
31.0 LUPC CERTIFICATION

31.1 INTRODUCTION

As discussed in Section I, the Project, which is a grid-scale wind energy development as defined under 35-A M.R.S.A. § 3451(6), is located in the unorganized or deorganized areas of the State. Pursuant to Public Law 2011, Chapter 682, 12 M.R.S.A §685-B(2-C) and 38 M.R.S.A. §489-A-1(1,2), such projects are reviewed and permits are issued by the Maine Department of Environmental Protection. The MDEP may not issue a permit until the Land Use Planning Commission (“LUPC” or “Commission”) has certified that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed and that the proposed development meets any land use standard established by the Commission and applicable to the Project that is not considered in MDEP’s review. Champlain has provided the appropriate notice to LUPC, as included in Section 25. The following sections demonstrate that the Project is an allowed use in the subdistricts for which it is proposed, and that the Project complies with applicable land use standards established by LUPC and not considered by MDEP in review of the project.

31.2 LUPC ZONING COMPLIANCE

The Project (Exhibit 31A, Figure 1) is located entirely within the expedited wind permitting area (Exhibit 31A, Figure 2) in Carroll Plantation and Kossuth Township. The Project extends through areas zoned as a General Management Subdistrict (M-GN), and includes some limited areas of Stream Protection subdistricts (P-SL), Wetland Protection subdistricts (P-WL), and Flood Prone Area Protection subdistricts (P-FP) (Exhibit 31A, Figure 3, Figure 4). Grid-scale wind energy development, including both the generating and associated facilities, is an allowed use in each of those subdistricts.¹

31.3 OVERVIEW OF LUPC LAND USE STANDARDS

The land use standards established by the Commission and applicable to the Project that are not specifically considered in MDEP project review are discussed below, and include:

- Land division history, as required by the LUPC definition of subdivision and 04-061 CMR 10.24,F ;
- Dimensional requirements as described in 04-061 CMR 10.26;
- Vehicular Access, Circulation and Parking, as described in 04-061 CMR 10.24,B and 10.25,D;
- Lighting, as described in 04-061 CMR 10.25,F;
- Federal Emergency Management Agency (FEMA) flood zone management standards, as described in 04-061 CMR 10.25,T; and
- Signs, as described in 04-061 CMR 10.27,J

¹ 04-061 CMR 10.22,A(3)(c)(27)(M-GN), 10.23,C(3)(c)(22)(P-FP), 10.23,L(3)(c)(24)(P-SL), and 10.23,N(3)(c)(18)(P-WL)

Section 31.4 below identifies land use standards that are not applicable as the Project does not include elements subject to those standards. Section 31.5 identifies applicable land use standards that are considered by MDEP in its review of the Project. Section 31.6 identifies and demonstrates compliance with applicable land use standards that are not considered in MDEP's review. Chapter 10.24,E is not a land use standard but instead refers to guidance that informs the Commission's interpretation and application of land use standards.

31.4 STANDARDS INAPPLICABLE AS PROPOSED PROJECT DOES NOT CONTAIN APPLICABLE ELEMENTS

The following Commission standards set forth in 04-061 are inapplicable as the Project does not include the elements subject to these standards:

- 10.25,A Review Standards for Structures Adjacent to Lakes
- 10.25,B Review Standards for Subdistricts In Prospectively Zoned Areas
- 10.25,Q Subdivision and Lot Creation
- 10.25,R Cluster Development
- 10.25,S Open Space
- 10.25,U Affordable Housing
- 10.27,A Agricultural Management Activities
- 10.27,C Mineral Exploration Activity
- 10.27,E Timber Harvesting
- 10.27,G Motorized Recreational Gold Prospecting
- 10.27,H Driveways Associated With Residential Structures and Uses
- 10.27,I Pesticide Application
- 10.27,K Water Impoundments
- 10.27,L Trailered Ramps, Hand-Carry Launches, and Water-Access Ways
- 10.27,M Service Drops
- 10.27,N Home Occupations
- 10.27,O Permanent Docking Structures
- 10.27,P Accessory Structures

31.5 STANDARDS CONSIDERED IN REVIEW BY MDEP

The following Commission standards are considered by MDEP in the review of the Project:

10.24,A Technical and Financial Capacity; Solid Waste; Water Supplies (38 M.R.S.A. Section 484(1), (4), (6); 06-096 CMR Ch. 373, 375(6), 376)

10.24,C Existing Uses; Scenic Character; Natural and Historic Resources (38 M.R.S.A. Section 484(3); 06-096 CMR Ch. 375(11))

10.24,D Soil Erosion; Soil Capacity; Sewage Disposal (38 M.R.S.A. Section 484(4); 06-096 CMR Ch. 376)

10.25,C Technical and Financial Capacity (38 M.R.S.A. Section 484(1); 06-096 CMR Ch. 373)

10.25,E Scenic Character, Natural and Historic Features (38 M.R.S.A. Section 484; 06-096 CMR Ch. 375(11), (12), (14))

10.25,F.1 Noise (38 M.R.S.A. Section 484(3); 06-096 CMR Ch. 375(10))

10.25,G Soil Suitability (38 M.R.S.A. Section 484(4); 06-096 CMR Ch. 376)

10.25,H Solid Waste Disposal (38 M.R.S.A. Section 484(6))

10.25,I Subsurface Waste Water Disposal (38 M.R.S.A. Section 484(4); 06-096 CMR Ch. 376)

10.25,J Water Supply (38 M.R.S.A. 484; 06-096 CMR Ch. 375(7), (8))

10.25,K Surface Water Quality (38 M.R.S.A. Section 484; 06-096 CMR Ch. 375(6))

10.25,L Phosphorus Control (38 M.R.S.A. Section 484; 06-096 CMR Ch. 500)

10.25,M Erosion and Sedimentation Control (38 M.R.S.A. Section 484(4-A); 06-096 CMR Ch. 375(5))

10.25,N Groundwater Quality (38 M.R.S.A. Section 484(3), (5); 06-096 CMR Ch. 375(7), (8))

10.25,O Air Quality (38 M.R.S.A. Section 484; 06-096 CMR Ch. 375(1))

10.25,P Wetland Alterations (38 M.R.S.A. Section 480-A *et seq.*; 06-096 CMR Ch. 310)

10.27,B Vegetation Clearing (38 M.R.S.A. Section 484; 06-096 CMR Ch. 375(9))

10.27,D Roads and Water Crossings (38 M.R.S.A. Section 484, 06-096 CMR Ch. 375(3), 377)

10.27,F Filling and Grading (38 M.R.S.A. Section 484(4-A))

31.6 APPLICABLE LUPC LAND USE STANDARDS

The applicable Commission standards not considered in the MDEP's review of the Project are discussed below.

31.6.1 Land Division History

The LUPC definition of subdivision requires that applicants demonstrate that any division of land does not create a subdivision.

Subdivision: Except as provided in 12 M.R.S.A. §682-B, "subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing. The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period. 12 M.R.S.A. §682(2-A)

Because subdivisions are not an allowed use in the subdistricts proposed for the Project, the applicant must demonstrate that the Project does not constitute a subdivision. Champlain holds lease agreements for seven parcels in Carroll Plantation and Kossuth Township where the turbines, permanent met towers, summit electrical collector system, associated access roads, and a portion of the express electrical collector will be located. For nine additional parcels associated with the express electrical collector, O&M Building, and Substation in Carroll Plantation, Champlain either has fee ownership for a parcel or has executed purchase and sale agreements to acquire an easement or fee ownership for portions of these parcels that are necessary for the Project.

Included as Exhibit 31B is a 20-year land division analysis demonstrating that none of these agreements creates a subdivision.

31.6.2 Dimensional Requirements

LUPC Chapter 10.26 sets forth the Commission's dimensional standards. Included as Exhibit 31C is a list of the dimensional standards from 10.26, an indication of whether the standard is applicable to the Project and, if so, whether the standard is considered in the MDEP review. If the standard is applicable and not considered in MDEP's review, an explanation is provided demonstrating compliance with the standards.

31.6.3 Vehicular Circulation, Access, and Parking

LUPC Chapters 10.24,B and 10.25,D describes the standards for general circulation, access management, and parking design.

General Circulation

The Project includes provisions for vehicular access to and within the project, as depicted in Section 1, Exhibit 1A, which safely and efficiently handles the traffic attributable to the development as required by Chapter 10.25,D.1.

With regard to access to roadways, the Project includes one primary access to Route 6 which will comply with all applicable Maine Department of Transportation safety standards, and which will meet standards defined in Chapter 10.25,D.2. A copy of the DOT [road opening/driveway] permit will be obtained prior to construction. As the Project is not expected to generate a significant amount of traffic no traffic study has been commissioned for the Project.

With regard to parking areas, the Project will use a portion of the gravel area at the Operations and Maintenance building for parking by staff. The portion used will not exceed one acre and will provide sufficient off-street parking at this location. This location is not visible from Route 6, and is not adjacent to any residential structures or uses. The parking at this location will meet standards defined in Chapter 10.25,D.3.a, d-f. No on-street parking is associated with the Project. MDEP will evaluate the stormwater effects from the project in Section 12, so Chapter 10.25,D.3.b is not applicable.

Finally, with regard to development roadways, access roads and crane paths associated with the project will be reviewed by the MDEP with regard to MDEP's road, grading and erosion and safety standards.

31.6.4 Lighting

LUPC Chapter 10.25,F describes the noise and lighting standards. MDEP will evaluate the noise effects from the Project in Section 5, so Chapter 10.25,F.1 is not applicable.

The Project will include lighting associated with the turbines and meteorological tower as required by the Federal Aviation Administration for air traffic safety (described in Section 30), and as such, is exempt from LUPC's lighting standards. See Chapter 10.25.F.2.e.1. Other lighting associated with the Project includes lighting at the O&M building and the substation. The substation will be fenced and have pole-mounted floodlights that will only be on during any nighttime work at the substation. At the O&M building, exterior lighting will be motion sensitive or manually controlled, and would meet the requirements of Chapter 10.25,F.2.

The only other permanent lighting that may be associated with the Project will be motion sensitive entry lights at stairs located at the base of each turbine. These may or may not be utilized. This lighting would meet the requirements of Chapter 10.25,F.2.

Some temporary nighttime lighting may be required during construction. Turbine erection must be done in lower wind conditions. Therefore, methods such as nighttime lighting are anticipated to provide as much time as possible to take advantage of favorable construction conditions. If required, portable (i.e., trailer mounted) flood light systems will be used to facilitate nighttime tower erection. Approximately three of these portable flood light units would be used at each tower location. At entrances to the Project, there will also be limited temporary nighttime security lighting.

31.6.5 FEMA Standards

Although MDEP regulates flooding generally under the Site Law (38 M.R.S.A. Sec. 484(7)), the DEP is not authorized to regulate compliance with and does not specifically consider FEMA standards under the National Flood Insurance Program (44 C.F.R. Parts 59-149). LUPC has sought and obtained authorization to do so pursuant to their specific flood prone area requirements set forth in Section 10.25,T.

Proposed Development in Flood Prone Areas

The only portions of the Project area that include development in flood-prone areas are two sections of the express electrical collector line. The electrical collector line mostly traverses hills and valleys, with approximately a 0.5 mile section located in a low-lying area mapped as Zone A², 100-year floodplain by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Maps (FIRM). Other than poles, there is no new, permanent development within any mapped 100-year floodplain. For purposes of regulating development in flood prone areas, a structure is defined as a walled and roofed building. Accordingly, no “structures,” will be constructed in flood prone areas. Finally, no new water supply, sanitary sewage system, bridges, containment walls or other regulated structures are planned for any flood prone areas.

Exhibit 31D includes overlays of the proposed turbine locations and collector line and available Q3 Flood Data to illustrate where the project crosses mapped flood zone areas. FIRMs are not available for Kossuth Township, but based on USGS topographic data, it appears the proposed project is not located in flood-prone areas within Kossuth Township.

As shown in Exhibit 31D, the collector line crosses mapped flood zones at the upper reaches of Lindsey Brook and Tolman Brook, two tributaries of Baskahegan Stream, which is located approximately 2 miles east of the project. Four poles of the express collector would be located in the mapped zone near Lindsey Brook, and five poles would be located in the mapped zone associated with Tolman Brook.

Table 1 provides a listing of the areas with mapped 100-year flood zones crossed by the proposed transmission line, the approximate crossing widths, and structures that would be located in the mapped flood zone.

² **FEMA Zone A:** Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.

SECTION 31: LUPC CERTIFICATION**Table 1. Mapped 100-Year Flood Zone Crossed by the Bowers 34.5Kv Collector Line**

Stream	Town	Approximate Crossing Width (Feet)	Utility Poles within Mapped Flood zone (Pole # on Plans)	Development within Mapped Flood Zone
Lindsey Brook Headwaters	Carroll Plantation	4'10" across stream 1555' across flood zone	4 utility poles (11, 12, 13, 14)	160 s.f. of fill (0 s.f. wetland fill)
Tolman Brook Headwaters	Carroll Plantation	2'6" across stream 1079' across northern portion of flood zone, 380' across southern portion of flood zone	5 utility poles (62, 66, 67, 68, 69)	200 s.f. of fill (80 s.f. wetland fill)

Applicable Standards

Given the limited scope of development within flood prone areas, only the following specific performance standards from Chapter 10.25,T.2 apply to the Project :

- (a) construction methods and practices
- (e) watercourse carrying capacity, and
- (k) development in floodways

With regard to construction methods and practices, forest cover will be cleared along the collector line, resulting in the conversion to scrub-shrub or early successional cover. Generally, this conversion to dense shrub and grass growth will improve the ability of the land to absorb runoff due to the increased density of the root mass associated with the resultant vegetative cover. This amount of clearing should not have any adverse effect on flooding and may have a small net positive hydrologic effect. Alteration of the existing topography and natural drainage-ways is not planned. The applicant or its agent will manage ground cover types in the ROW to promote growth of shrubs and grasses. Therefore, the project will not increase the potential for flooding. The construction will include methods and practices that will minimize flood damage, including anchoring and use of flood resistant materials, which meets the standards defined in Chapter 10.25,T.2.a. In addition, due to the minimal permanent footprint associated with the poles, there will be no increase in the incidence of flooding from this project.

