
31.0 LUPC CERTIFICATION

31.1 INTRODUCTION

The Bingham Wind Project (project) is a grid-scale wind energy development as defined under 35-A M.R.S.A. §3451(6) and portions of the project are located in the unorganized or de-organized 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 (MDEP). The MDEP may not issue a permit until the Land Use Planning Commission (LUPC) has certified that the proposed development is an allowed use within the subdistrict(s) for which it is proposed and meets any LUPC land use standard that is applicable to the project and not considered under MDEP review. Blue Sky West, LLC and Blue Sky West II, LLC (the Applicants)¹ have provided the appropriate public notice, as included in Section 25. The Applicants have also sent notice to LUPC (Exhibit 31A) and met with LUPC on April 3, 2013. The following information demonstrates that the project is an allowed use in the subdistricts for which it is proposed and complies with applicable land use standards established by LUPC and not considered by MDEP in review of the project, as described in the Memorandum of Understanding between MDEP and LUPC, dated August 31, 2012, in Memoranda from Samantha Horn-Olsen to the Commission, dated October 23, 2012, regarding “Discussion – Certification for DEP Site Law Permit Applications,” and dated January 24, 2013, regarding “Certification Standards for MDEP Site Law Permit Applications.”

31.1.1 Project Description

The project is a 62-turbine (63 potential turbine locations are being permitted) wind power project proposed by the Applicants. Portions of the project will be located within LUPC jurisdiction in Kingsbury Plantation and Mayfield Township, including the following project components:

- Kingsbury Plantation: 22 turbines, associated access roads, an underground electrical collection system, a 115-kilovolt (kV) generator lead, one permanent meteorological (met) tower, and up to one temporary met tower; and
- Mayfield Township: 29 turbines, associated access roads, an underground and aboveground electrical collection system, a portion of the 115-kV generator lead, three permanent met towers, up to three temporary met towers, an Operations and Maintenance (O&M) building, the project collector substation, and a Dynamic Reactive Device (DRD), which is described in further detail in Section 1.

¹ Blue Sky West, LLC is the wind energy project entity; Blue Sky West II, LLC is the electrical generator lead entity.

In addition to the project description provided in Section 1 of this application, the following information provides supplemental details about the project area in LUPC jurisdiction, as requested by LUPC.

Turbine Pads

- The turbine pads will measure up to approximately 375 feet in diameter.

Roads

The project includes the following roads in LUPC jurisdiction:

- Crane path. 13.4 miles of new crane path access between turbines, up to 38 feet wide;
- New Access Roads. 0.88 miles of new access roads, up to 24 feet wide;
- Existing roads. 2.04 miles of existing roads to require minor upgrades to provide access during construction and operation; and
- Existing roads. 13.4 miles of existing roads that will not require upgrades, including 2.88 miles for the ridgeline and 10.52 miles that will provide construction access for the project.

Electrical System

The project includes the following portions of the electrical collection system in LUPC jurisdiction.

- Collector: 10 miles of underground 34.5-kV electrical collection system that will be buried underground along project roads. The collector system also will include 9.9 miles of aboveground collector, including 3.56 miles that will parallel the north side of Route 16. The clearing for the aboveground segment will be 80 feet wide; and
- Generator Lead: 9.25 miles of 115-kV electrical generator lead. The clearing for the generator lead will be 100 feet wide.

Laydown Areas and Temporary Trailers

The project includes up to 12 temporary laydown areas in LUPC jurisdiction, of which 2 will be within existing cleared areas, and 10 will be located in areas that are not yet cleared. The laydown areas will be used for equipment storage, soil and overburden storage, temporary construction trailers, and parking during construction. Up to 20 temporary trailers will be placed in laydown areas, at the O&M building, or at the substation building during construction.

31.2 LUPC ZONING COMPLIANCE

The portions of the project within LUPC jurisdiction in Kingsbury and Mayfield are located entirely within the expedited wind permitting area (Figure 31-1). The project extends through areas zoned as a General Management Subdistrict (M-GN) and includes some limited areas of Stream Protection subdistricts (P-SL) and Wetland Protection subdistricts (P-WL) (Figures 31-2 through 31-4). In Kingsbury, the project also extends through areas zoned as P-RP 013, the Kingsbury Concept Plan (Concept Plan). Grid-scale wind energy development, including both the generating and associated facilities, is an allowed use in each of those subdistricts.²

31.3 OVERVIEW OF LUPC LAND USE STANDARDS

The land use standards established by LUPC and applicable to the project that are not specifically considered in MDEP project review include:³

- 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 and Appendix 4 of the Concept Plan;
- 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;
- Signs, as described in 04-061 CMR 10.27,J; and
- Additional restrictions for “Area A” of the Concept Plan, as described in Appendix I.F of the Concept Plan

Section 31.4 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 LUPC interpretation and application of land use standards.

² 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), DP 4856, Findings of Fact and Decision, September 1, 2010, #26, #2, #5

³ Throughout this document, reference is made to the Chapter 10 standards. RP-013 includes different letter references for the same topic. For ease of review, Chapter 10 standards are referenced, unless there is any difference with the RP-013 standards.

31.4 INAPPLICABLE STANDARDS

The following LUPC standards set forth in 04-061 are inapplicable as the project does not include the elements subject to these standards.

- 10.11 Non-Conforming Uses and Structures
- 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 LUPC 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)

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- 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))⁴
- 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 LUPC standards not considered in the MDEP 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

⁴ Based on the 1/24/13 memo from Horn-Olsen, MDEP will apply clearing standards for NRPA resource areas, and LUPC will apply clearing standards for other areas, and the two agencies will coordinate review. Clearing is addressed in the following sections as appropriate based on that guidance.

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*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. The applicants have obtained title, right, or interest for 13 parcels in LUPC jurisdiction, including 9 parcels in Mayfield and 4 parcels in Kingsbury.

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 LUPC dimensional standards. This section identifies the applicable standards reviewed by LUPC and describes the project's compliance with those standards.

A. *Minimum Lot Size.* Section 10.26,A,2 specifies that the minimum lot size for commercial or industrial development involving one or more buildings is 40,000 square feet. Each of the project parcels exceeds 90 acres, as shown on Figure 31-2. The project meets the minimum lot size requirement.

B. *Minimum Shoreline Frontage.* Section 10.26,B,1,b and 2,b specify that the minimum shoreline frontage for a commercial or industrial development is 200 feet for parcels bordering a minor flowing water or standing body of water less than 10 acres in size; and the frontage for a parcel located on a waterbody greater than 10 acres in size is 300 feet. Frontage on Withee Pond exceeds 300 feet because it is located entirely within MAY-1-5. The portions of the other parcels included in the project area do not include any frontage on such waterbodies, as shown on Figure 31-2.

C. *Minimum Road Frontage.* Section 10.26,C,1,b specifies that the minimum road frontage for commercial or industrial development is 200 feet for any road used for public access. As shown on Figure 31-2, each of the project parcels includes frontage on Route 16 in excess of 200 feet.

D. *Minimum Setbacks.* Section 10.26,D,2, and 3, Section 10.26.G,5, and the Concept Plan, Appendix 4,D,2 specify the relevant minimum setbacks. Section 10.26,D,2, which applies to project elements located in Mayfield and outside the Concept Plan area in Kingsbury, specifies that the minimum setback for commercial or industrial development is 100 feet from minor flowing waters, P-WL1 wetlands and waterbodies less than 10 acres. The Concept Plan (Appendix 4,D,2), which applies to project elements located within the Concept Plan areas in Kingsbury, specifies that the minimum setback from these same resources is 150 feet. The distances in this section refer to the relevant specification. The setback from waterbodies greater than 10 acres and major flowing waters is 150 feet in all locations in Mayfield and Kingsbury. Section 10.26,D,3 specifies that, in both Mayfield and Kingsbury, project components must be setback 75 feet from traveled portions of roads used by the public for access; and 25 feet from side and rear property boundary lines. Section 10.26,G,5, and, for

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areas in the Concept Plan, Appendix 4,G.4 each allow an exception for structures that must be located less than the setbacks specified due to the nature of their use. Table 31-1 summarizes the setbacks for project components and Tables 31-2-4 provide information for structures that must be located less than the setbacks specified due to the nature of their use.

