil exposure and the potential for erosion.

Q. Soils

The Project will be located on soils in or upon which the proposed uses and structures can be established and maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, during and after construction. Soil constraints within the transmission line corridor will be managed and mitigated through implementation of erosion and sedimentation control measures, proper siting and project design, and proper construction sequencing. A soils report for the transmission line components located in Starks is not required since the Project does not require subsurface waste disposal and is not considered an intensive land use.

R. Water Quality

The Project will not deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

S. Archaeological Sites

No archaeological sites or historical properties listed on, or eligible to be listed on, the National Register of Historic Places were documented within the Shoreland Zone.

Because the Planning Board concludes that the Project conforms to the Town's Shoreland Zoning Ordinance, the Planning Board grants the Shoreland Zoning Permit Application.

Approved: Town of Starks Planning Board

BY: _____ Date: _____

Ken Lust, Vice Chair

ADDENDUM TWO

Findings of Fact, Conclusions of Law, and Decision

Planning Board, Town of Starks, Maine

Floodplain Ordinance

Floodplain Management Permit Application Findings of Fact

The CEO and Planning Board have reviewed CMP's Floodplain Management Permit Application for a Flood Hazard Development Permit and determined that the Project complies with the Town's Floodplain Management Ordinance. The Application included the required submissions of Article III of the Floodplain Management Ordinance.

The Project will cross one mapped FEMA 100-year Flood Zone. The flood zone area is shown on the FEMA Flood Insurance Rate Maps (FIRM. The portion of the Project that is within the flood zone in the is anticipated to cost $503,491.68, including all materials and labor. The Project involves the construction of a new 320kV HVDC electric transmission line and CMP has appropriately located the Project to minimize or eliminate flood damages.

Pursuant to Article V, the CEO and Planning Board reviewed the Application for the Flood Hazard Development Permit and determined that the Project is reasonably safe from flooding and all pertinent requirements of Article VI (Development Standards) have been met. In the review of the Application, the CEO and Planning Board utilized the base flood data contained in the "Flood Insurance Study - Town of Starks, Maine," as described in Article I, made interpretations of the location of boundaries of special flood hazard areas, and determined that all necessary permits have been or will be obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law

(including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

The existing CMP corridor crosses the flood hazard area associated with Lemon Stream approximately 1,000 feet west of Sawyers Mills Road (FIRM 230372 0005C). Due to the extent of the flood zone and the proximity to other protected natural resources, one pole (Structure 3006-248) will be installed within the FEMA mapped flood zone. The pole is located in the FEMA Zone A Flood zone, but not within the regulated floodway, at Lemon Stream. Pole 3006-248 is a single pole tangent structure, with an above ground height of 86.5 feet. The pole will require approximately 40 square feet of ground disturbance. The proposed transmission line will span the stream and there is no proposed access across the stream. No poles will be placed within the stream banks of Lemon Stream, or any other stream, and, as such, the Project will not alter or relocate the course of the water body.

There are various other natural resources such as wetlands, vernal pools, deer wintering areas, threatened and endangered species habitat, and a resource protection district that surround the location of this pole in the flood hazard area. Because of the proximity to additional natural resource areas of concern, there are no reasonable alternatives to locating the pole in the mapped flood zones identified above. Since the Project is co-located within the existing transmission line corridor that contains poles of a similar bulk and style, locating poles within the flood zone causes the least impact when compared with the alternatives. Avoiding the flood zone would require expanding or moving the existing transmission line corridor or erecting much taller and much more substantial structures (e.g., steel towers with concrete footings) to achieve the required spans over these areas. In contrast, the amount of ground disturbance associated with the planned pole will be small (i.e., approximately 40 square feet for the pole) and limited to the immediate vicinity of the pole placements. Therefore, the overall impacts of either of these alternatives would be greater than the impacts associated with the Project as planned.

CMP minimized the impact of the new transmission line by co-locating it within an existing corridor and minimizing new tree cutting to 75 feet. Co-locating the new transmission line within an existing transmission line corridor minimizes impacts on the surrounding uses and resources, including natural resources. CMP's proposed construction within the flood zone will not have any significant impact on flood levels given the minimal potential displacement of flood water by the transmission line pole. In addition, the diameter of the new pole would not be significantly larger than the existing poles currently located in the flood zone. As such, the new pole would not result in any significant changes to flood levels. There will be no significant storm water run-off generated from the Project. The Project will not cause or increase flooding or cause a flood hazard to any neighboring structures. Furthermore, the Project will not affect runoff/infiltration relationships.