Further, neither the construction activities nor operation of the collector line will cause the loss of flood water storage or flood carrying capacity of the watercourse, which meets standards defined in Chapter 10.25,T.2.e.

With regard to subsection k, approximately 40 square feet of fill associated with one pole and associated anchors will be located in an area of the flood plain at Tolman Brook for which no

SECTION 31: LUPC CERTIFICATION

regulatory floodway is designated. As defined in Chapter 10.25,T.2.k.3, where no regulatory floodway is designated, “the regulatory floodway is determined to be the channel of the river or other flowing water and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.”

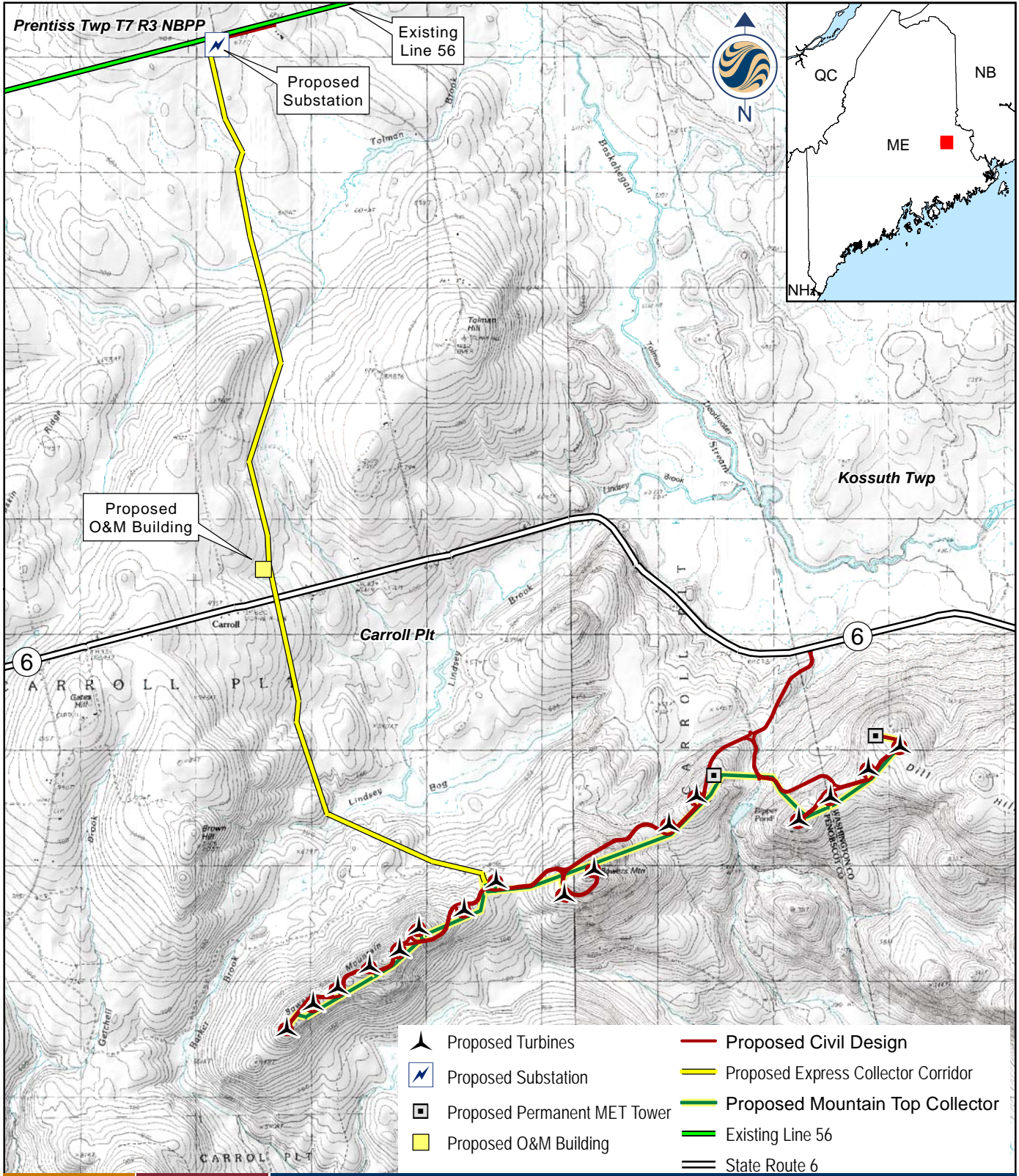
In the flood zone at Tolman Brook, Pole #67 will be located approximately 142’ from the stream, which is within the distance (153’) defining the regulatory floodway at this location. As such, a technical evaluation by SGC Engineering is provided in Exhibit 31C which demonstrates that the fill associated with this development meets the standards defined in Chapter 10.25,T.2.k.2. These standards indicate that “the cumulative effect of the proposed development, when combined with all other existing development and anticipated development (a) will not increase the water surface elevation of the base flood more than one foot at any point within the plantation; and (b) is consistent with the technical criteria contained in Chapter 5, entitled “Hydraulic Analyses,” Flood Insurance Study – Guidelines and Specifications for Study Contractors.”

Included as Exhibit 31D is Supplement S-4, Requirements for development in flood-prone areas, as well as a Floodway Development Certification certified by SGC Engineering.

31.6.6 Signs

LUPC Chapter 10.27,J describes the standards for any signs. Signage on the leased area will be limited to informational signs associated with site activities. Any permanent signs will comply with the standards described in Chapter 10.27,J.

Exhibit 31A: Maps



Stantec Consulting Services Inc.
 30 Park Drive
 Topsham, ME USA
 04086
 Phone (207) 729-1199
 Fax: (207) 729-2715
 www.stantec.com



Client/Project
 Champlain Wind, LLC
 Bowers Mountain Wind Project
 Carroll Plt. and Kossuth Twp., Maine

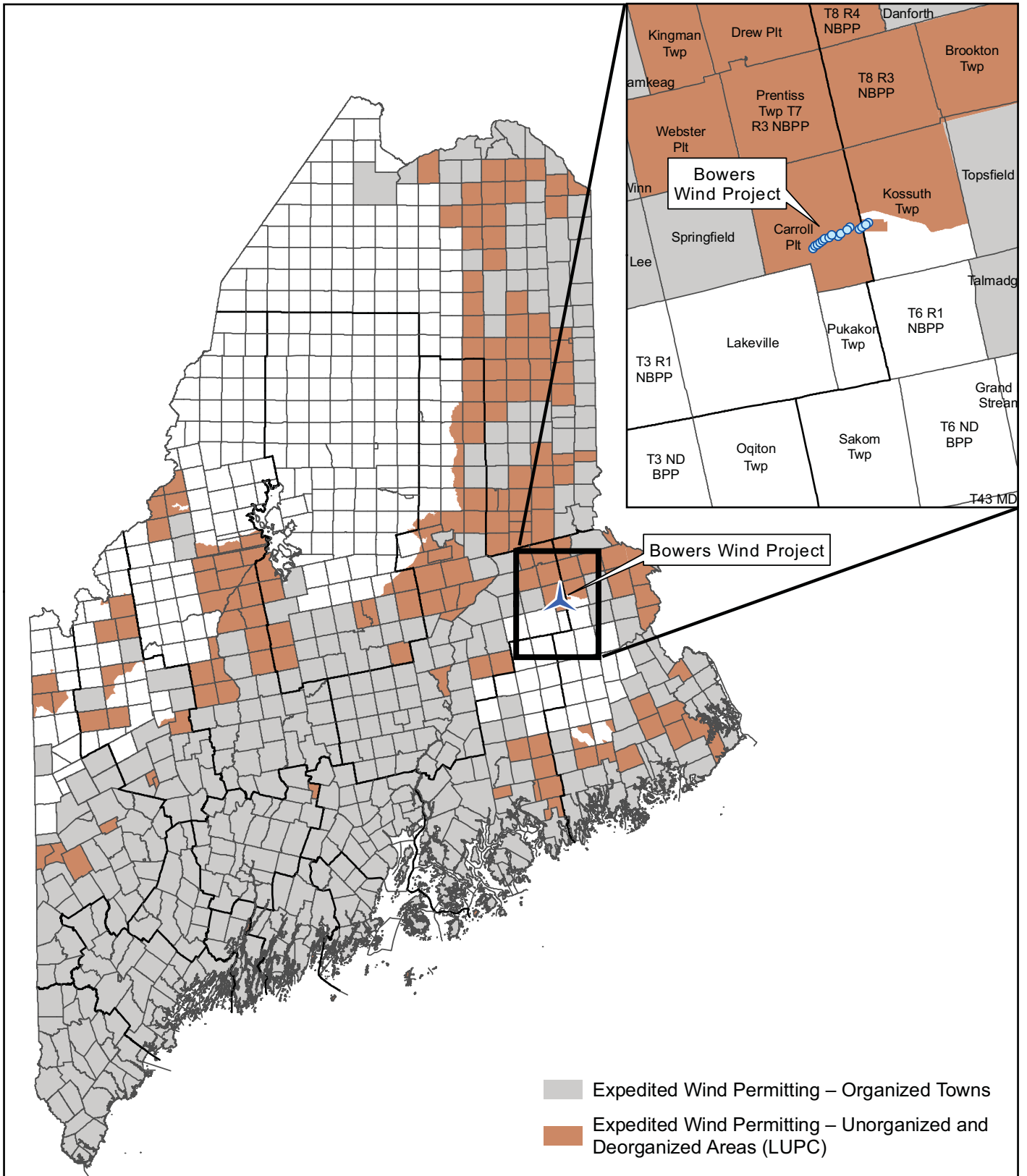
Figure No.

1

Title

Site Location Map

9/19/2012



195600522



Stantec

Stantec Consulting Services Inc.

30 Park Drive
Topsham, ME USA
04086

Phone (207) 729-1199

Fax: (207) 729-2715

www.stantec.com

Client/Project

Champlain Wind, LLC
Bowers Mountain Wind Project
Carroll Plt. and Kossuth Twp., Maine

Figure No.

2

Title

Expedited Wind Permitting

10/2/2012

Land Use Guidance Map

Carroll Plt.

T6 R2 NBPP

Penobscot County



Maine Department of Conservation
 LAND USE REGULATION COMMISSION
 Augusta, Maine 04333-0022
 (207) 287-2631
 TTY (207) 287-2213
<http://www.state.me.us/doc/lurc>

Legend

Development Subdistricts

- D-GN General
- D-RS Residential

Protection Subdistricts

- P-FP Flood Prone
- P-FW Fish and Wildlife
- P-GP Great Pond
- P-SL2 75 feet Shoreland - Minor
- P-WL1 Wetlands - Significant
- P-WL2 Wetlands - Scrub-shrub
- P-WL3 Wetlands - Forested

Management Subdistricts

- M-GN General

- Water body
- Improved road
- Unimproved road
- Trail

Areas designated as two or more protection zones are annotated with each zone, e.g. P-FP/FW/WL1, P-FP/SL1, etc., where necessary

or Subdistrict boundary
 Zoning amendment

Topographic base, roads and trails from U.S. Geological Survey 7.5-minute map series

For the purpose of simplicity, this map does not show the Wetland Protection Subdistricts for areas identified pursuant to Section 10.16.K.2 such as beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels, which are nevertheless within P-WL Subdistricts.

This map is a reduced version of the official Land Use Guidance Map. It is not certified to be a true and correct copy. Full size official LURC Land Use Guidance Maps are available from the Commission at its Augusta office. Potential applicants unsure of their zoning should request a full size map from the Augusta office.