(a) Turbines. All turbines are proposed to be located in excess of the minimum setback requirements. Turbine 45 is the closest project component to a PSL-2 stream and is located 227 feet from a delineated stream. Turbine 31 is the closest project component to a P-WL1 wetland, and is located 165 feet from a delineated wetland identified as P-WL1. The turbines will also be setback farther than the minimum setback requirements for a body of water less than 10 acres, a body of water greater than 10 acres, PSL-1 streams, roads, and property lines.

(b) Collector poles. The 34.5-kV collector line is proposed to be located in excess of minimum setback requirements, except for poles that would be setback less than 100 feet from PSL-2 delineated streams and one pole that would be setback less than 100 feet from a P-WL-1 wetland. The collector line includes 23 poles which would be located between 33 and 84 feet from the edge of the respective nearest streams (Table 31-2). The collector line includes one pole which would be located more than 90 feet from the edge of the wetland. The pole locations are necessary to provide adequate support for the collector line pole-to-pole spans. The locations of the collector line poles proposed to be located less than the setback distances in Section 10.26,D would be consistent with Section 10.26,G,5, which provides that an exception may be made to a setback requirement if the structure must be located closer due to the nature of its use. A collector line pole is the closest project component to a body of water greater than 10 acres, and is located more than 1,200 feet from Foss Pond. The remainder of the collector poles will be setback farther than the minimum setback requirements for a body of water less than 10 acres, PSL-1 streams, PSL-2 streams, roads, and property lines.

(c) Generator Lead poles. The 115-kV generator lead is proposed to be located in excess of minimum setback requirements, except for poles located less than the minimum setback from PSL-2 streams.

Nine poles will be located less than 100 feet from a PSL-2 stream (Table 31-3). These poles would be located between 32 and 98 feet from the edge of a stream. The pole locations are necessary to provide adequate support for the generator lead pole-to-pole spans. The locations of these poles proposed to be located less than the setback distances in Section 10.26,D would be consistent with Section 10.26,G,5, which provides that an exception may be made to a setback requirement if the structure must be located closer due to the nature of its use.

Within the Kingsbury Concept Plan, an additional 4 poles are located less than 150 feet from PSL-2 streams (Table 31-4). These poles would be located between 111 and 146 feet from the edge of the respective nearest streams. The pole locations are necessary to provide adequate support for the generator lead pole-to-pole spans. The locations of these poles proposed to be located less than the setback distances in Appendix 4,D,2 would be consistent with Appendix 4,G,4, which provides that an exception may be made to a setback requirement if the structure must be located closer due to the nature of its use.

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A pole on the generator lead is the closest project component to a body of water less than 10 acres, and is located more than 1,400 feet from an unnamed water body in Kingsbury. The remainder of the generator lead poles will be setback farther than the minimum setback requirements for a body of water greater than 10 acres, PSL-1 streams, roads, and property lines.

(d) Temporary and Permanent Met Towers. All temporary and permanent met towers will meet or exceed the required setback distances.

(e) Temporary Laydown Areas. All temporary laydown areas will meet or exceed the required setback distances.

(f) O&M Building, Substation, and DRD. All structures associated with the O&M Building, Substation, and DRD will meet or exceed the required setback distances.

31.6.3 Vehicular Circulation, Access, and Parking

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

The project includes five access points from Route 16 to access the ridgeline portion of the project within LUPC jurisdiction. One of these is New Hayden Pond Road and the remaining four are existing unnamed forest management roads that access the project from Route 16, as depicted in Figure 31-2 and described in Section 1A of the Application. For project purposes, the existing roads are named South Access Road 2, South Crane Road 7, O&M Building Access Road, and New Hayden Pond Road. The new road to be constructed is named South Crane Road 8. Except for South Crane Road 7, all of these roads are privately owned, with no legal right of public access. Portions of South Crane Road were originally laid out as a public way. Because current rights of the public to access this road are unknown, public rights are assumed for the entire distance of road.

The project also includes nine access points from Route 16 for construction access to the generator lead within LUPC jurisdiction, all of which are existing forest management roads that access the project from Route 16, as depicted in Figure 31-2. For project purposes, these roads are named AR510, AR480, AR460, AR430, AR410, AR390, AR380, AR375, and AR350. In addition, AR370, AR355, AR400, and AR310 are spur roads that connect to the generator lead but not to Route 16. AR390 is the only road providing an access point from Route 16 that requires upgrades included in the permit application. Except for AR480, all of these roads are privately owned, with no legal right of public access. Portions of AR480 were originally laid out as a public way. Because current rights of the public to access this road are unknown, public rights are assumed for the entire distance of road.

Table 31-6 includes the names of existing roads and project roads.

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

1. General Circulation. Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways and within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage.

With regard to access to roadways, the project will use 13 existing access and 1 new access points from Route 16, each of which will have adequate sight distances for traffic entering and leaving the project area, and will meet relevant standards defined in Chapter 10.25,D.2:

2. Access management. Access onto any roadway shall comply with all applicable Maine Department of Transportation safety standards. For subdivisions and commercial, industrial and other non-residential development, the following standards also apply:

- a. The number and width of entrances and exits onto any roadway shall be limited to that necessary for safe entering and exiting.*
- b. Access shall be designed such that vehicles may exit the premises without backing onto any public roadway or shoulder.*
- c. Shared access shall be implemented wherever practicable.*
- d. Access between the roadway and the property shall intersect the roadway at an angle as near to 90 degrees as site conditions allow, but in no case less than 60 degrees, and shall have a curb radius of between 10 feet and 15 feet, with a preferred radius of 10 feet.*

The new access point (South Crane Road 8) is necessary because its location is more than two miles from the nearest existing project access point on Route 16. Although there are existing skid trails in this area, the topography of those locations is not suitable for new road infrastructure.

The corner radii of each intersection is greater than 15 feet in order to accommodate the wind component delivery vehicles and the crane transport vehicles.

As the project is not expected to generate a significant amount of traffic, no traffic study has been commissioned for the project. During peak construction, approximately 250 worker vehicles per day will be traveling to and from the project site, which constitutes a minor demand on Route 16. Once fully operational, the number of worker vehicles traveling to the project site within LUPC jurisdiction will be approximately 6 to 12 vehicles per day. During construction for a 24-week period, up to 40 large vehicles per day on some days are anticipated for turbine component delivery and installation.

With regard to parking areas, the project will use a portion of the gravel area at the O&M building for parking by staff. The total gravel area is approximately 0.8 acres, including 0.25 acre that will be fenced for equipment storage. Therefore, this area will not exceed one acre and will provide sufficient off-street parking at this location. This location has very limited visibility from Route 16 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 will

be associated with the project. During construction, laydown areas designated on the plans will be used as temporary parking. MDEP will evaluate the stormwater effects from the project in Section 12; therefore, Chapter 10.25,D.3.b is not applicable.

With regard to roadways that will be co-utilized for forest management purposes, both existing and new roads are sized to accommodate wood haulers and other large vehicles without the need for additional turnouts.