The Planning Board makes the following findings relevant to the Development Standards set forth in Article VI:

Article VI.A All Development

Findings: The Project meets the Floodplain Ordinance requirement that all development be modified or adequately anchored to prevent flotation, collapse of or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; use construction materials that are resistant to flood damage; and use construction methods and use practices that will minimize flood damage.

The Project will consist of tubular steel structures that will be either direct embed or on concrete foundations depending on soil or substrate conditions and will be designed to meet or exceed the National Electrical Safety Code (NESC 2017), Section 250 and 251. In addition to those strength and loading requirements, the effects of buoyancy and any lateral loadings resulting from hydraulic loadings are considered, where applicable, and addressed in the design to prevent flotation, collapse or unacceptable lateral movement.

Upon a motion that the Application was in compliance with this section, motion carried.

Article VI.B Water Supply

Findings: This standard is not applicable. There will be no water supply systems.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.C Sanitary Sewage Systems

Findings: This standard is not applicable. There are no proposed sanitary sewage systems.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.D On-site Waste Disposal Systems

Findings: This standard is not applicable. There are no on-site waste disposal systems proposed.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.E Watercourse Carrying Capacity

Findings: This standard is not applicable. There will be no alteration or relocations of watercourses.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.F Residential Structures

Findings: This standard is not applicable. The Project is not a residential structure.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.G Non-Residential Structures

Findings: This standard is not applicable. The Project is not a non-residential structure.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.H Manufactured Homes

Findings: This standard is not applicable. The Project is not a manufactured home.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.I Recreational Vehicles

Findings: This standard is not applicable. The Project is not a recreational vehicle.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.J Accessory Structures

Findings: This standard is not applicable. The Project is not an accessory structure.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.K Floodways

Findings: This standard is not applicable. CMP does not propose any development for the Project within the regulatory floodways identified by FEMA.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.L Enclosed Areas Below the Base Floor

Findings: This standard is not applicable.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.M Bridges

Findings: This standard is not applicable.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.N Containment Walls

Findings: This standard is not applicable.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

Article VI.O Wharves, Piers and Docks

Findings: This standard is not applicable.

Upon a motion and second that this section of the Ordinance was not applicable, motion carried.

The Planning Board makes the following Findings relevant to the Review of Development Proposals set forth in Article VIII:

CMP minimized the impact of the new transmission line by co-locating it within an existing corridor and minimizing new tree cutting to 75 feet. Co-locating the new transmission line within an existing transmission line corridor minimizes impacts on the surrounding uses and resources, including natural resources. Within the corridor, CMP has sited each pole to avoid impacts on surrounding uses and protected natural resources to the greatest extent practicable, and to minimize and compensate for impacts that cannot be avoided.

One pole, 3006-248, is sited within the floodplain of Lemon Stream, but the amount of ground disturbance associated with this structure installation will be small and limited to the immediate vicinity of the pole placement, approximately 40 square feet. There is no reasonable alternative for this structure placement due to other surrounding natural resource areas.

Article VIII.B All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

No sewer, gas, or water systems are proposed by this Project. The Project involves the construction of a new 320kV HVDC electric transmission line and CMP has appropriately located the Project to minimize or eliminate flood damages.

Article VIII.C Adequate drainage is provided so as to reduce exposure to flood hazards.

Adequate drainage is provided so as to reduce exposure to flood hazards. With the exception of the immediate area occupied by the support poles, there is no increase in impervious surface area associated with the transmission line; therefore, there will be no significant storm water run-off generated from the Project. The Project will not cause or increase flooding or cause a flood hazard to any neighboring structures. The Project will not affect runoff/infiltration relationships.

The Project will minimize stormwater runoff by deploying stormwater control methods described in the Environmental Guidelines. Temporary access roads and any construction activities will be carefully planned and designed to utilize existing natural runoff control features, such as upland vegetated buffers, and diversion and dissipation techniques such as water bars, check dams, or settling basins. Shrubby vegetation will be retained to the extent practicable and soil exposure during construction will be minimized. After construction is complete, all areas will be returned to pre-construction contours, reseeded as needed, and allowed to revegetate to a scrub-shrub condition. The Project will not alter stormwater runoff from pre-development conditions.