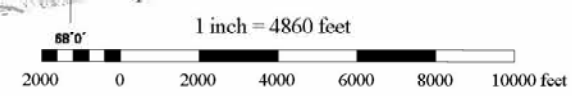
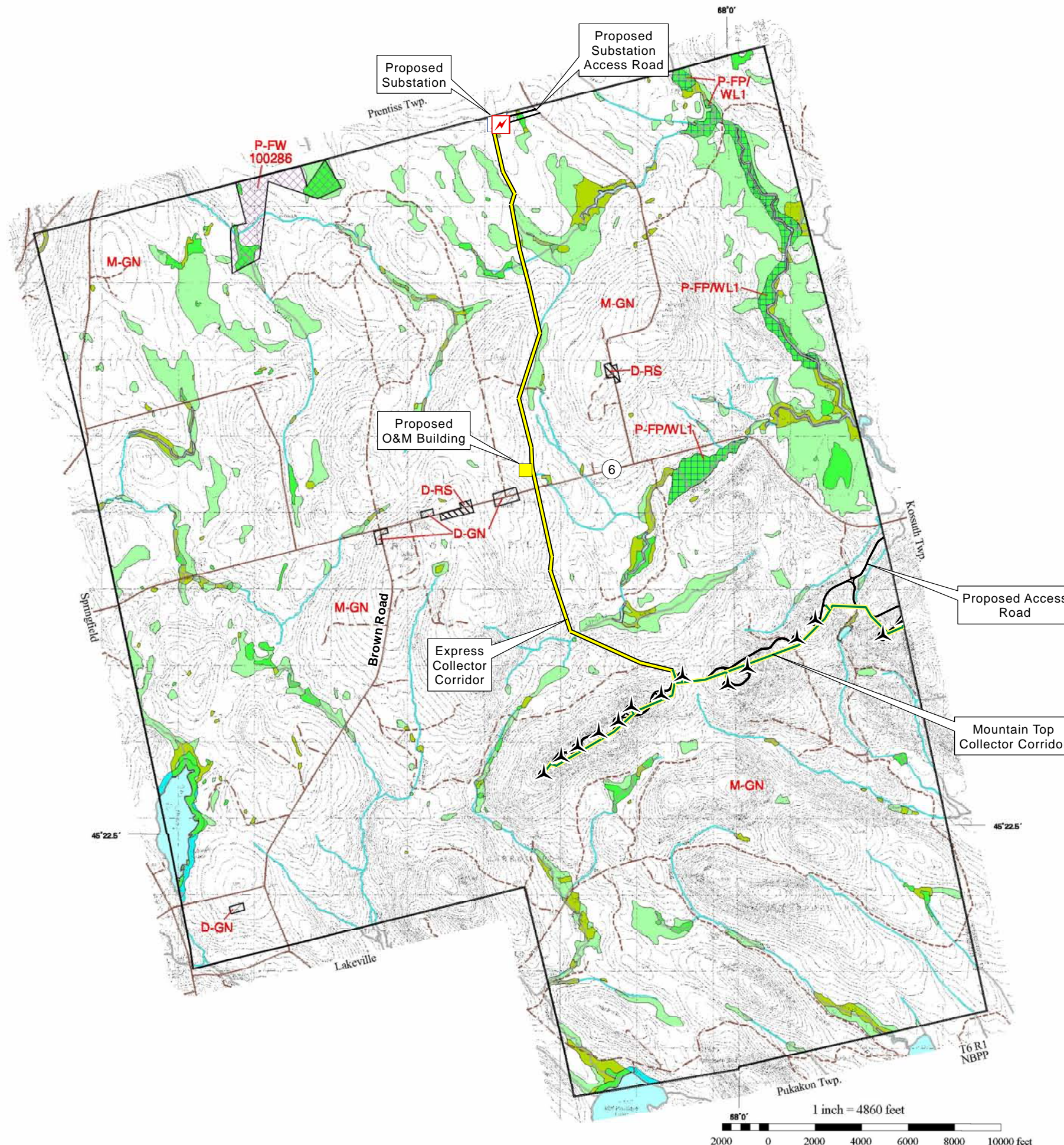


Figure 3

Land Use Guidance Map

Kossuth Twp.

T7 R2 NBPP

Washington County



Maine Department of Conservation
 LAND USE REGULATION COMMISSION
 Augusta, Maine 04333-0022
 (207) 287-2631
 TTY (207) 287-2213
<http://www.state.me.us/doc/lurc>

Legend

Development Subdistricts

D-GN General

Protection Subdistricts

- P-AL Accessible Lake
- P-FW Fish and Wildlife
- P-GP Great Pond
- P-RR Recreation - Water
- P-SL1 250 feet Shoreland - Major
- P-SL2 75 feet Shoreland - Minor
- P-WL1 Wetlands - Significant
- P-WL2 Wetlands - Scrub-shrub
- P-WL3 Wetlands - Forested

Management Subdistricts

M-GN General

- Water body
- Improved road
- Unimproved road
- Trail

Areas designated as two or more protection zones are annotated with each zone, e.g. P-FP/FW/WL1, P-FP/SL1, etc., where necessary

- Subdistrict boundary
- Zoning amendment

Topographic base, roads and trails from U.S. Geological Survey 7.5-minute map series

For the purpose of simplicity, this map does not show the Wetland Protection Subdistricts for areas identified pursuant to Section 10.16.K.2 such as beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels, which are nevertheless within P-WL Subdistricts.

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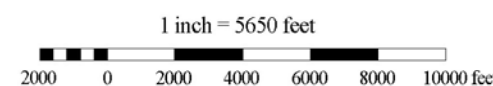
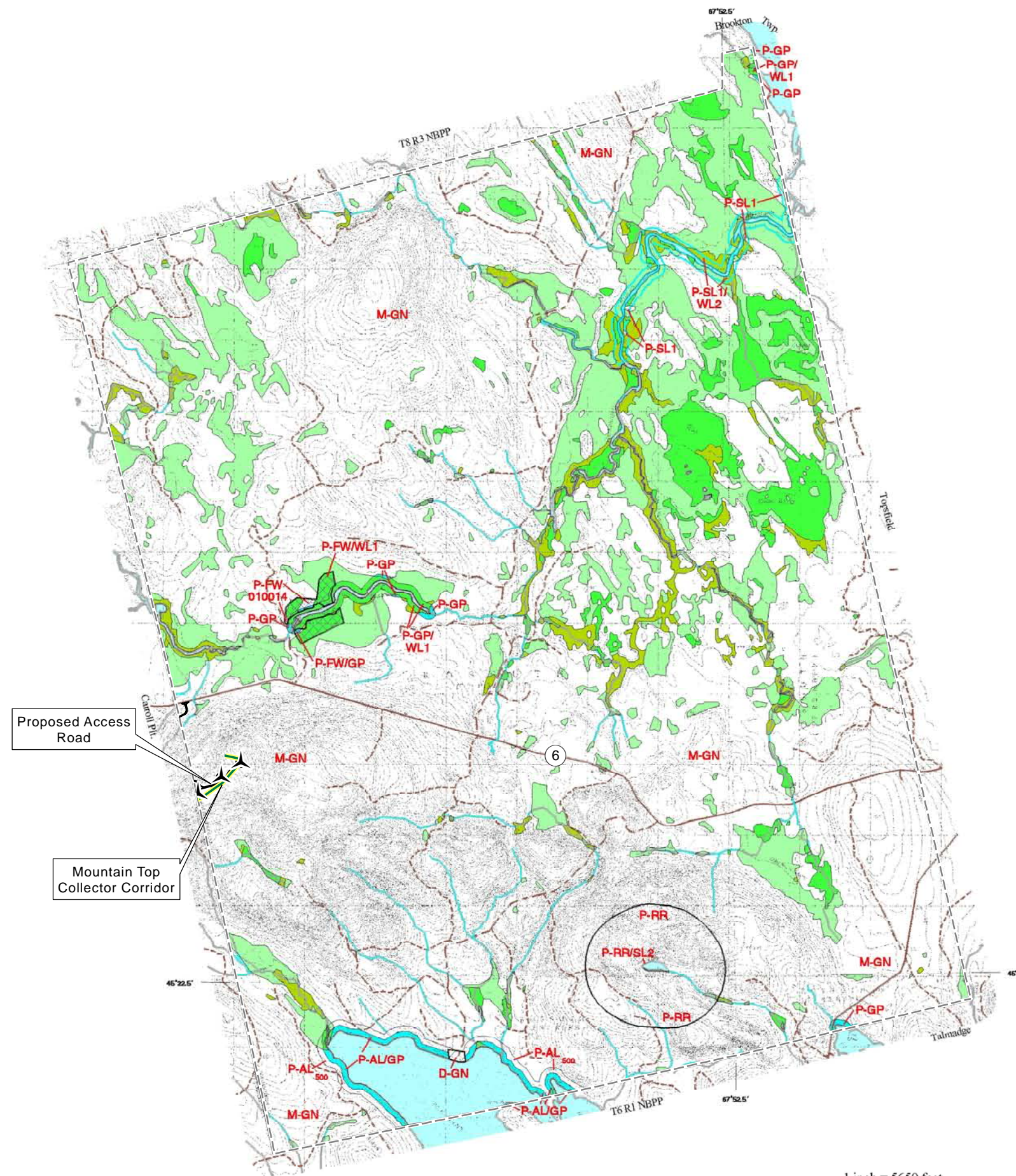


Exhibit 31B: Land Division History

**CHAMPLAIN WIND, LLC
BOWERS MOUNTAIN PROJECT
LAND DIVISION HISTORIES**

A. Project Area Parcels:

- i) Town of Carroll Plantation, Penobscot County:
 - 1-1 - Bowers Mountain, LLC (Lease)

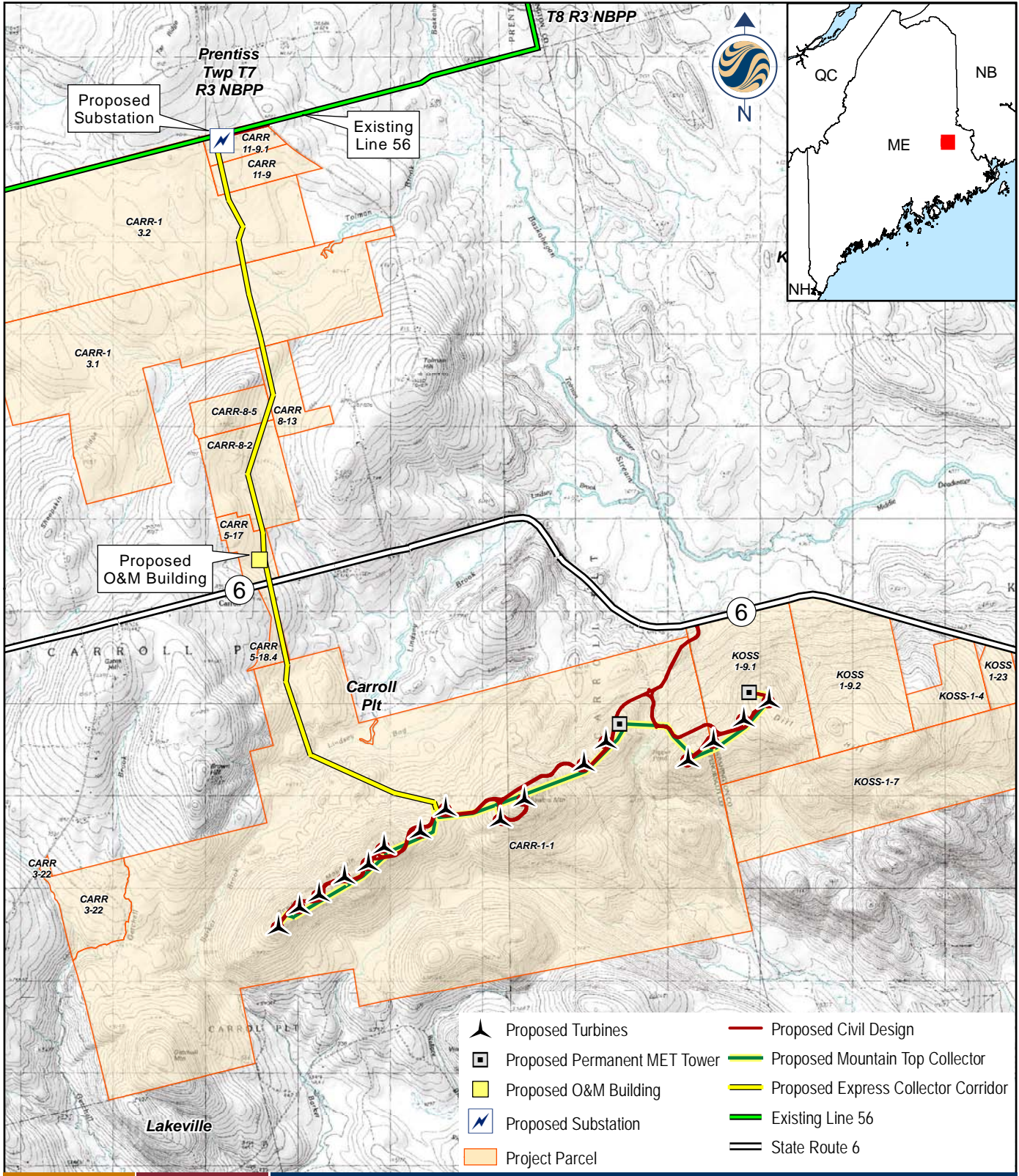
- ii) Kossuth Township, Washington County:
 - 1-9.1 - Baskahegan Company (Lease)
 - 1-9.2 - Baskahegan Company (Lease)
 - 1-4 - Baskahegan Company (Lease)
 - 1-7 - Lakeville Shores, Inc. (Lease)
 - 1-23 - Lakeville Shores, Inc. (Lease)

B. Express Collector Line Parcels:

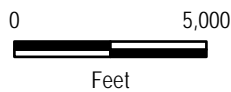
- i) Town of Carroll Plantation, Penobscot County:
 - 5-18.4 - Banks (Fee)
 - 5-17 - Fox (Fee)
 - 8-2 - Lane (Easement)
 - 8-5 - Lukacik (Easement)
 - 8-13 - King Brothers Land Enterprise, Inc. (Fee to 200' strip West Bound)
 - 1-3.1 - Hanington Bros., Inc. (Fee to Easterly Portion)
 - 1-3.2 - Allen (Fee to Easterly Portion)
 - 11-9 - Maxwell (Fee or Easement)
 - 11-9.1 - Haynes (Fee to 300' x 500' parcel, Fee or Easement to additional strip of land)

Questions relating to the following land division histories should be directed to Anthony M. Calcagni or Charles Katz-Leavy at Verrill Dana, LLP at 207-774-4000.

Exhibit 31B: Land Division History



Stantec Consulting Services Inc.
 30 Park Drive
 Topsham, ME USA
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 Phone (207) 729-1199
 Fax: (207) 729-2715
 www.stantec.com



Client/Project
 Champlain Wind, LLC
 Bowers Mountain Wind Project
 Carroll Plt. and Kossuth Twp., Maine

Figure No.