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 within LUPC jurisdiction includes lighting at the substation, DRD, and O&M building in Mayfield. The substation will be fenced and will have pole-mounted floodlights that will only be on during any nighttime work at the substation.

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:

2. Lighting standards for exterior light levels, glare reduction, and energy conservation.

- a. All residential, commercial and industrial building exterior lighting fixtures will be full cut-off, except for incandescent lights of less than 160 watts, or any other light less than 60 watts. Full cut-off fixtures are those that project no more than 2.5% of light above the horizontal plane of the luminary's lowest part. Figure 10.25,F-1 illustrates a cut-off fixture as defined by the Illuminating Engineering Society of North America (IESNA).*
- b. All exterior lighting shall be designed, located, installed and directed in such a manner as to illuminate only the target area, to the extent practicable. No activity shall produce a strong, dazzling light or reflection of that light beyond lot lines onto neighboring properties, onto any water bodies with a significant or outstanding scenic resource rating, or onto any roadway so as to impair the vision of the driver of any vehicle upon that roadway or to create nuisance conditions.*
- c. For commercial, industrial and other non-residential development, all non-essential lighting shall be turned off after business hours, leaving only the minimal necessary lighting for site security. The term "non-essential" applies, without limitation, to display, aesthetic and parking lighting.*
- d. In addition to the lighting standards in Section 10.25,F,2, lighted signs shall also comply with the standards in Section 10.27,J.*

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 the opportunity 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. During construction, at the access points for the project, there may 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)), MDEP is not authorized to regulate compliance with and does not specifically consider Federal Emergency Management Agency (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

None of the project area in LUPC jurisdiction includes development in any flood-prone areas. Based on FEMA Flood Rate Insurance Maps (FIRM), there are no project components to be constructed within any mapped 100-year floodplains. Therefore, the project as proposed is not expected to cause or increase flooding, or cause a flood hazard to any existing structure.

31.6.6 Vegetation Clearing

LUPC Chapter 10.27,B describes the relevant standards for vegetation clearing activities that will be reviewed by LUPC for any purpose other than road construction, including:

1. A vegetative buffer strip shall be retained within:

- a. 50 feet of the right-of-way or similar boundary of any public roadway,
- b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
- c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.

Clearing within 75 feet of most bodies of standing water and flowing waters will be reviewed by MDEP.⁵

For clearing within 75 feet of PSL-2 streams that do not meet the definition of a stream regulated under NRPA, the only project components that require clearing within 75 feet of these streams are portions of the aboveground collector where clearing is necessary near 1 intermittent and 2 ephemeral streams and an access road where clearing is necessary near 1 intermittent stream (Table 31-5). The clearing is associated with the poles described in 31.6.2.D(b) which are necessary to provide adequate support for the collector line pole-to-pole spans. This clearing would be consistent with Section 10.26,G,5, which provides that an

⁵ Based on the 1/24/13 memo from Horn-Olsen, MDEP will apply clearing standards for NRPA resource areas, and LUPC will apply clearing standards for other areas, and the two agencies will coordinate review.

exception may be made to a setback requirement if the structure must be located closer due to the nature of its use.

For clearing within 50 feet of a public roadway, the only project components that require clearing within 50 feet of Route 16 are portions of the aboveground collector and generator lead where clearing is necessary at three road crossings. In Kingsbury, approximately 0.10 acres (4,562 square feet) of clearing will occur within 50 feet of Route 16 at the crossing for the generator lead. In Mayfield, approximately 0.31 acres (13,367 square feet) of clearing will occur within 50 feet of Route 16 at two crossings for the collector. The clearing is associated with the road crossings and are necessary to provide adequate support for the collector line pole-to-pole spans across the road. This clearing would be consistent with Section 10.26,G,5, which provides that an exception may be made to a setback requirement if the structure must be located closer due to the nature of its use.

There are no project elements with clearing between within 75'-100' of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.

In these areas, the corridor tree canopy will be permanently removed and shrub vegetation will be retained. The corridor will be maintained as required by MDEP, and as described in Section 10 and Exhibit 10A. No other clearing will occur within 50 feet of Route 16 or within 75 feet of PSL-2 streams.

31.6.7 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:

2. Regulations Applying to All Signs. Notwithstanding any other provisions of this chapter, no sign may be erected or maintained which:

- a. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;*
- b. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;*
- c. Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;*
- d. Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;*
- e. Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;*
- f. Is in violation of, or at variance with, any other applicable State law or regulation;*
- g. Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;*
- h. Is not clean or in good repair; or*

i. Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

31.6.8 Additional Restrictions for Area A of Concept Plan

In Kingsbury, “Area A” is identified in the Concept Plan and Appendix 1.F of the Concept Plan includes specific development restrictions for Area A. Each restriction is described below along with a discussion of whether it is applicable to this project and, if so, how the project complies with the restriction. The remainder of the standards contained in the Concept Plan appendices are duplicative of general LUPC review criteria contained in Chapter 10.25, 10.16, and 10.27, with the exception of some dimensional requirements in Appendix 4.D.2, which are more restrictive than the corresponding Chapter 10 standards. The standards are addressed in Section 31.6.2.

Transfer Reservations: “Area A” may not be divided, subdivided, or partitioned, or otherwise separated into parcels or lots, however Area A may be transferred provided the terms and restriction of the Concept Plan herein are made as part of the recorded transaction.

“Area A” may be transferred as follows:

- (1) “Area A” may be sold or leased in its entirety; or
- (2) “Area A” may be transferred by inheritance provided the person is related to the donor by blood, marriage, or adoption; or
- (3) “Area A” may be transferred by bona fide gift, without consideration paid or received, to a spouse, parent, grandparent, child, grandchild or sibling of the donor.

Area A is located on KIN-1-1 and the applicants have a lease for the entirety of the parcel. That lease (see Section 2) includes the terms and restriction of the Concept Plan as part of the recorded transaction.

Structures: Structural development, commercial and residential, industrial, energy generation, quarrying, mining, landfill, and waste disposal activities are prohibited within “Area A” during the life of the Concept Plan unless expressly stated to the contrary herein.

Although Appendix 1.F indicates that structures and energy generation are prohibited within “Area A” during the life of the Concept Plan, the Commission has determined that this prohibition has been superseded by the enactment of the 2007 Public Law Chapter 661 (the Wind Energy Act), which designated the entirety of Kingsbury Plantation as part of the expedited permitting area and as a result made wind energy development an allowed use in Kingsbury Plantation, including in Area A. See Commission Decision in the Matter of DP 4856, Sept. 1, 2010, at 12-13; see also P.L. 2007, ch. 661, § C-6(1) and Chapter 10, Appendix F (both showing designation of entirety of Kingsbury Plantation as part of the expedited permitting area). As the Commission stated in its approval of a meteorological tower associated with this project, “With the Passage of [the Wind Energy Act], all LURC subdistricts, including P-RPs, falling within the designated expedited permitting area were amended to include wind energy development as a use allowed by permit.” Commission Decision in the Matter of DP 4856, Sept. 1, 2010, at 12.

Roads & Surface Alterations: *Surface alterations and road type and road construction shall be in compliance with P-RP zoning and section 10.27.*

As described in Section 31.5, MDEP will review roads and surface alterations.

Vehicles: *Motorized vehicles, all-terrain vehicles, motorcycles, and snowmobiles are permitted within "Area A" on designated forest management roads and trails. Landowner(s) reserves the right to limit road and trail use.*

The applicants will not limit road and trail use on designated forest management roads and trails in Area A. During construction, the applicants will post informational and safety signs associated with site activities. The landowner(s) will reserve the right to limit road and trail use.