Article VIII.D All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data.

The Project includes, as applicable, base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations are based on engineering practices recognized by FEMA.

Article VIII.E Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance.

The Project does not include structures. The Project's compliance with the Article VI Development Standards is set forth above.

Upon a motion and a second that the Application is in compliance with the requirements of Article VIII, motion carried.

Floodplain Management Permit Application Conclusions of Law

The Planning Board concludes that all criteria and standards set forth in Articles VI and VII of the Floodplain Management Ordinance are met, as follows:

The Planning Board concludes that the Project meets the requirements of Article VI.A, and that the standards set forth in Articles VI.B through VI.O are inapplicable to the Project as stated in the above findings. With regard to Article VI.A, the Planning Board concludes that the Project meets the Floodplain Ordinance requirement that all development be modified or adequately anchored to prevent flotation, collapse of or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; use construction materials that are resistant to flood damage; and use construction methods and use practices that will minimize flood damage. The Project will consist of tubular steel structures that will be either direct embed or on concrete foundations depending on soil or substrate conditions and will be designed to meet or exceed the National Electrical Safety Code (NESC 2017), Section 250 and 251. In addition to those strength and loading requirements, the effects of buoyancy and any lateral loadings resulting from hydraulic loadings are considered, where applicable, and addressed in the design to prevent flotation, collapse or unacceptable lateral movement.
The Planning Board further assures that the Project meets the additional standards of Article VIII, specifically:

Article VIII.A All such proposals are consistent with the need to minimize flood damage.

The Planning Board assures that the Project is consistent with the need to minimize flood damage. CMP minimized the impact of the new transmission line by co-locating it within an existing corridor and minimizing new tree cutting to 75 feet. Co-locating the new transmission line within an existing transmission line corridor minimizes impacts on the surrounding uses and resources, including natural resources. Within the corridor, CMP sited each pole to avoid impacts on surrounding uses and protected natural resources to the greatest extent practicable, and to minimize and compensate for impacts that cannot be avoided. One pole, 3006-248, is sited within the floodplain of Lemon Stream, but the amount of ground disturbance associated with this structure installation will be small and limited to the immediate vicinity of the pole placement, approximately 40 square feet. There is no reasonable alternative for this structure placement due to other surrounding natural resource areas.

Article VIII.B All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

The Planning Board assures that CMP has appropriately located the Project to minimize or eliminate flood damages.

Article VIII.C Adequate drainage is provided so as to reduce exposure to flood hazards.

The Planning Board assures that adequate drainage is provided so as to reduce exposure to flood hazards. With the exception of the immediate area occupied by the support poles, there is no increase in impervious surface area associated with the transmission line; therefore, there will be no significant storm water run-off generated from the Project. The Project will not cause or increase flooding or cause a flood hazard to any neighboring structures, and the Project will not affect runoff/infiltration relationships. The Project will minimize stormwater runoff by deploying stormwater control methods described in the Environmental Guidelines. Temporary access roads and any construction activities will be carefully planned and designed to utilize existing natural runoff control features, such as upland vegetated buffers, and diversion and dissipation techniques such as water bars, check dams, or settling basins. Shrubby vegetation will be retained to the extent practicable and soil exposure during construction will be minimized. After construction is complete, all areas will be returned to pre-construction contours, reseeded as needed, and allowed to revegetate to a scrub-shrub condition. The Project will not alter stormwater runoff from pre-development conditions.

Article VIII.D All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data.

The Planning Board assures that the Project includes, as applicable, base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. This determination is based on engineering practices recognized by FEMA.

Article VIII.E Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance.

The Planning Board concludes that this requirement applies to "structures" as defined in the Town of Starks Floodplain Management Ordinance, and that the proposed Project does not include structures as defined. The Project's compliance with the Article VI Development Standards is set forth in the findings above.

The Planning Board therefore assures that the Project conforms to the Article VIII development requirements and concludes that the Project conforms to the Town's Floodplain Management Ordinance. The CEO may issue a Flood Hazard Development Permit for Minor Development, as set forth in Article V.

Approved: Town of Starks Planning Board

BY: _____ Date _____

Ken Lust, Vice Chair