1

Title

Project Parcel Map

10/1/2012

**Bowers Mountain, LLC
20-Year Land Division History
Carroll Plantation, Penobscot County
(Carroll Tax Map 1, Lot 1)**

On January 1, 1990 the Parent Parcel was owned by The Penobscot Indian Nation by virtue of the following deeds from the Dead River Group of Companies: (i) deed dated April 3, 1981 and recorded in the Penobscot County Registry of Deeds in Book 3175, Page 106; (ii) deed dated April 3, 1981 and recorded in said Registry in Book 3175, Page 108; (iii) deed dated April 3, 1981 and recorded in said Registry in Book 3175, Page 148; (iv) deed dated April 3, 1981 and recorded in said Registry in Book 3290, Page 352; (v) deed dated April 13, 1981 and recorded in said Registry in Book 3290, Page 346; and (vi) deed dated April 13, 1981 and recorded in said Registry in Book 3290, Page 350. Since that date the ownership of the Parent Parcel was conveyed as follows (in chronological order):

- 1995, February 9: The entire Parent Parcel conveyed to Henry E. McPherson and Scott M. Hanington, as Trustees of Double H Realty Trust by The Penobscot Indian Nation by deed recorded in said Registry of Deeds in Book 5804, Page 174, as affected by corrective deed dated February 16, 1995 and recorded in said Registry of Deeds in Book 5810, Page 162.¹
- 1997, April 27: Five-acre lot added to Parent Parcel by deed from Helen G. Clough, Dale E. Clough, Marilyn L. Burrill, Linda R. Burrill, Janet B. Burrill, Northern Star Clough, Sherry M. Clough, Lisa L. Kettle, and Juanita R. Moores to Henry E. McPherson and Scott M. Hanington, as Trustees of Double H Realty Trust, and recorded in said Registry of Deeds in Book 6491, Page 244.
- 1998, May 21: The entire Parent Parcel conveyed to Champion International Corporation by Henry E. McPherson and Scott M. Hanington, as Trustees of Double H Realty Trust by deed recorded in said Registry of Deeds in Book 6685, Page 319. Champion International Corporation merged with International Paper Company by Certificate of Merger dated December 31, 2000 and recorded in said Registry of Deeds in Book 7584, Page 122.
- 2001, March 12: The entire Parent Parcel conveyed to IP Maine Forests L.L.C. by International Paper Company by deed recorded in said Registry of Deeds in Book 7625, Page 94. IP Maine Forests L.L.C. merged with SP Forests L.L.C. by Certificate of Merger dated March 26, 2001 and recorded in said Registry of Deeds in Book 7638, Page 115.
- 2002, September 5: Out-parcel conveyed to Lakeville Shores, Inc. by deed recorded in said Registry of Deeds in Book 8369, Page 103. This lot was the first division in a five-year period and is not counted for subdivision purposes after September 5, 2007.
- 2002, October 7: Entire remaining Parent Parcel conveyed to R.A. Crawford & Son Land and Timber, Inc. by SP Forests L.L.C. by deed recorded in said Registry of Deeds in Book 8399, Page 3.
- 2004, April 27: Out-parcel conveyed to Philip W. Daw and Tracy L. Allen by deed recorded in said Registry of Deeds in Book 9260, Page 169. This lot is not counted for subdivision purposes as this was a transfer to an abutter.
- 2004, April 27: Out-parcel conveyed to Robert Miranda, Robert Miranda, Jr., and Louis Miranda, III by deed recorded in said Registry of Deeds in Book 9314, Page 304. This lot is not counted for subdivision purposes as this was a transfer to an abutter.

¹ The corrective deed conveyed an omitted portion of the Parent Parcel that had been inadvertently left out of the prior 1995 deed from The Penobscot Indian Nation to Henry E. McPherson and Scott M. Hanington, as Trustees of Double H Realty Trust.

- 2006, April 24: Out-parcel conveyed to Lakeville Shores by deed recorded in said Registry of Deeds in Book 10400, Page 46. This lot is not counted for subdivision purposes as this was a transfer to an abutter.
- 2006, September 29: Entire remaining Parent Parcel conveyed to Bowers Mountain, LLC by R.A. Crawford & Son Land and Timber, Inc. by deed recorded in said Registry of Deeds in Book 10653, Page 338.
- 2010, May 10: Memorandum of Lease between Bowers Mountain, LLC and Champlain Wind, LLC recorded in said Registry of Deeds in Book 12152, Page 38, as affected by Second Amendment to Lease recorded in said Registry of Deeds in Book 12388, Page 144. The leased "Property" (where Lessee has certain leasehold rights) and the initial leased "Premises" (where Lessee may construct WTGs) both include the entire Parent Parcel.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**Baskahegan Company
20-year Land Division History
Kossuth, Washington County
(Kossuth Tax Map 1, Lots 9.1 and 9.2)**

On January 1, 1990 the Parent Parcel² was owned by Diamond Occidental Forest, Inc. by virtue of a Quitclaim Deed from Diamond International Corporation dated July 6, 1987 and recorded in the Washington County Registry of Deeds in Book 1457, Page 55. Since that date ownership of the Parent Parcel was conveyed as follows:

- 1993, April 5: A portion of the Parent Parcel was conveyed to Herbert C. Haynes, Inc. by deed recorded in said Registry of Deeds in Book 1836, Page 337.³ This lot contains more than 40-acres and is not counted for subdivision purposes.
- 1993, April 2: A portion of the Parent Parcel was conveyed to Peter and Larry Shay Partnership by deed recorded in said Registry of Deeds in Book 1836, Page 341.⁴ This lot contains more than 40-acres and is not counted for subdivision purposes.
- 1993, July 13: A portion of the Parent Parcel was conveyed to Herbert C. Haynes, Inc. by deed recorded in said Registry of Deeds in Book 1859, Page 188. This was a transfer to an abutter and is not counted for subdivision purposes.
- 1993, July 13: A portion of the Parent Parcel was conveyed to Peter and Larry Shay Partnership by deed recorded in said Registry of Deeds in Book 1859, Page 190. This was a transfer to an abutter and is not counted for subdivision purposes. This transfer consolidated ownership of the entire Parent Parcel in Peter and Larry Shay Partnership.
- 1995, March 17: The entire Parent Parcel was conveyed to Baskahegan Company by deed recorded in said Registry of Deeds in Book 1986, Page 309, as confirmed by deed dated May 18, 2010 and recorded in said Registry of Deeds in Book 3635, Page 159.⁵
- 2010, April 27: Memorandum of Lease between Baskahegan Company and Champlain Wind, LLC recorded in said Registry of Deeds in Book 3666, Page 49. The leased "Property" (where Lessee has certain leasehold rights) and the initial leased "Premises" (where Lessee may construct WTGs) both include the entire Parent Parcel.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

² The Parent Parcel is described as all or portions of six contiguous historical lots located on the southerly side of Route 6 in Kossuth Plantation.

³ This deed was recorded on April 6, 1993, prior to the deed into Peter and Larry Shay Partnership.

⁴ This deed was recorded on April 6, 1993, after the deed into Herbert C. Haynes, Inc.

⁵ The premises described in the 2010 confirmatory deed were inadvertently omitted from the 1995 deed into Baskahegan Company.

**Baskahegan Company
20-year Land Division History
Kossuth, Washington County
(Kossuth Tax Map 1, Lot 4)**

On January 1, 1990 the Parent Parcel was owned by Baskahegan Company by virtue of a Warranty Deed from Henry H. Putnam dated January 9, 1920 recorded in Washington County Registry of Deeds Book 343, Page 123.

- 2010, April 27: Memorandum of Lease between Baskahegan Company and Champlain Wind, LLC recorded in said Registry of Deeds in Book 3666, Page 49. The leased "Property" (where Lessee has certain leasehold rights) and the initial leased "Premises" (where Lessee may construct WTGs) both include the entire Parent Parcel.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**Lakeville Shores, Inc.
20-Year Land Division History
Kossuth, Washington County
(Kossuth Tax Map 1, Lot 7)**

On January 1, 1990 the Parent Parcel was owned by the following:

3/5 Undivided Common Interest: Georgia-Pacific Corporation by virtue of a Quitclaim Covenant Deed from St. Croix Paper Company dated April 18, 1972 and recorded in the Washington County Registry of Deeds in Book 751, Page 250; and by Quitclaim Deed from Robert E. Floweree, Harry J. Kane, Mary A. McCravey, Albert G. Naudain and Robert B. Pamplin, Directors of St. Croix Paper Company dated November 30, 1973 and recorded in said Registry of Deeds in Book 820, Page 146.

Since that date the ownership of the Parent Parcel was conveyed as follows:

- 1998, June 28: The entire Parent Parcel was conveyed to Suntrust Banks, Inc. by deed recorded in said Registry of Deeds in Book 2353, Page 218.
- 1998, June 28: The entire Parent Parcel was conveyed to Wagner Timber Partners, LLC by deed recorded in said Registry of Deeds in Book 2354, Page 1.
- 2000, November 13: The entire Parent Parcel was conveyed to Lakeville Shores, Inc. by deed recorded in said Registry of Deeds in Book 2477, Page 132.
- 2003, October 1: A portion of the parent parcel was conveyed to Peter A. LaPlante and Yvette I. LaPlante by deed recorded in said Registry of Deeds in Book 2807, Page 86. This was the first transfer in a five-year period and is not counted for subdivision purposes after October 2, 2008.
- 2010, July 15: Memorandum of Lease between Lakeville Shores, Inc. and Champlain Wind, LLC recorded in said Registry of Deeds in Book 3659, Page 188. The leased "Property" (where Lessee has certain leasehold rights) and the initial leased "Premises" (where Lessee may construct WTGs) both include the entire Parent Parcel.

2/5 Undivided Common Interest: This ownership interest can be followed from December 1991 when the fractional interests of various Webber entities were conveyed to Edward D. Leonard, III, as Trustee of Land Exchange Trust under Declaration of Trust dated November 1, 1991. Prior to December 1991, this ownership interest was held by approximately 35 descendants of two Webber brothers (known as Webber Timberlands) and H.C. Haynes, Inc.

Since December 1, 1991 ownership of the Parent Parcel was conveyed as follows:

- 1991, December: The entire Parent Parcel was conveyed by the various Webber entities to Edward D. Leonard, III, as Trustee of Land Exchange Trust under Declaration of Trust dated November 1, 1991, and, in turn, Edward D. Leonard, III, as Trustee of Land Exchange Trust under Declaration of Trust dated November 1, 1991 conveyed back to them establishing the fractional interests of each. These deeds were recorded in said Registry of Deeds in Book 1741, Pages 54 – 348, in Book 1742, Pages 1 – 342 and in Book 1743, Pages 1 – 73.
- 1998, May 28: The entire Parent Parcel was released by Herbert C. Haynes, Inc. to Edward D. Leonard, III, as Trustee of Land Exchange Trust by deed recorded in said Registry of Deeds in Book 2246, Page 1.

- 1998, May 28: The entire Parent Parcel was conveyed from Edward D. Leonard, III, as Trustee of Land Exchange Trust to Herbert C. Haynes, Inc. by deed recorded in said Registry of Deeds in Book 2246, Page 137.
- 1998, May 28: The entire Parent Parcel was conveyed from Herbert C. Haynes, Inc. to Lakeville Shores, Inc. by deed recorded in said Registry of Deeds in Book 2246, Page 343.
- 2003, October 1: A portion of the Parent Parcel was conveyed to Peter A. LaPlante and Yvette I. LaPlante by deed recorded in said Registry of Deeds in Book 2807, Page 86. This was the first transfer in a five-year period and is not counted for subdivision purposes after October 2, 2008.
- 2010, July 15: Memorandum of Lease between Lakeville Shores, Inc. and Champlain Wind, LLC recorded in said Registry of Deeds in Book 3659, Page 188. The leased "Property" (where Lessee has certain leasehold rights) and the initial leased "Premises" (where Lessee may construct WTGs) both include the entire Parent Parcel.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**Lakeville Shores, Inc.
20-Year Land Division History
Kossuth, Washington County
(Kossuth Tax Map 1, Lot 23)**

On January 1, 1990 the Parent Parcel was owned by Lela Geraldine O'Neal Mallett, surviving joint tenant, by virtue of a deed from William R. Brown to William H. O'Neal and Geraldine P. O'Neal dated October 30, 1959 and recorded in Washington County Registry of Deeds in 558, Page 587. Since that date the ownership of the Parent Parcel was conveyed as follows (in chronological order):

- 1998, August 21: The entire Parent Parcel was conveyed to Peter A. Shay and Larry D. Shay by deed recorded in said Registry of Deeds in Book 2270, Page 333.
- 2001, August 8: The entire Parent Parcel was conveyed to Herbert C. Haynes, Inc. by deed recorded in said Registry of Deeds in Book 2544, Page 2.
- 2006, November 21: The entire Parent Parcel was conveyed to Lakeville Shores, Inc. by deed recorded in said Registry of Deeds in Book 3221, Page 117.
- 2010, July 15: Memorandum of Lease between Lakeville Shores, Inc. and Champlain Wind, LLC recorded in said Registry of Deeds in Book 3659, Page 188. The leased "Property" (where Lessee has certain leasehold rights) and the initial leased "Premises" (where Lessee may construct WTGs) both include the entire Parent Parcel.
- 2011, March 29: A portion of the Parent Parcel was conveyed to Ludwig Papp by deed recorded in said Registry of Deeds in Book 3730, Page 114. This lot is not counted for subdivision purposes as this was a transfer to an abutter.
- 2012, May 10: A portion of the Parent Parcel was conveyed to Ludwig Papp by deed recorded in said Registry of Deeds in Book 3846, Page 46. This lot is not counted for subdivision purposes as this was a transfer to an abutter.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**Donald and Deborah Banks
20-Year Land Division History
Carroll Plantation, Penobscot County
(Carroll Tax Map 5, Lot 18.4)**