Forest Management: *Landowner(s) reserves the right to conduct commercial timber harvesting activities and forest management pursuant to a forest management plan, prepared by a registered professional Maine Forester and designed to preserve the scenic and wildlife habitat quality and to provide a sustainable yield of forest products in accordance with applicable laws and regulations; and shall be in compliance with P-RP subdistrict zoning and Land Use Standards herein.*

The project does not include any commercial timber harvesting activities in Area A.

Wildlife and Water Quality Protection: *Overboard discharge or direct discharge of treated or untreated black or gray water waste into fresh surface water on or about "Area A" is strictly prohibited. It is forbidden to dispose of or store rubbish, garbage, debris, abandoned vehicles or equipment, parts thereof, or other unsightly, offensive, hazardous or toxic waste material on or about "Area A".*

The project will not include any overboard discharge or direct discharge of treated or untreated black or gray water waste in Area A. The project will not include any disposal or storage of rubbish, garbage, debris, abandoned vehicles or equipment in Area A.

Recreational Access: *Landowner(s) agrees to take no action to prohibit or discourage the non-motorized and non-destructive public use of "Area A". Landowner(s) has the right to make reasonable rules and regulations for different types of public use, and to control, limit or prohibit, by posting and other means, any of the following: night use, camping, loud activities, open fires, use of motorized vehicle and equipment, access by domesticated animal or pets, bicycles, hunting, and trapping. Landowner(s) claims all rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et. seq. as amended and successor provision thereof (Maine Recreational Use Statute), and under any other applicable provisions of law and equity.*

The applicants will not prohibit or discourage the non-motorized and non-destructive public use of Area A. During construction, the applicants will post informational and safety signs associated with site activities and may limit access for safety or security purposes. The landowner will continue to regulate public access during construction and operation.

Tables 31-1 to 31-4

Dimensional Requirements – Minimum Setbacks for D2

SECTION 31: LUPC CERTIFICATION

Table 31-1. Minimum Setbacks for All Project Components in LUPC jurisdiction						
Chapter 10 Reference	Minimum Setback Requirement	Distance of Closest Project Component that Exceed Minimum Setbacks	Project Component			
			Turbines	Collector Poles	Generator Lead Poles	O&M / Substation / DRD / Laydown Areas / PMT
D.2.a	100 feet (150 feet in Kingsbury Concept Plan) from the nearest shoreline of (a) a flowing water draining less than 50 square miles, (b) a body of standing water less than 10 acres in size, or a tidal water, and from (c) the upland edge of wetlands designated as P-WL1 subdistricts	(a) Turbine 45 feet is 227 from PSL-2. (b) A generator lead pole is >1000 feet from an unnamed pond. (c) Turbine 31 is 164 feet from a PWL-1.	All turbines exceed minimum setbacks.	21 poles are less than 100' from a PSL-2 stream (Table 31-2). 1 pole is less than 100' from a PWL-1 wetland. All other poles exceed minimum setbacks.	9 poles are less than 100' from a PSL-2 stream (Table 31-3). 4 poles are less than 150' from a PSL-2 stream in Kingsbury Concept Plan (Table 31-4). All other poles exceed minimum setbacks.	All exceed minimum setbacks.
D.2.b	150 feet from the nearest shoreline of (a) a flowing water draining 50 square miles or more and (b) a body of standing water 10 acres or greater in size	(a) Turbine 58 is >30,000 feet from the Piscataquis River. (b) A collector pole is 1400 feet from Foss Pond.	All turbines exceed minimum setbacks.	All poles exceed minimum setbacks.	All poles exceed minimum setbacks.	All exceed minimum setbacks.
D.2.c	75 feet from the traveled portion of the nearest roadway	A collector pole (144) is 99 feet from Route 16 (99 feet).	All turbines exceed minimum setbacks.	All poles exceed minimum setbacks.	All poles exceed minimum setbacks.	All exceed minimum setbacks.
D.2.e	25 feet from the side and rear property lines	Turbine 12 is 300 feet from a property line.	All turbines exceed minimum setbacks.	All poles exceed minimum setbacks.	All poles exceed minimum setbacks.	All exceed minimum setbacks.

SECTION 31: LUPC CERTIFICATION

Table 31-2. Collector Poles within 100 feet of PSL-2 Streams in LUPC Jurisdiction

Pole #	Distance (feet)	Stream Id
S-139	32.4	S012
S-154	37.8	S009
S-176	42.1	S007
S-41	43.1	S027
S-110	43.2	S020
S-82	43.4	S024
S-42	48.2	S026
S-10	48.8	S031
S-88	49.0	S023
S-133	59.9	S013
S-89	60.4	S023
S-144	68.0	S011
S-109	71.1	S020
S-147	71.7	S010
S-145	74.0	S011
S-118	74.0	S018
S-121	75.2	S017
S-129	75.5	S015
S-176	75.8	S008
S-126	76.4	S016
S-70	77.2	S025
S-81	78.6	S024
S-101	83.9	S022

Table 31-3. Generator Lead Poles within 100 feet of PSL-2 Streams in LUPC Jurisdiction

Pole #	Distance (feet)	Stream Id
168	31.5	S053
237	41.0	S044
155	62.2	S054
183	77.8	S051
238	82.8	S043
147	91.2	S055
182	94.9	S051
218	97.3	S047
206	98.3	S049

Table 31-4. Generator Lead Poles within 150 feet of PSL-2 Streams in Kingsbury Concept Plan

Pole #	Distance (feet)	Stream Id
200	111.6	S050
222	113.6	S046
214	143.8	S048
227	146.4	S045