On January 1, 1990 the Parent Parcel was owned by Sergio De Gioia, Jr. by virtue of a Warranty Deed from John Kura and Anastasia Kura, also known as Nellie Kura, dated February 28, 1962 and recorded in the Penobscot County Registry of Deeds in Book 1826, Page 297. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 1994, February 16: The entire Parent Parcel was conveyed to Mary B. Gregor, Trustee of Meadows and Mountains Trust, by deed recorded in said Registry of Deeds in Book 5568, Page 192.
- 1994, June 16: A portion of the Parent Parcel was conveyed to David Alan Johnson, Jr. by deed recorded in said Registry of Deeds in Book 5654, Page 32. The property is a lot shown on a plan entitled "A Division of Land of 'Hidden Valley' for Meadows and Mountains Trust Route 6 Carroll Plantation Penobscot County, Maine May 10, 1994" recorded in said Registry of Deeds in Plan Book D61, Page 94. The lot is an exempt division pursuant to 12 M.R.S.A. § 682(2), subsection 3, according to said plan, as attested by David E. Boulter, Director, Maine Land Use Regulation Commission, on June 10, 1994, LURC Plan #LDP-0011.
- 1994, August 31: A portion of the Parent Parcel was conveyed to Donald Banks and Deborah Banks by deed recorded in said Registry of Deeds in Book 5711, Page 133. The property is a lot shown on a plan entitled "A Division of Land of 'Hidden Valley' for Meadows and Mountains Trust Route 6 Carroll Plantation Penobscot County, Maine May 10, 1994" recorded in said Registry of Deeds in Plan Book D61, Page 94. The lot is an exempt division pursuant to 12 M.R.S.A. § 682(2), subsection 3, according to said plan, as attested by David E. Boulter, Director, Maine Land Use Regulation Commission, on June 10, 1994, LURC Plan #LDP-0011.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**Champlain Wind, LLC
20-Year Land Division History
Carroll Plantation, Penobscot County
(Carroll Tax Map 5, Lot 17)**

On January 1, 1990 the Parent Parcel was owned by Kevin M. Maxwell and Ginger E. Maxwell by virtue of a Quitclaim Deed from the United States of America, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, dated March 23, 1987 and recorded in Penobscot County Registry of Deeds in Book 4046, Page 314. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 1994, March 7: A portion of the Parent Parcel was conveyed to Marsha L. Piper by deed recorded in said Registry of Deeds in Book 5640, Page 249. This was the first transfer in a five-year period and is not counted for subdivision purposes after March 8, 1999.
- 2002, June 6: A portion of the Parent Parcel was conveyed to Charles Fox by deed recorded in said Registry of Deeds in Book 8259, Page 117. This was the first transfer in a five-year period and is not counted for subdivision purposes after June 7, 2007.
- 2010, November 30: The entire portion of the Parent Parcel conveyed to Charles Fox was conveyed to Champlain Wind by deed recorded in said Registry of Deeds in Book 12334, Page 96. Charles Fox conveyed his entire parcel so this was not a division for subdivision purposes.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

Daniel J. Lane
20-Year Land Division History
Carroll Plantation, Penobscot County
(Carroll Tax Map 8, Lot 2)

On January 1, 1990 the Parent Parcel was owned by Gerald L. Johnson by virtue of a Warranty Deed from Northern Sportsman, Inc. dated November 2, 1986 recorded in the Penobscot County Registry of Deeds in Book 3938, Page 311. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 1990, September 19: The entire Parent Parcel was conveyed to Daniel J. Lane by deeds recorded in said Registry of Deeds in Book 4732, Page 21 and in Book 4766, Page 138.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

Joan W. Lukacik
20-Year Land Division History
Carroll Plantation, Penobscot County
(Carroll Tax Map 8, Lot 5)

On January 1, 1990 the Parent Parcel was owned by Joan W. Lukacik by virtue of a Warranty Deed from Hadley S. Moores dated October 14, 1988 recorded in the Penobscot County Registry of Deeds in Book 4329, Page 179. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 1997, December 19: A portion of the Parent Parcel was conveyed to Evelyn J. Walker by Warranty Deed recorded in said Registry of Deeds in Book 6572, Page 144. This was the first transfer in a five-year period and is not counted for subdivision purposes after December 20, 2002.
- 1999, September 27: The Walker parcel was conveyed back to Joan W. Lukacik in its entirety by Warranty Deed recorded in said Registry of Deeds in Book 7185, Page 80.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**King Brothers Land Enterprise, Inc.
20-Year Land Division History
Carroll Plantation, Penobscot County
(Carroll Tax Map 8, Lot 13)**

On January 1, 1990 the Parent Parcel was owned by C.B. King and Son by virtue of a Warranty Deed from Francis Moores dated January 21, 1955 recorded in the Penobscot County Registry of Deeds in Book 1526, Page 69. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 1993, February 14: The entire Parent Parcel was conveyed to King Brothers Land Enterprise, Inc. by deed recorded in said Registry of Deeds in Book 5281, Page 98, as affected by Corrective Deed dated November 5, 2010 and recorded in said Registry of Deeds in Book 12316, Page 170.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**Hanington Bros., Inc.
20-Year Land Division History
Carroll Plantation, Penobscot County
(Carroll Tax Map 1, Lot 3.1)**

On January 1, 1990 the Parent Parcel was owned by Hanington Bros., Inc. by virtue of a Quitclaim Deed from Hanington Bros., Inc. and Herbert C. Haynes dated August 27, 1986 recorded in the Penobscot County Registry of Deeds in Book 3884, Page 1. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 2002, December 26: The entire Parent Parcel was conveyed to STEaD Timberlands, LLC by Warranty Deed recorded in said Registry of Deeds in Book 8519, Page 248.
- 2003, February 21: The entire Parent Parcel was conveyed to Hanington Bros., Inc. by Warranty Deed recorded in said Registry of Deeds in Book 8600, Page 148.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**Champlain Wind, LLC
20-Year Land Division History
Carroll Plantation, Penobscot County
(p/o Carroll Tax Map 1, Lot 3.2)**

On January 1, 1990 the Parent Parcel was owned by Five Islands Land Corporation by virtue of a Warranty Deed from Herbert C. Haynes dated June 2, 1989 recorded in the Penobscot County Registry of Deeds in Book 4451, Page 194. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 2007, January 5: The entire Parent Parcel was conveyed to J. Robert Hudson by Warranty Deed recorded in said Registry of Deeds in Book 10815, Page 324.
- 2008, July 3: A portion of the Parent Parcel was conveyed to Evergreen Wind Power V by Warranty Deed recorded in said Registry of Deeds in Book 11474, Page 343. This was the first transfer in a five-year period and is not counted for subdivision purposes after July 4, 2013.
- 2010, May 3: The remaining portion of the Parent Parcel was conveyed to Michael Allen by Deed of Sale by Personal Representative recorded in said Registry of Deeds in Book 13126, Page 140.
- 2011, August 24: A portion of the Parent Parcel was conveyed to Champlain Wind, LLC by Warranty Deed recorded in said Registry of Deeds in Book 12588, Page 38. This lot is not counted for subdivision purposes as this was a transfer to an abutter.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

**Champlain Wind, LLC
20-Year Land Division History
Carroll Plantation, Penobscot County
(p/o Carroll Tax Map 11, Lot 9)**

On January 1, 1990 the Parent Parcel was owned by Roselyn L. King by virtue of a Quitclaim Deed from Carlton B. King to Carlton B. King and Roselyn L. King dated March 4, 1970 recorded in the Penobscot County Registry of Deeds in Book 2179, Page 178. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 1993, April 20: The entire Parent Parcel was conveyed to Marie McBrine and Joseph McBrine by deed recorded in said Registry of Deeds in Book 5303, Page 333.
- 2005, October 5: The entire Parent Parcel was conveyed to Lakeville Shores, Inc. by deed recorded in said Registry of Deeds in Book 10127, Page 314.
- 2006, February 15: A portion of the Parent Parcel was conveyed to Herbert C. Haynes, Jr. by deed recorded in said Registry of Deeds in Book 10314, Page 238. This lot contains more than 40-acres and is used solely for forest management and agricultural management, and it is not counted for subdivision purposes after February 16, 2011.
- 2006, February 15: A portion of the Parent Parcel was conveyed to Ginger E. Maxwell by deed recorded in said Registry of Deeds in Book 10314, Page 240. This lot contains more than 40-acres and is used solely for forest management and agricultural management, and it is not counted for subdivision purposes after February 16, 2011.
- 2011, July 27: A portion of the Parent Parcel was conveyed to Champlain Wind, LLC by Warranty Deed recorded in said Registry of Deeds in Book 12552, Page 135. This was the first division in a five-year period and is not counted for subdivision purposes after July 27, 2016.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

Herbert C. Haynes, Jr.
20-Year Land Division History
Carroll Plantation, Penobscot County
(Carroll Tax Map 11, Lot 9.1)

On January 1, 1990 the Parent Parcel was owned by Roselyn L. King by virtue of a Quitclaim Deed from Carlton B. King to Carlton B. King and Roselyn L. King dated March 4, 1970 recorded in the Penobscot County Registry of Deeds in Book 2179, Page 178. Since that date the ownership of the Parent Parcel was conveyed as follows:

- 1993, April 20: The entire Parent Parcel was conveyed to Marie McBrine and Joseph McBrine by deed recorded in said Registry of Deeds in Book 5303, Page 333.
- 2005, October 5: The entire Parent Parcel was conveyed to Lakeville Shores, Inc. by deed recorded in said Registry of Deeds in Book 10127, Page 314.
- 2006, February 15: A portion of the Parent Parcel was conveyed to Herbert C. Haynes, Jr. by deed recorded in said Registry of Deeds in Book 10314, Page 238. This lot contains more than 40-acres and is used solely for forest management and agricultural management, and it is not counted for subdivision purposes after February 16, 2011.

In light of the foregoing, there have been no unauthorized divisions within the past 20 years.

Title search conducted through August 7, 2012.

Exhibit 31C: Analysis of Dimensional Requirements

10.26 DIMENSIONAL REQUIREMENTS

The following dimensional requirements apply to all lots on which structural development is proposed unless otherwise provided by Section 10.26,G.

A. MINIMUM LOT SIZE

1. Residential Uses.

The minimum lot size for residential uses is 40,000 square feet per dwelling unit except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit. **Not applicable as no residential use is proposed.**

2. Commercial, industrial, and other non-residential uses.

The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet. **The Project meets this standard as the smallest project parcel is CARR 5-18.4 (1,682,383 square feet) as shown on the Project Parcel Map, Exhibit 31A, Figure 1.**

B. MINIMUM SHORELINE FRONTAGE

The minimum shoreline frontage provisions are not applicable as impacts to water bodies and other natural resources are considered in MDEP's review. To the extent this provision is not considered in the MDEP's review, the frontage on Dipper Pond exceeds 300 feet because Dipper Pond is located entirely on CARR 1-1, as shown as Exhibit 31A, Figure 1.

1. For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:
 - a. 150 feet per dwelling unit for residential uses; and
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
2. For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:
 - a. 200 feet per dwelling unit for residential uses; and
 - b. 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
3. In the case of a lot which borders more than one water body, the shoreline frontage requirement must be met on each water body bordered by the lot.
4. Frontage shall be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline.
5. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water mark of a water body shall be equal to or greater than the applicable minimum shoreline frontage requirement.
6. The shoreline frontage may be waived to no less than 200 feet for public boat launches where the applicant demonstrates there will be no undue adverse impact to surrounding uses.

C. MINIMUM ROAD FRONTAGE

The residential frontage provisions are not applicable as no residential use is proposed. With regard to the frontage requirements for commercial and industrial uses, as shown on the Project Parcel Map, Exhibit 31A, Figure 1, several lots abut roads used for public access, including six lots with frontage on Route 6 and one lot with frontage on Brown Road. All of the lots on Route 6 (CARR 5-17, CARR 5-19, KOSS1-9.1, KOSS 1-9.2, KOSS 1-4, and KOSS 1-23) have frontage in excess of 200 feet. The lot with the least frontage is CARR 3-22, which has 573 of frontage on Brown Road.

1. Except as provided for in Section 10.26,C,6 below, the minimum road frontage shall be:
 - a. 100 feet per dwelling unit for residential uses, and
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;

2. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
3. Where the lot is located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet, the road frontage requirements shall not apply.
4. Frontage shall be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.
5. In the case of a lot which borders more than one road, the road frontage requirement must be met on at least one road bordered by the lot.

6. Flexible Road Frontage Requirements In Prospectively Zoned Areas.

Not applicable as the Project is not located in a Prospectively Zoned Area.

- a. Except on state or state-aid highways, road frontage requirements for commercial and residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 may be reduced below those listed above in order to allow the proposed development to conform with the prevailing frontage in its immediate vicinity. The prevailing frontage is the average frontage of those lots within 500 feet on either side of the subject parcel.
- b. Reductions in road frontage shall be approved only when they will not cause an increased risk of accidents or impact the posted speed of the road.

D. MINIMUM SETBACKS

1. The minimum setbacks for structures, other than those described in Section 10.26,D,2 and except as provided in Section 10.26,G are: **Please see D(2) below.**

- a. 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts;
- b. 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
- c. 50 feet from the traveled portion of all roadways except as provided for in Section 10.26,D,1,d and e or Section 10.26,D,5 below;
- d. 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in Section 10.26,D,5;
- e. 20 feet from the traveled portion of all roadways on coastal islands; and
- f. 15 feet from side and rear property lines.

These setbacks also apply to all parking areas associated with single-family residential uses, parking areas for trailered ramps or hand-carry launches, and those structures within a sporting camp complex constructed solely for the housing of guests.

2. The minimum setbacks for multi-family dwellings and commercial, industrial, and other nonresidential principal and accessory structures are:

- a. 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts; **The minimum setbacks from water bodies are not applicable as impacts to water bodies and other natural resources will be reviewed by MDEP. To the extent this provision is not deemed part of the MDEP review, as shown on Exhibit 31C, Figure 1, the project component nearest to the cited resources is Turbine 12 which is 1,138' from Dipper Pond (Inset 4) and an electrical collector pole, which is 185' from a P-WL1 wetland (Inset 3).**
- b. 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size; **The minimum setbacks from water bodies are not applicable as impacts to water bodies and other natural resources will be reviewed by MDEP. To the extent this provision is not deemed part of the MDEP review, as shown on Exhibit 31C, Figure 1, the project component nearest to the cited resources is Turbine 13 which is 2.31 miles from Pleasant Lake.**

- c. 75 feet from the traveled portion of the nearest roadway except as provided for in Section 10.26,D,2,d below; **As shown on Exhibit 31A, Figure 1, all structures are located more than 75 feet from the traveled portion of any road way with the exception of a single utility pole on the express electrical collector. As shown on Exhibit 31C, Figure 1, this pole on parcel CARR 5-17 is located 30 feet from the north side of Route 6 (Inset 2). Although this pole is located less than 75 feet from Route 6, this pole location is necessary to provide adequate support for the span of the express electrical collector crossing Route 6. Section 10.26.G.5 provides an exception to the road setback requirements for structures that must be located near roadways due to the nature of their use.**
- d. 20 feet from the traveled portion of all roadways on coastal islands; and **Not applicable as the Project is not located on a coastal island.**
- e. 25 feet from the side and rear property lines. **As shown on Exhibit 31C, Figure 1, the closest Project element to any side property line is a utility pole on the express collector on parcel CARR 5-18.4, which is 75 feet from CARR 5-19 (Inset 2). As shown on Figure 1, the closest Project element to any rear property line is the substation, which is 173 feet from PREN 3-17-2 (Inset 1).**

Except as provided for in Section 10.26,D,1 above, these setbacks also apply to all parking areas associated with multi-family dwellings and commercial, industrial, and other non-residential uses, and all other structures within a sporting camp complex, including, but not limited to, a main lodge, dining area, workshop and parking area.

3. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.

4. Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shoreline, 50 feet from roads, and 25 feet from property lines. Remote campsites shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters. **Not applicable as no campsites are proposed as part of the Project.**

5. Flexible Building Setbacks in Prospectively Zoned Areas.

Not applicable as the Project is not located in a Prospectively Zoned Area.

- a. For commercial or residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, building setback distances from roads may be less than specified in Section 10.26,D in order to meet prevailing setbacks on adjacent properties. The prevailing setback is the average setback of those principal and accessory structures on lots within 500 feet on either side of the subject parcel.
- b. In the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, road setbacks for commercial buildings may be reduced to 50 feet where all parking areas are to be placed to the side or rear of the structure.
- c. These reduced setbacks will be granted where the existing character of an area will be maintained and provided that the reduction will not adversely impact public safety.

E. MAXIMUM LOT COVERAGE

1. Except as provided in Section 10.26,E,3 below, the maximum lot coverage shall be 30% for all uses involving one or more buildings. **The maximum lot coverage for any lot associated with the project is less than 30%. The lot with the highest lot coverage is CARR 11-9-1, which is 5.49%.**

2. "Coverage" shall be calculated by determining the percentage of lot area covered by all structures including driveways, sidewalks, parking lots and other impervious surfaces.

3. Flexible Lot Coverage Requirements in Prospectively Zoned Areas Outside of the Shoreland Areas.

Not applicable as the Project is not located in a Prospectively Zoned Area.

a. For commercial and institutional development outside the shoreland area in the D-GN, DGN2, D-GN3, D-RS, and D-RS2 subdistricts that is proposed on lots of 2 acres or less, lot coverage may be increased to 50%. This waiver shall be granted in order to accommodate in-fill development or compact development patterns that promote pedestrian access and social interaction, provided there is no adverse impact on water bodies from surface water runoff.

F. MAXIMUM STRUCTURE HEIGHT

1. Except as provided for in Section 10.26,F,2 and 4 below, the maximum structure height shall be:

a. 75 feet for residential uses; and **Not applicable as no residential structures are proposed.**

b. 100 feet for commercial, industrial, and other non-residential uses involving one or more structures. **The height of the Operation & Maintenance Building is 28 feet.**

2. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater or tidal water shall be no higher than 30 feet. The Commission may apply this provision at greater distances from the normal high water mark of bodies of standing water having significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Bodies of standing water having such scenic values are shown in Appendix C. **Not applicable as visual impacts associated with the Project elements are being reviewed by MDEP pursuant to the Site Location Law standards.**

3. Features of structures which contain no floor area such as chimneys, towers, ventilators and spires and freestanding towers and turbines may exceed these maximum heights with the Commission's approval.

Not applicable as visual impacts associated with the Project elements are being reviewed by MDEP pursuant to the Site Location Law standards.

4. Structure Height in Prospectively Zoned Areas.

NONE OF THESE APPLY

a. In areas beyond 500 feet of the normal high water mark of a body of standing water 10 acres or greater, structure height in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-CI, and D-ES in prospectively zoned areas shall be limited to 35 feet. Structures used for agricultural management, structures with no floor area, or features of buildings which contain no floor area such as chimneys, towers, ventilators, and spires may exceed these maximum heights with the Commission's approval.

b. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater in size shall conform to the provisions of Section 10.26,F,2 above.

G. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS

Please see the discussion of the applicability of G(5) above. No other exception is applicable to the Project as no cluster development, subdivision, commercial fishing operation, public utility, single outpost camp, or residential structure is proposed, and the applicant does not seek a waiver or reduction of any applicable setback except as provided in G(5).

1. The Commission may reduce dimensional requirements for individual buildings in a cluster development, in accordance with Section 10.25,R.

2. The dimensional requirements applicable to D-PD subdistricts shall be established by the Commission pursuant to the provisions of Section 10.21,G, provided that the shoreline setback requirements hereof shall not be reduced.

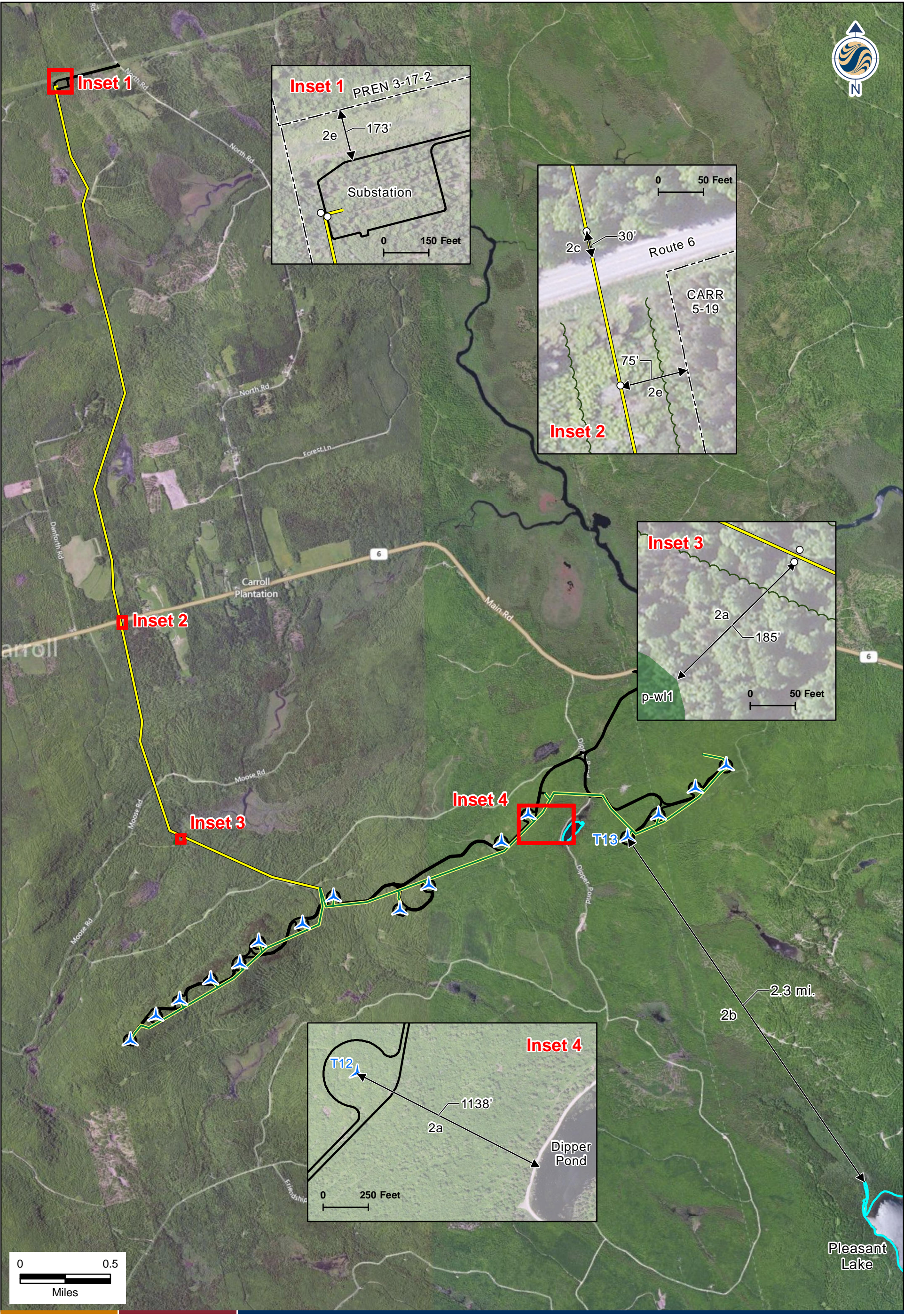
3. Notwithstanding other provisions of these rules, in a proposed subdivision or area that has or is likely to have relatively dense development, the Commission may increase the minimum lot size when the Commission determines that:

a. A larger lot size is required to provide sufficient area of suitable soil to accommodate the principal building and accessory structures, and subsurface waste water disposal, including a replacement system; and

b. The density of development in the vicinity of the proposed site is likely to cause nitrate or other contaminant levels in ground water to exceed public drinking water standards at any public or private well or at the property boundary. The Commission may require a nitrate study to estimate likely nitrogen levels in ground water as part of a subdivision application.

4. Where development would otherwise have an undue adverse impact on existing uses, scenic character or natural and historic resources in the area likely to be affected by the proposal, the Commission may impose additional or more protective standards with respect to clearing, frontage and setback requirements, waste water disposal, and other aspects of the development to reasonably assure that undue adverse impact is avoided.
5. An exception may be made to the shoreline, road, and/or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses within a D-MT subdistrict. This provision shall not apply to boat houses or float plane hangars not included within a D-MT subdistrict. **Please see response to 10.26.D.2.c above.**
6. An exception may be made to the minimum extent necessary to the shoreline frontage and lot size requirement on tidal waters for structures necessary for commercial fishing activities or water dependent uses within a D-MT subdistrict where such reduction would better serve the purpose of this subdistrict.
7. Where development is proposed in the vicinity of a water quality limiting lake, the Commission may vary the applicable dimensional requirements in accordance with Section 10.23,E,3,f.
8. To the extent consistent with 12 M.R.S.A. §685-B(4), the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:
 - a. the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
 - b. the facility is sited and buffered to fit harmoniously into the surrounding environment.
9. The Commission may apply the dimensional requirements for residential uses to single outpost camps operated by commercial sporting camps, except in cases where such a camp is likely to have a greater impact than a residential use.
10. Notwithstanding the provisions of Section 10.11, structures necessary for disabled persons to gain access to buildings or facilities may be greater than the allowable size or located less than the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met:
 - a. A person with a disability as defined in 5 M.R.S.A. §4553 resides in or regularly uses the dwelling or facility;
 - b. The encroachment into the standard setback distance or exceeding of the allowable size applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability;
 - c. The access structure is necessary to create an accessible route;
 - d. The access structure cannot reasonably or feasibly be created without exceeding the allowable size or encroachment into the standard setback distance; and
 - e. The design of the access structure minimizes the need for exceeding the allowable size or encroachment into the standard setback distance.
11. The Commission may reduce the minimum road setback requirement for subdivisions and commercial, industrial and other non-residential structures and uses, in accordance with Section 10.25,D,3,d,(2).
12. The Commission may reduce the minimum water body setback requirement for a residential driveway in accordance with Section 10.27,H,2,b,(2).
13. The Commission may reduce the minimum road frontage requirement for individual lots within subdivisions with shared driveways in accordance with Section 10.25,Q,3,c.
14. The Commission may reduce the property line setback where there is no practical alternative and upon prior written agreement of the adjoining property owner.
15. The Commission may reduce dimensional requirements for the purpose of providing affordable housing opportunities, in accordance with Section 10.25,U.