Table 31-5 Clearing within 75' of PSL-2 Streams in LUPC Jurisdiction

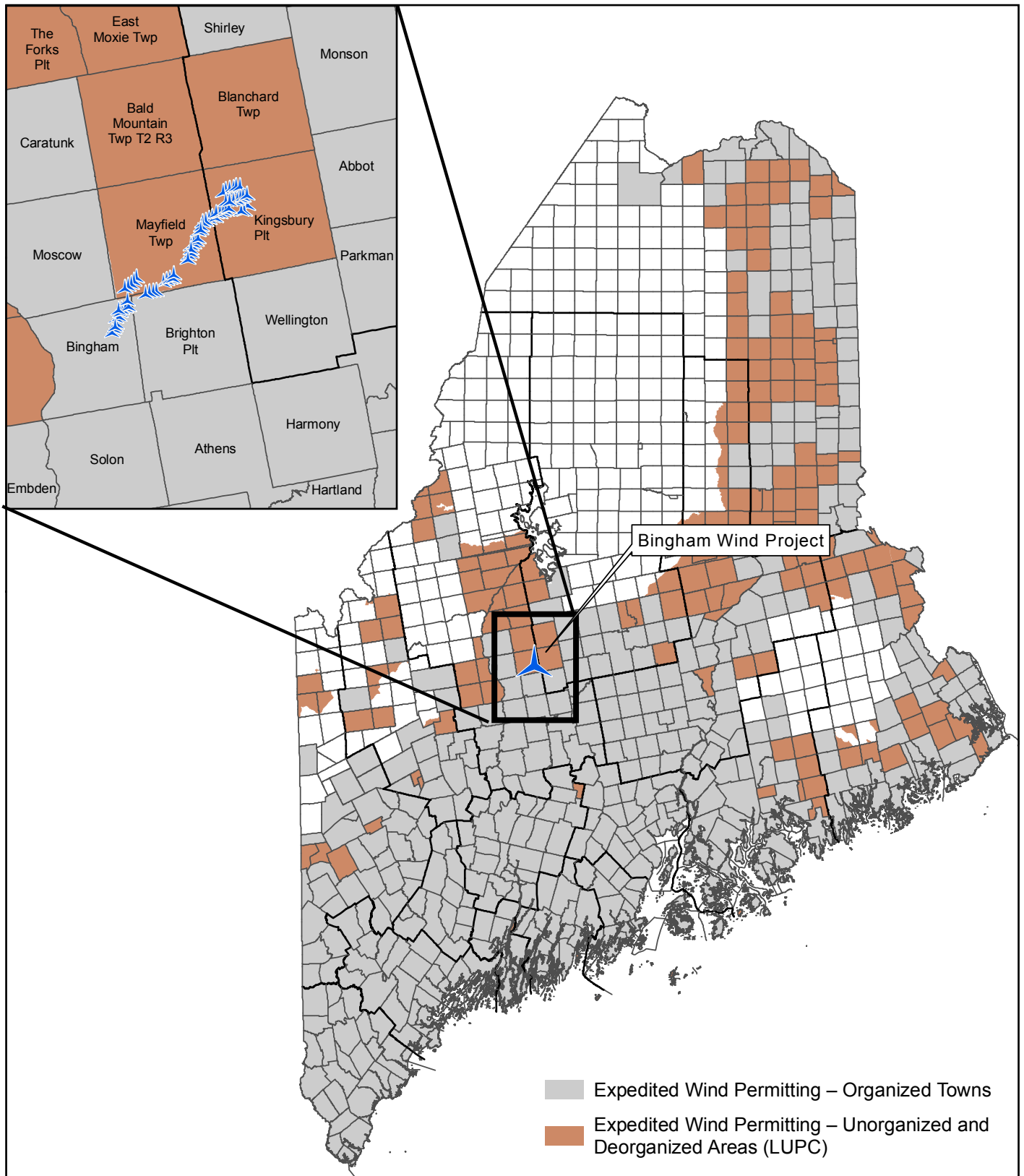
Project Location	Stream Id (type*)
Access Road near T31	S035 (intermittent)
Collector corridor	S008 (ephemeral)
Collector corridor	S017 (ephemeral)
Collector corridor	S018 (intermittent)
* Definitions: Intermittent -- stream that holds water during wet portions of the year; Ephemeral -- channel that holds water only during and immediately after rain events	

SECTION 31: LUPC CERTIFICATION

Table 31-6 Names of Project Roads	
<i>Ridgeline</i>	
<i>Road</i>	<i>Project Road Name</i>
Unnamed forest management road	South Access Road 2
Unnamed forest management road	O&M Access Road
Unnamed forest management road	South Crane Road 7
New Hayden Pond Road	New Hayden Pond Road
New road	South Crane Road 8
<i>Generator Lead</i>	
<i>Road</i>	<i>Project Road Name</i>
Unnamed forest management road and ATV trail	AR 510
Old Mountain Road	AR 480
100 Road	AR 460
300 Road	AR 430
600 Road	AR 410
700 Road	AR 390
800 Road	AR 380
Unnamed forest management road	AR 375
2500 Road	AR 350

Figure 31-1

Map of Expedited Wind Area



195600539



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

Bingham Wind Project

Figure No.

31-1

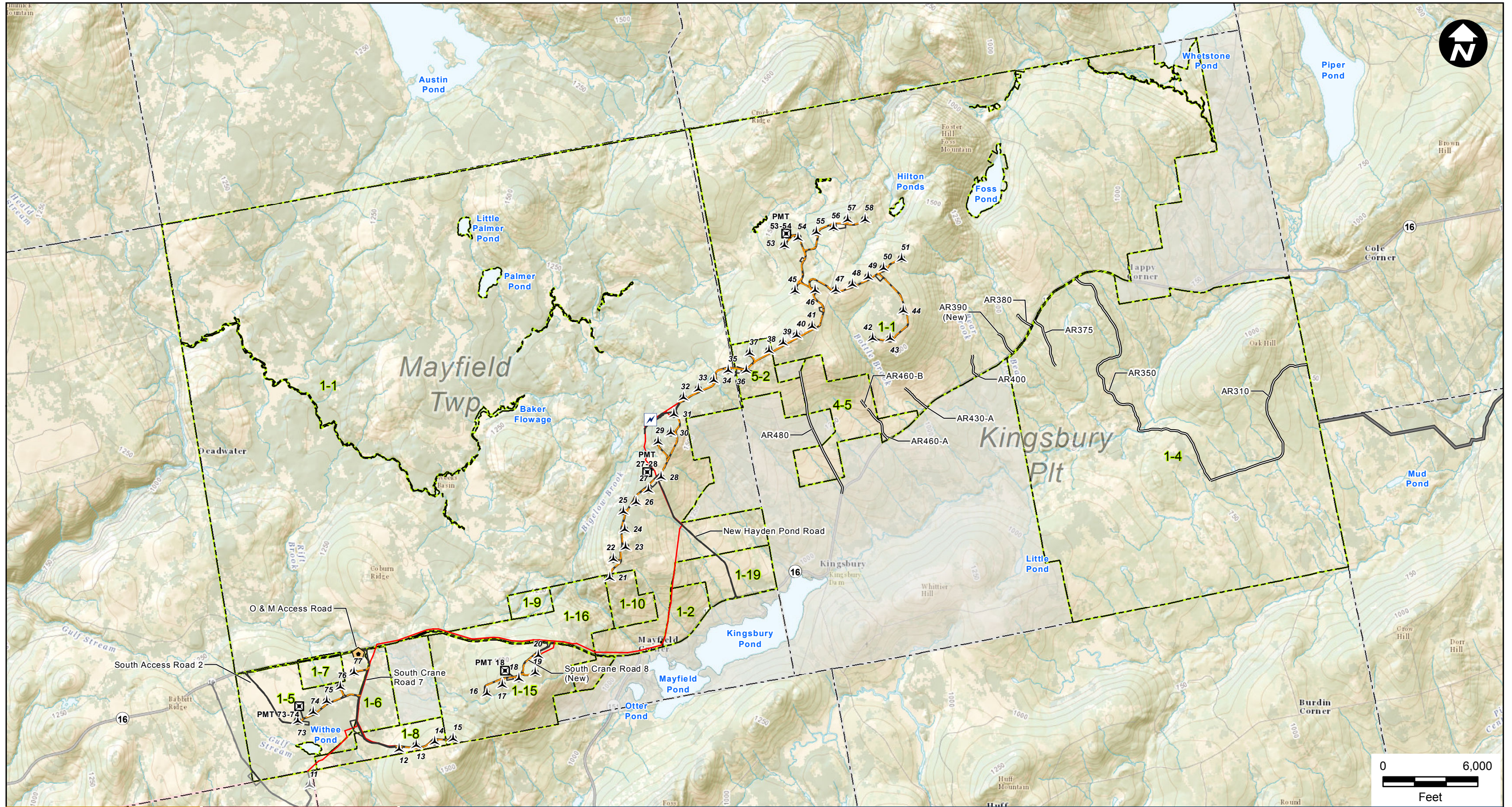
Title

Expedited Wind Permitting

3/22/2013

Figure 31-2

Map of Project in LUPC Jurisdiction



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

Legend

- | | | |
|-----------------------|----------------------------------|---|
| ▲ Turbine Location | --- Underground Summit Collector | — Access Road |
| ⊠ Permanent MET Tower | — Overhead Summit Collector | ▭ Project Parcel |
| ⚡ Substation | — Electrical Generator Lead | - - - Plisga & Day Surveyed Township Boundary |
| 🏠 O&M Building | — Edge of Gravel | - - - USGS Township Boundary |

Client/Project
 Bingham Wind Project

195600539

Figure No.
31-2

Title
Bingham Wind Project in LUPC Jurisdiction
 4/9/2013

Figure 31-3

LUPC Land Use Guidance Map – Kingsbury

Land Use Guidance Map

Mayfield Twp.
T2 R2 BKP EKR
Somerset 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-RS Residential

Protection Subdistricts

- 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.

Land Use Guidance Map last amended on August 18, 2005

FIGURE 31-3

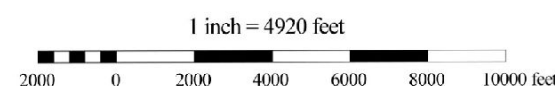
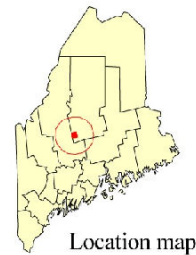


Figure 31-4

LUPC Land Use Guidance Map – Mayfield

Land Use Guidance Map

Kingsbury Plt.
T3 R2 BKP EKR
Piscataquis 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-RS Residential

Protection Subdistricts

- P-FW Fish and Wildlife
- P-GP Great Pond
- P-RP Resource Plan
- P-SG Soils and Geology
- 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.

Land Use Guidance Map last amended on August 18, 2005

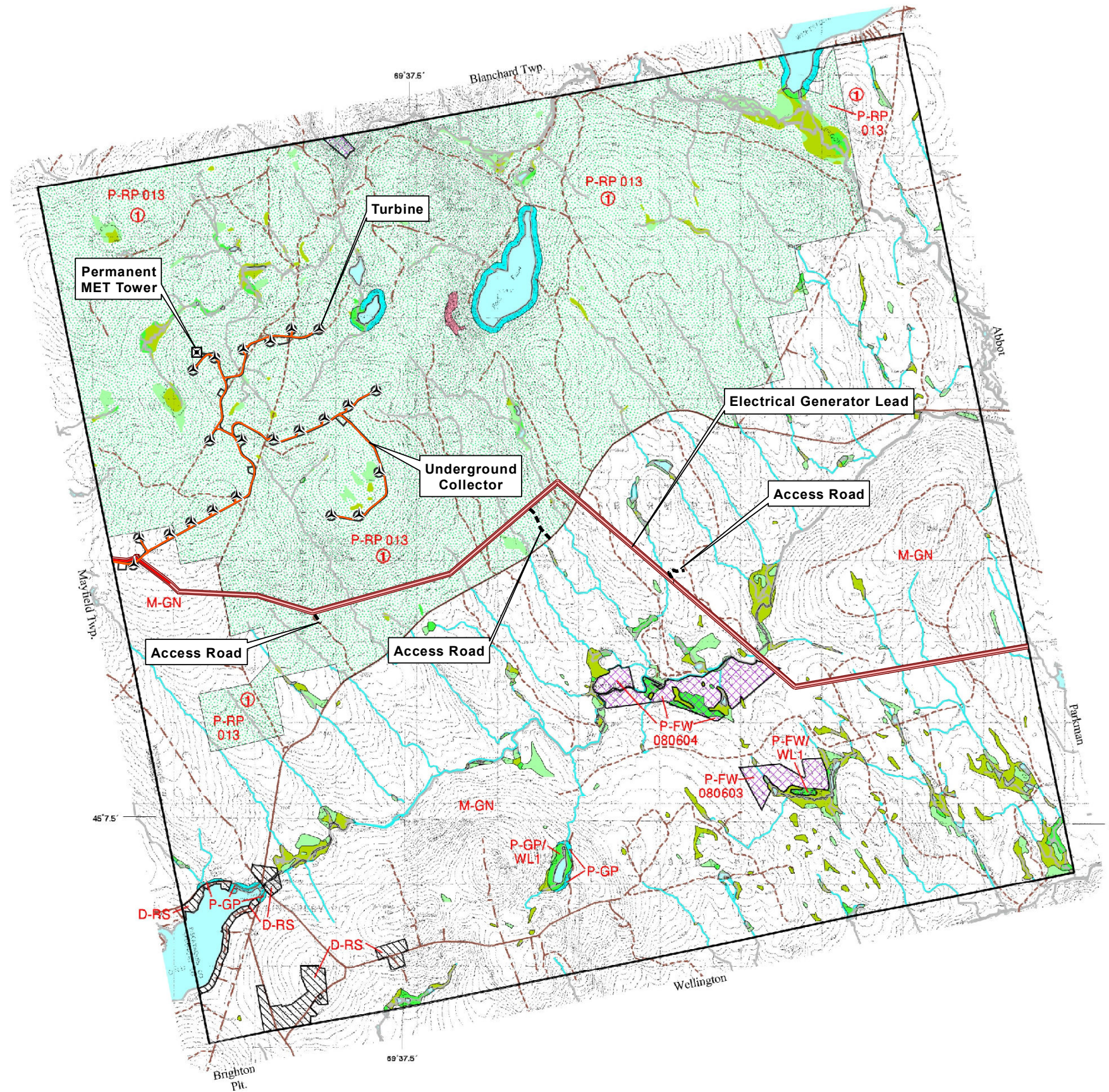


FIGURE 31-4

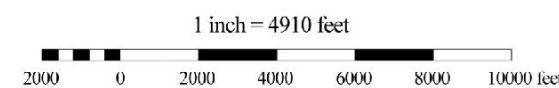


Exhibit 31A: Notice to LUPC

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE
NOTICE OF PUBLIC INFORMATIONAL MEETING**

Please take notice that Blue Sky West, LLC and Blue Sky West II, LLC (the "Applicants"), subsidiaries of First Wind, with principal offices at 129 Middle Street, 3rd Floor, Portland, Maine 04101, (207-228-6888) are intending to file a Site Location of Development Act permit application and a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection (Department), pursuant to the provisions of 38 M.R.S.A. §§ 480-A et seq., and 38 M.R.S.A. §§ 481-490, respectively, and regulations thereunder. The Applicants are also seeking a Section 401 Water Quality Certification pursuant to 33 U.S.C. § 1341. The Applicants intend to file the combined permit application on or about April 2, 2013.

This application is to allow for construction and operation of the Bingham Wind Project in Mayfield Township, Kingsbury Plantation, Moscow, Parkman, Abbot, and Bingham, in Somerset and Piscataquis Counties, Maine. The proposed project includes 63 turbines capable of generating up to 186 megawatts of electricity. The project would also include access to the turbines utilizing existing and new roads, 34.5-kilovolt electrical collector lines among the turbines and connecting to a new collector substation, up to 5 permanent meteorological towers, an operations and maintenance building, and an approximately 15-mile electrical generator lead extending easterly to an existing Central Maine Power Company substation in Parkman, Maine.

The Applicants will hold a public informational meeting on Wednesday, March 20 from 6:00 P.M. to 8:00 P.M. at the Quimby Middle School, 263 Main Street, Bingham, Maine, 04920.

A request for a Department public hearing must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing on the Site Location application may or may not be held at the discretion of the Commissioner. Public comment on the Site Location application will be accepted by the Department throughout the processing of the application.

Written public comments on the Site Law application may be sent to the Department's regional office in Augusta where the application is filed for public inspection: Dan Courtemanch, BinghamWindProject.DEP@maine.gov, MDEP, 17 State House Station, Augusta, Maine 04333, (207) 287-3901.

The Site Location application will include a request, pursuant to 12 M.R.S.A. § 685-B(1-A)(B-1), that the Land Use Planning Commission (Commission) certify to the Department that the development is an allowed use in the subdistricts in which it is proposed and that the development will comply with applicable Commission land use standards that are not considered in the Department's review.