Figure 1: Minimum Setbacks for D2



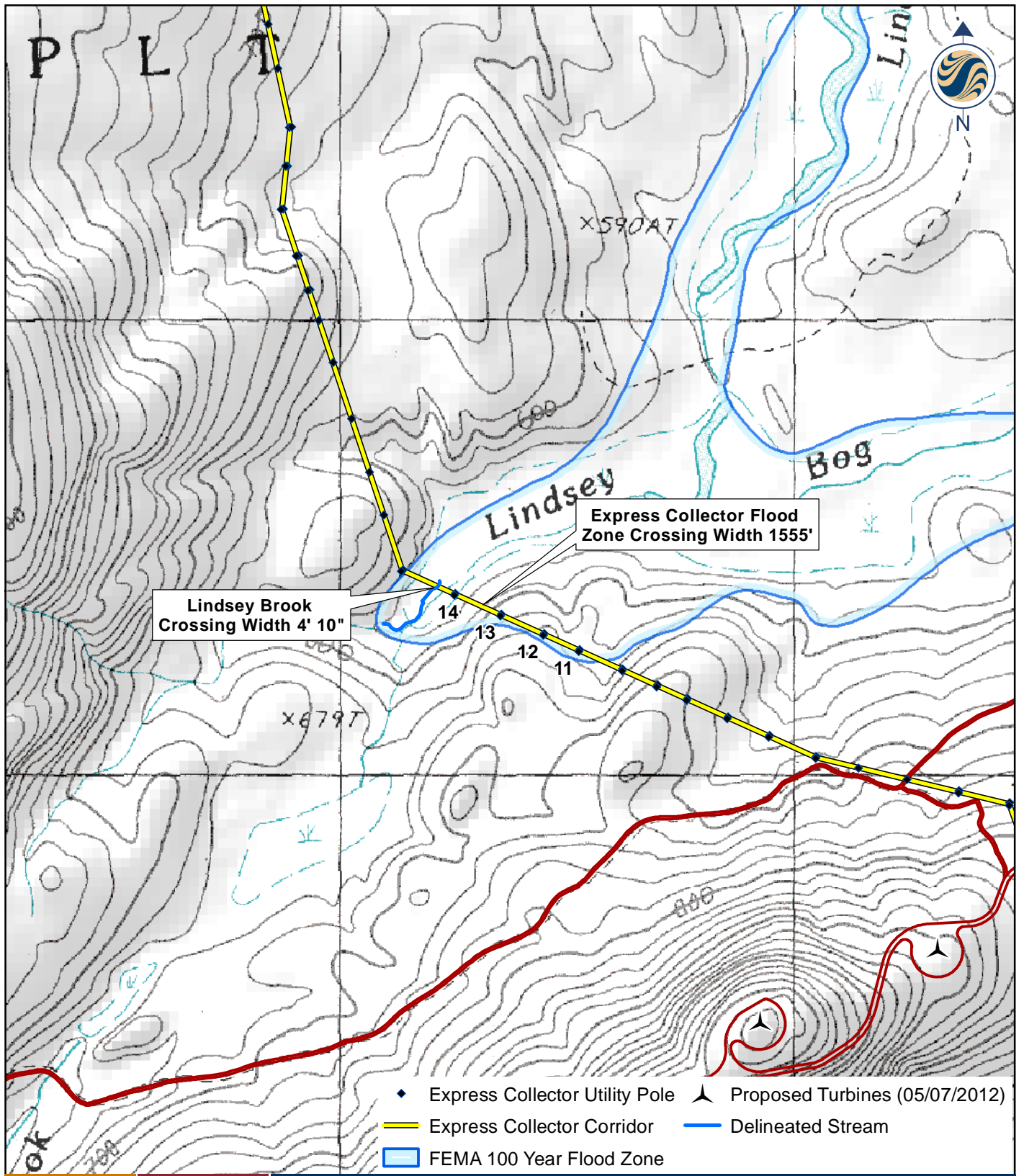
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 30 Park Drive
 Topsham, ME USA
 04086
 Phone (207) 729-1199
 Fax: (207) 729-2715
 www.stantec.com

- Proposed Turbines
- Utility Pole
- Express Collector Corridor
- Mountain Top Collector
- Bowers Civil Design
- Parcel Boundary

Client/Project
 Champlain Wind, LLC
 Bowers Mountain Wind Project
 Carroll Plt. and Kossuth Twp., Maine

Title
Dimensional Requirements
 10/2/2012

Exhibit 31D: Supplement S4-Development in Flood Prone Areas



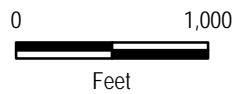
- ◆ Express Collector Utility Pole ▲ Proposed Turbines (05/07/2012)
- Express Collector Corridor — Delineated Stream
- FEMA 100 Year Flood Zone

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Client/Project
 Champlain Wind, LLC
 Bowers Mountain Wind Project
 Carroll Plt. and Kossuth Twp., Maine

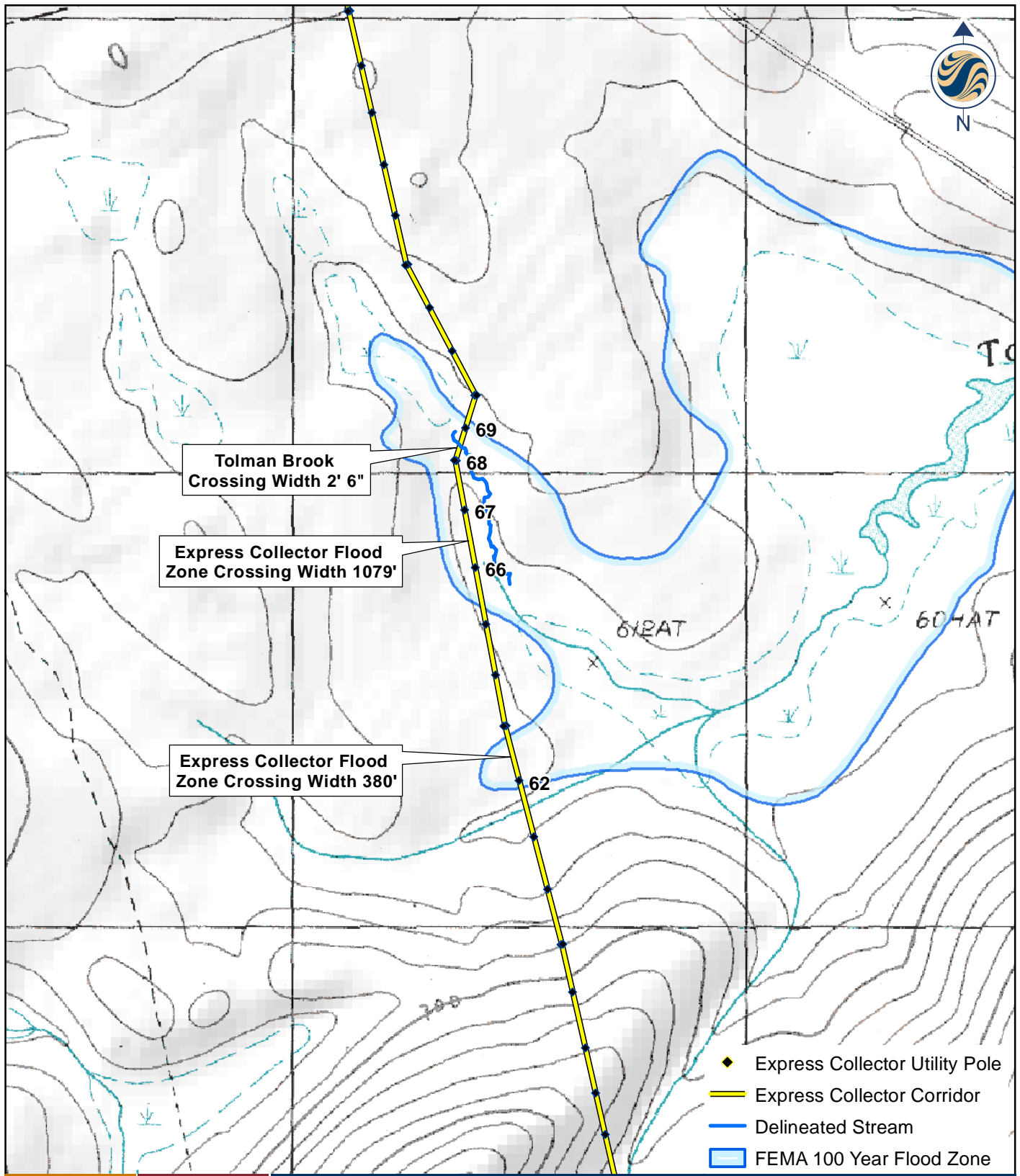
Figure No.

2

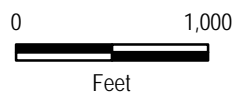
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Lindsey Brook Flood Zone

9/26/2012



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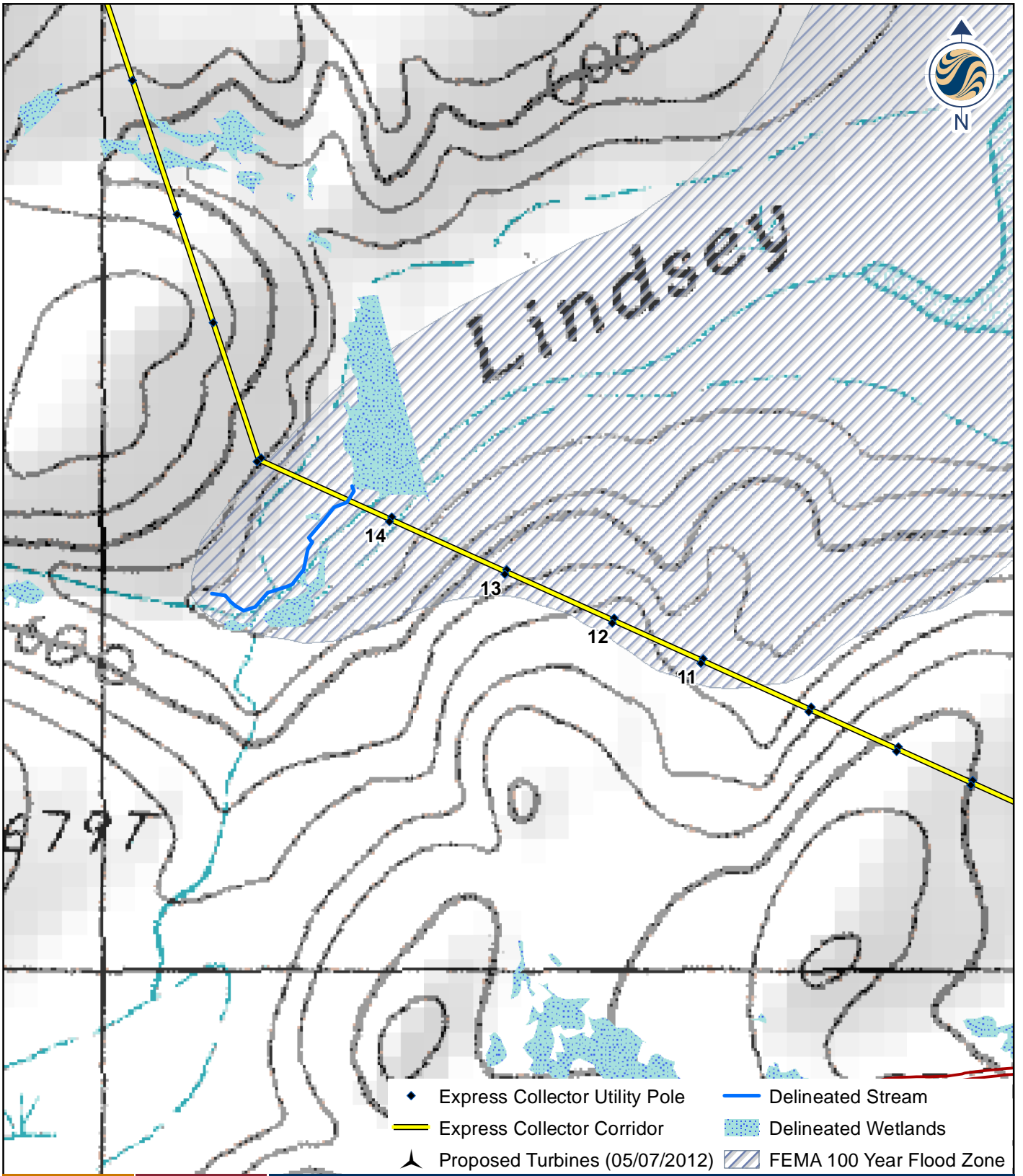


Client/Project
 Champlain Wind, LLC
 Bowers Mountain Wind Project
 Carroll Plt. and Kossuth Twp., Maine

Figure No.
 3

Title
Tolman Brook Flood Zone
 9/26/2012

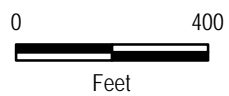
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- ◆ Express Collector Utility Pole
- ◆ Delineated Stream
- Express Collector Corridor
- Delineated Wetlands
- ▲ Proposed Turbines (05/07/2012)
- ▨ FEMA 100 Year Flood Zone