A request for a Commission public hearing on the request for certification and/or a petition for leave to intervene in any such hearing must be received by the Commission in writing no later than 20 days after the request for certification is found by the Commission to be complete and accepted for processing. The Commission will consider the degree of public interest when determining whether to hold a public hearing, but the decision whether to hold a hearing is at the Commission's discretion. If the Commission holds a public hearing, members of the public also may offer testimony at the hearing without formally intervening in the hearing, and/or may submit written comments until the close of the record. A request or petition that is not timely filed will be denied unless the requestor/petitioner shows good cause for failure to file on time. Filing may be by electronic mail or facsimile if followed by receipt of an original signed document within five working days. The Commission's provisions for intervention may be found in Chapter 5, section 5.13 of the Commission's rules, which are available at <http://www.maine.gov/doc/lupc/>.

If no public hearing is held, interested persons may submit written comments on the certification throughout the processing of the certification. Written public comments and questions on the request for certification may be mailed to the Commission's office in Augusta: Land Use Planning Commission, 22 State House Station, Augusta, ME 04333; emailed to Marcia.Spencer-Famous@maine.gov; or faxed to (207) 287-7439.

The Site Location application, including the request for certification, will be filed for public inspection at the Department's office in Augusta and the Commission's office in Augusta during normal working hours. A copy of the application may also be seen on the Department's website (<http://www.maine.gov/dep/land/sitelaw/selected-developments/index.html>), at the Somerset County Commissioner's office in Skowhegan, the Piscataquis County Commissioner's office in Dover-Foxcroft and at the municipal offices in Bingham, Moscow, Abbot, and Parkman.

Questions about the proposed project or the public informational meeting can be directed to Dave Fowler of First Wind at (207) 653-2466.

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that Blue Sky West, LLC and Blue Sky West II, LLC (the "Applicants"), subsidiaries of First Wind, with principal offices at 129 Middle Street, 3rd Floor, Portland, Maine 04101, (207-228-6888) are intending to file a joint Site Location of Development Act permit application and a Natural Resources Protection Act permit application (the "Application") with the Maine Department of Environmental Protection (Department), pursuant to the provisions of 38 M.R.S.A. §§ 480-A et seq., and 38 M.R.S.A. §§ 481-490, respectively, and regulations thereunder. The Applicants are also seeking a Section 401 Water Quality Certification pursuant to 33 U.S.C. § 1341. The Applicants intend to file the Application on or about April 22, 2013.

This Application is to allow for construction and operation of the Bingham Wind Project in Mayfield Township, Kingsbury Plantation, Moscow, Parkman, Abbot, and Bingham, in Somerset and Piscataquis Counties, Maine. The proposed project includes 63 turbines capable of generating up to 191 megawatts of electricity. The project would also include access to the turbines utilizing existing and new roads, 34.5-kilovolt electrical collector lines among the turbines and connecting to a new collector substation, up to 5 permanent meteorological towers, up to five temporary meteorological towers, an operations and maintenance building, a dynamic reactive device such as a synchronous condenser and an approximately 17-mile electrical generator lead extending easterly to an existing Central Maine Power Company substation in Parkman, Maine.

A request for a Department public hearing must be received by the Department in writing, no later than 20 days after the Application is found by the Department to be complete and is accepted for processing. A public hearing on the Application may or may not be held at the discretion of the Commissioner. Public comment on the Application will be accepted by the Department throughout the processing of the Application.

Written public comments on the Application may be sent to the Department's regional office in Augusta where the Application is filed for public inspection: Dan Courtemanch, BinghamWindProject.DEP@maine.gov, MDEP, 17 State House Station, Augusta, Maine 04333, (207) 287-3901.

The Application will include a request, pursuant to 12 M.R.S.A. § 685-B(1-A)(B-1), that the Land Use Planning Commission (Commission) certify to the Department that the development is an allowed use in the subdistricts in which it is proposed and that the development will comply with applicable Commission land use standards that are not considered in the Department's review.

A request for a Commission public hearing on the request for certification and/or a petition for leave to intervene in any such hearing must be received by the Commission in writing no later than 20 days after the request for certification is found by the Commission to be complete and accepted for processing. The Commission will consider the degree of public interest when determining whether to hold a public hearing, but the decision whether to hold a hearing is at the Commission's discretion. If the Commission holds a public hearing, members of the public also may offer testimony at the hearing without formally intervening in the hearing, and/or may submit written comments until the close of the record. A request or petition that is not timely filed will be denied unless the requestor/petitioner shows good cause for failure to file on time. Filing may be by electronic mail or facsimile if followed by receipt of an original signed document within five working days. The Commission's provisions for intervention may be found in Chapter 5, section 5.13 of the Commission's rules, which are available at <http://www.maine.gov/doc/lupc/>.

If no public hearing is held, interested persons may submit written comments on the certification throughout the processing of the certification. Written public comments and questions on the request for certification may be mailed to the Commission's office in Augusta: Land Use Planning Commission, 22 State House Station, Augusta, ME 04333; emailed to Marcia.Spencer-Famous@maine.gov; or faxed to (207) 287-7439.

The Application, including the request for certification, will be filed for public inspection at the Department's office in Augusta and the Commission's office in Augusta during normal working hours. A copy of the application may also be seen on the Department's website (<http://www.maine.gov/dep/land/sitelaw/selected-developments/index.html>), at the Somerset County Commissioner's office in Skowhegan, the Piscataquis County Commissioner's office in Dover-Foxcroft and at the municipal offices in Bingham, Moscow, Abbot, and Parkman.

Questions about the proposed project can be directed to Dave Fowler of First Wind at (207) 653-2466.

Exhibit 31B: Land Division History

Township or Plantation/County	Tax Map and Lot	Current Owner	BSWII, LLC or BSW, LLC Interest
Mayfield / Piscataquis	Mayfield 1-1; 1-5; 1-6; 1-7; 1-8; 1-10; 1-19	Plum Creek Maine Timberland L.L.C.	Easement
Mayfield / Piscataquis	Mayfield 1-15 & 1-16	ED Bessey & Sons, Inc.	Lease
Kingsbury / Piscataquis	Kingsbury 5-2	Plum Creek Maine Timberland L.L.C.	Easement
Kingsbury / Piscataquis	Kingsbury 1-1	Linkletter & Sons, Inc.	Lease
Kingsbury / Piscataquis	Kingsbury 4-5	Linkletter & Sons, Inc	Lease
Kingsbury / Piscataquis	Kingsbury 1-4	Linkletter Timberlands, LLC	Lease

BERNSTEIN SHUR

COUNSELORS AT LAW

207 774-1200 main
207 774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Memorandum

To: Aaron MacQueen, Esq., David Fowler, Josh Bagnato (First Wind)

Cc: Joy Prescott (Stantec), Karen Pelletier (Bernstein Shur)

From: Eliza Cope Nolan, Esq.

Date: April 15, 2013

Re: 20-year land division history as of March 26, 2013– Plum Creek Maine Timberlands, L.L.C. - Property located in Mayfield Township aka T2R2 BKP EKR – Somerset County – Tax Map SO25, Map 1, Lots 1, 5, 6, 7, 8, 10, and 19.