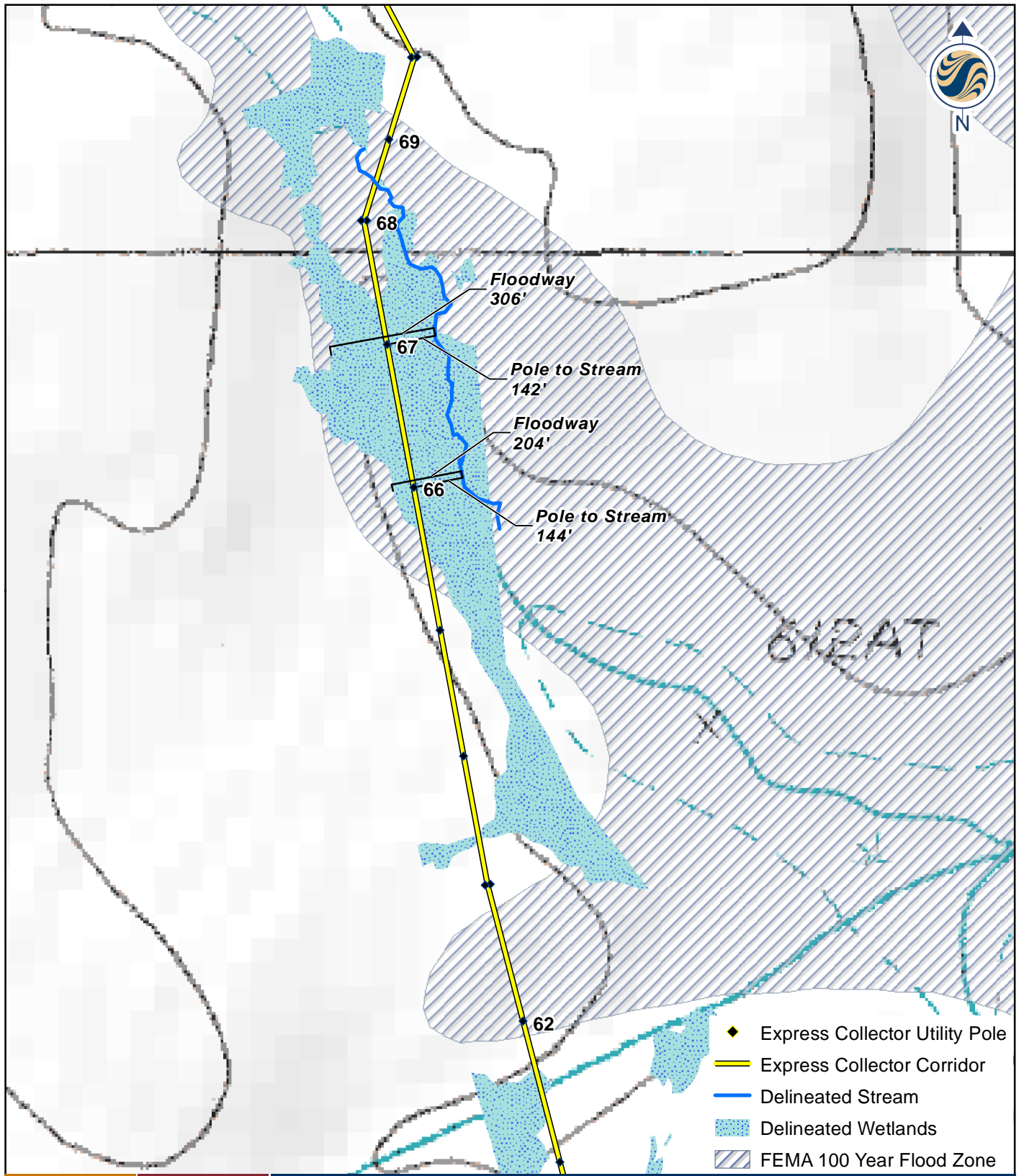
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 Champlain Wind, LLC
 Bowers Mountain Wind Project
 Carroll Plt. and Kossuth Twp., Maine

Figure No.
 4

Title
**Lindsey Brook
 Regulatory Floodway**
 9/26/2012



- ◆ Express Collector Utility Pole
- Express Collector Corridor
- Delineated Stream
- Delineated Wetlands
- ▨ FEMA 100 Year Flood Zone

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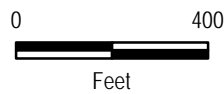


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Client/Project
Champlain Wind, LLC
Bowers Mountain Wind Project
Carroll Plt. and Kossuth Twp., Maine

Figure No.

5

Title

**Tolman Brook
Regulatory Floodway**

9/26/2012

Supplement S-4

Requirements for development in flood prone areas

For office use:

Tracking No.

Permit No.

Applicant Name(s): Champlain Wind, LLC

Project Location (Township): Carroll Plantation


Project Location (County): Penobscot County

SECTION A: GENERAL INFORMATION *All applicants must complete Sections A and B.*

- What type of flood prone area is your property located in? (Refer to maps and check all that apply)
 - P-FP Flood Prone Area Protection Subdistrict
 - FEMA Zone VE (Coastal Floodplains) *(also complete Section E)*
 - FEMA Zone A, A1-30 or AE
 - Unmapped Flood Prone Area
- Will you be making a Substantial Improvement to an existing structure? Yes No

If you are proposing maintenance and repair or renovations to an existing structure costing \$1,000 or more; or if you plan to expand or rebuild a portion of an existing structure, within the next 2-3 years, it is possible that your project could be considered a substantial improvement. This worksheet will assist you in determining which structures would be substantially improved.

SUBSTANTIAL IMPROVEMENT WORKSHEET <i>(check your tax evaluation or recent appraisal)</i>			
Structures to be altered (dwelling, garage, etc.*)	A. Current Market Value (\$) of <u>ONLY</u> the structure being altered (Do not include land)	B. Estimated Improvement Costs (\$) of the proposed improvements (Include labor costs)	C. Market Value Increase (%) (Estimated Improvement Costs (B) ÷ Current Market Value (A) x 100)
	\$	\$	%
	\$	\$	%
	\$	\$	%

 *The value of a new or improved deck that is attached to any structure must be included in your calculations for that structure. If the Market Value Increase is 50% or greater, your improvement to that structure will be considered a substantial improvement. Please check the appropriate box(es) in Question 3 below and complete the required sections. If the Market Value Increase is less than 50%, your improvement to that structure will NOT be considered a substantial improvement.

- What type of development are you proposing within the Flood Prone Area? (Check **ALL** that apply)
 - Normal Maintenance and Repair or Renovations costing \$1,000 or more to any type of existing structure that do not constitute a Substantial Improvement
 - An Addition or Expansion that does not constitute a Substantial Improvement to any type of existing structure
 - Relocation, Reconstruction, or Replacement of an existing structure that does not constitute a Substantial Improvement *(also complete Section C)*
 - New Permanent Foundation; Reconstruction or Replacement of an Existing Permanent Foundation *(also complete Section C)*
 - Driveway, Land Management Road, Road Project, or Trail
 - Docking Structure, Noncommercial, in VE Zone *(also complete Section E)*
 - Shoreland Alteration (Riprap, etc.)
 - Other Development or Activity (Describe): Fill associated with development of 9 utility posts

New Construction or Placement or Substantial Improvement of the following:

 - Residential Structure, including Accessory Structures in P-FP, A1-A30, AE or A Zones *(also complete Sections C and D)*
 - Residential Structure, including Accessory Structures in VE Zone *(also complete Sections C and E)*
 - Manufactured Home *(also complete Sections C and F)*
 - Recreational Vehicle *(also complete Sections C and F)*
 - Nonresidential Structure, including Accessory Structures *(also complete Sections C and G)*, or Fish and Lobster Sheds in VE Zone *(also complete Section E)*
 - Bridge *(also complete Section H)*
 - Docking Structure, Commercial *(also complete Sections C and I)*, in VE Zone *(also complete Section E)*
 - Containment Wall *(also complete Section J)*

- Will any of the proposed development, structure(s) or any fill (including for a driveway) be located within the floodway of a river, stream or other flowing water? Yes No

 **If YES, you must attach Exhibit S4-A: Floodway Development Certification. See Instructions.**

All applicants must complete Section B (continue to next page...)

SECTION B: CONSTRUCTION SPECIFICATIONS

All applicants must complete Sections A and B.

N/A means not applicable.

5. Will your development be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy? Yes No
..... N/A

Explain See narrative - no structures in flood-prone area.

6. Will your construction materials be resistant to flood damage? Yes No
..... N/A

Explain See narrative - no structures in flood-prone areas.

7. Will your construction methods and practices minimize flood damage? Yes No

Explain See narrative, 31-7

8. Will the proposed electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities be designed and/or located to prevent water from entering or accumulating within the components during flooding conditions? .. Yes No
..... N/A

Explain _____

9. Will any new or replacement water supply system be designed to minimize or eliminate infiltration of flood waters into the system? Yes No
..... N/A

Explain _____

10. Will any new or replacement sanitary sewage system be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters? Yes No
..... N/A

Explain _____

11. Will any on-site waste disposal system be located and constructed to avoid impairment to it or contamination from it during floods? Yes No
..... N/A

Explain _____

12. Will your development alter or relocate any portion of a watercourse? Yes No

If YES, describe the nature and extent of the watercourse alteration or relocation and show it on the site plan for your application:

If YES, you must attach Exhibit S4-B: Notification of Watercourse Alteration or Relocation, and if you are in the floodway of the river or stream, you must attach Exhibit S4-A: Floodway Development Certification. See Instructions.

If your answers to Section A do not require that you complete additional Sections C—J of this supplement, you may STOP HERE and attach this supplement and any required exhibits (see Instructions, p. vi) to your application.

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

FLOODPROOFING CERTIFICATE
FOR NON-RESIDENTIAL STRUCTURES

The floodproofing of non-residential buildings may be permitted as an alternative to elevating to or above the Base Flood Elevation; however, a floodproofing design certification is required. This form is to be used for that certification. Floodproofing of a residential building does not alter a community's floodplain management elevation requirements or affect the insurance rating unless the community has been issued an exception by FEMA to allow floodproofed residential basements. The permitting of a floodproofed residential basement requires a separate certification specifying that the design complies with the local floodplain management ordinance.

Champlain Wind, LLC

BUILDING OWNER'S NAME
Off Route 6 and North Road

STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER
Lindsey Brook and Tolman Brook

OTHER DESCRIPTION (Lot and Block Numbers, etc.)
Utility poles located on east and west sides of Olamon Stream

FOR INSURANCE COMPANY USE
POLICY NUMBER
COMPANY NAIC NUMBER

CITY
Carroll Plantation

STATE
Maine

ZIP CODE
04487

SECTION I FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM:

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM INDEX	FIRM ZONE	BASE FLOOD ELEVATION (In AO Zones, Use Depth)
230461-A	1	DI	8/19/85	A	

SECTION II FLOODPROOFING INFORMATION (By a Registered Professional Engineer or Architect)

Floodproofing Design Elevation Information:

Building is floodproofed to an elevation of feet NGVD. (Elevation datum used must be the same as that on the FIRM.)

Height of floodproofing on the building above the lowest adjacent grade is feet.

(NOTE: for insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the Base Flood Elevation to receive rating credit. If the building is floodproofed only to the Base Flood Elevation, then the building's insurance rating will result in a higher premium.)

SECTION III CERTIFICATION (By Registered Professional Engineer or Architect)


Non-Residential Floodproofed Construction Certification:

I certify that, based upon development and/or review of structural design, specifications, and plans for construction, the design and methods of construction are in accordance with accepted standards of practice for meeting the following provisions:

The structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation indicated above, with walls that are substantially impermeable to the passage of water.

All structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

I certify that the information on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME Thomas M. Henaghen, P.E.	LICENSE NUMBER (or Affix Seal) Maine P.E. Lic. #12433		
TITLE Director of Civil Engineering	COMPANY NAME SGC Engineering, LLC		
ADDRESS 20 Godfrey Drive	CITY Orono	STATE ME	ZIP CODE 04473
SIGNATURE 	DATE 9/26/12	PHONE 207-866-6558	

Copies should be made of this Certificate for: 1) community official, 2) insurance agent/company, and 3) building owner.



SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering

Offices - Westbrook & Orono, Maine
South Burlington, Vermont
Farmington, New Mexico

October 2, 2012

Samantha Horn-Olsen
Land Use Planning Commission
22 State House Station
Augusta, Maine 04333-0022

RE: Floodway Certification

Dear Ms. Horn-Olsen:

As a registered professional engineer, I have conducted the following technical evaluation of the fill located within the floodway of a river, stream, or flowing water for the Bowers Wind Project.

In one location, fill associated with one pole in the flood zone at Tolman Brook, Pole #67, will be located approximately 142' from the stream, which is within the distance (153') defining the regulatory floodway at this location.

Based on my technical evaluation, I certify that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development, will not result in any increase in the water surface elevation of the base flood in FEMA Zones A, A1-30, AE or VE, or will not increase the water surface elevation of the base flood by more than one foot in P-FP or unmapped flood prone areas, at any point within the plantation; and that it is consistent with the technical criteria contained in Chapter 5 of the publication, *Guidelines and Specifications for Study Contractors*, FEMA 37, January 1995.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Henaghen", is written over a horizontal line.

Thomas M. Henaghen, P.E.
Director of Civil Engineering

Maine P.E. License #12433

501 County Road, Westbrook, ME 04092 - Office: 207-347-8100 • Fax: 207-347-8101

69 Swift Street, Suite 305, South Burlington, VT 05403 - Office: 802-863-1530 • Fax: 802-862-1718

Target Technology Center, 20 Godfrey Drive, Suite 200, Orono, ME 04473 - Office: 207-866-6571 • Fax: 207-866-6501

1909 East 20th Street, Suite 12, Farmington, NM 87401 - Office: 505-592-6974

www.sgceng.com • E-mail: sgc@sgceng.com