Set forth below is a land division history for property (the “Existing Parcel”) now owned by Plum Creek Maine Timberlands, L.L.C. (hereinafter, the “Current Owner”) located in Mayfield Township, Somerset County, and generally depicted as Lots 1, 5, 6, 7, 8, 10, and 19 on Tax Map SO25, Map 1:

The Existing Parcel was acquired by the Current Owner on November 30, 1998 as a result of its merger with SDW Timber II, L.L.C. Prior to acquisition by the Current Owner, the Existing Parcel was conveyed as follows (organized in chronological order beginning in 1993):

- **1993, January 1:** S. D. Warren Company was owner of the Parent Parcel by virtue of a deed from Scott Paper Company dated June 30, 1986 and recorded at Somerset County Registry of Deeds in Book 1316, Page 200.
- **1998, November 4:** S. D. Warren Company acquired additional land by virtue of a deed from the Skylark, Inc. recorded at Somerset County Registry of Deeds in Book 2487, Page 266 (comprised of previously existing lease lots created in 1963 and 1964, respectively, which were subsequently conveyed on December 4, 2000 to Plum Creek Land Company). *No division.*
- **1998, November 5:** The Parent Parcel was conveyed to SDW Timber II, L.L.C. from S. D. Warren Company by deed recorded at the Somerset County Registry of Deeds in Book 2490, Page 150. *Conveyance of all lands of grantor in Mayfield Township; no division.*

- **1998, November 30:** SDW Timber II, L.L.C changed its name to Plum Creek Maine Timberlands, L.L.C., as evidenced by Certificate of Name Change recorded at the Somerset County Registry of Deeds in Book 2605, Page 151. *Change of name; no division.*
- **2000, December 4:** Out-conveyance from Parent Parcel by Current Owner to Plum Creek Land Company by deed recorded at Somerset County Registry of Deeds in Book 2749, Page 1. The land described in this deed includes previously existing parcels (see deed above dated November 4, 1998 from Skylark in Book 2487, Page 266), plus additional lands added to the three parcels. *Possible initial division in five year period (no recitation in deed of continuous lease of existing lease lots).*
- **2001, December 22:** Portions of land adjacent to State Highway 265 taken by eminent domain from Parent Parcel by virtue of Notice of Layout and Taking recorded at Somerset County Registry of Deeds in Book 2902, Page 299 for the purpose of widening the then-existing highway and creating a related turn-around. *Taking: no division.*
- **2010, April 15:** Portions of land adjacent to State Aid Highway 1 “Route 16” taken by eminent domain from remaining Parent Parcel by virtue of Notice of Layout and Taking recorded in Somerset County Registry of Deeds in Book 4262, Page 292, for purposes of changing the drainage structure within and adjacent to the then-existing highway. *Taking: no division.*
- **2010, October 1:** Wind Energy Easement granted by Plum Creek Maine Timberlands, L.L.C. to Blue Sky West, LLC over the Existing Parcel, as evidenced by Confirmatory Wind Energy Easement to be recorded in Piscataquis County Registry of Deeds. This Easement also grants Blue Sky West, LLC an option to acquire an assignable transmission line easement over the Existing Parcel. *Neither the Easement nor the Option to acquire the Transmission Line Easement constitutes a division.*
- **2011, July 22:** Out-conveyance conveyed by Current Owner to Mayfield Corner, LLC by deed recorded in the Somerset County Registry of Deeds in Book 4425, Page 65. *Conveyance of all of Grantor’s lands lying south of Route 16 and East of Route 151; no division.*

Based upon the foregoing review of instruments of record at the Somerset County Registry of Deeds or between the Current Owner and Blue Sky West, LLC or Blue Sky West II, LLC, no unauthorized divisions have occurred within the twenty-year review period.

BERNSTEIN SHUR

COUNSELORS AT LAW

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Memorandum

To: Aaron McQueen, Esq., Dave Fowler, Josh Bagnato (First Wind)

Cc: Joy Prescott (Stantec), Karen Pelletier (Bernstein Shur)

From: Eliza Cope Nolan, Esq.

Date: April 15, 2013

Re: 20-year land division history as of March 21, 2013– E.D. Bessey & Son -
Property located in Mayfield – Somerset County – Tax Map SO25, Map 1,
Lots 15 & 16.

Set forth below is a land division history for property (the “Existing Parcel”) now owned by E. D. Bessey & Son (hereinafter, the “Current Owner”) located in Mayfield Township, Somerset County, and generally depicted as Lots 15 & 16 on Tax Map SO25, Map 1:

The Existing Parcel was acquired by the Current Owner, formerly E.D. Bessey & Son New, on December 20, 2011. E.D. Bessey & Son New changed its name to E.D. Bessey & Son on January 2, 2012. Prior to acquisition by the Current Owner, the Existing Parcel was conveyed as follows (organized in chronological order beginning in 1993):

- **1993, January 1:** E.D. Bessey & Son and Bessey Development Company were the owners of the Existing Parcel.
- **2009, May 1:** Lease between E.D. Bessey & Son, as lessor and Blue Sky West, LLC, as lessee, evidenced by Memorandum of Lease recorded at the Somerset County Registry of Deeds in Book 4643, Page 49. *Lease of entire ownership in Mayfield Township; no division.*
- **2009, October 7:** Bessey Development Company conveyed to E.D. Bessey & Son its interest in the Existing Parcel by Corrective Quitclaim Deed recorded in the Somerset County Registry of Deeds in Book 4201, Page 271. *No division.*
- **2011, December 20:** E. D. Bessey & Son conveyed to E. D. Bessey & Son New the Existing Parcel by deed recorded in the Somerset County Registry of Deeds in Book 4479, Page 100. *No division.*

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- **2012, January 2:** E.D. Bessey & Son New changed its name to E.D. Bessey & Son (nothing evidencing this name change is recorded at Somerset County Registry of Deeds). *No division.*

Based upon the foregoing review of instruments of record at the Somerset County Registry of Deeds or between the Current Owner and Blue Sky West, LLC, no unauthorized divisions have occurred within the twenty-year review period.

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Memorandum

To: Aaron MacQueen, Esq., David Fowler, Josh Bagnato (First Wind)

Cc: Joy Prescott (Stantec), Karen Pelletier (Bernstein Shur)

From: Eliza Cope Nolan, Esq.

Date: April 15, 2013

Re: 20-year land division history as of March 22, 2013– Plum Creek Maine Timberlands, L.L.C. - Property located in Kingsbury Plantation– Piscataquis County – Tax Map 5, Lot 2.

Set forth below is a land division history for property (the “Existing Parcel”) now owned by Plum Creek Maine Timberlands, L.L.C. (hereinafter, the “Current Owner”) located in Kingsbury Plantation and generally depicted as Lot 2 on Tax Map 5:

The Existing Parcel was acquired by the Current Owner on November 30, 1998 as a result of its merger with SDW Timber II, L.L.C. Prior to acquisition by the Current Owner, the Existing Parcel was conveyed as follows (organized in chronological order beginning in 1993):

- **1993, January 1:** S. D. Warren Company, a Pennsylvania corporation, was owner of the Existing Parcel by virtue of a deed from Scott Paper Company dated June 30, 1986 and recorded at Piscataquis County Registry of Deeds in Book 608, Page 209.
- **1998, November 5:** The Existing Parcel was conveyed to SDW Timber II, L.L.C. from S. D. Warren Company by deed recorded in the Piscataquis County Registry of Deeds in Book 1164, Page 323. *Entire Existing Parcel conveyed; no division.*
- **1998, November 30:** SDW Timber II, L.L.C changed its name to Plum Creek Maine Timberlands, L.L.C., as evidenced by Certificate of Name Change recorded in the Piscataquis County Registry of Deeds in Book 1223, Page 162. *Change of name to Current Owner; no division.*
- **2010, October 1:** Wind Energy Easement granted by Plum Creek Maine Timberlands, L.L.C. to Blue Sky West, LLC over the Existing Parcel, as evidenced by Confirmatory Wind Energy Easement to be recorded in Piscataquis County Registry of Deeds. This Easement also grants Blue Sky West, LLC an option to acquire an assignable

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transmission line easement over the Existing Parcel. *Neither the Easement nor the Option to acquire the Transmission Line Easement constitutes a division.*

Based upon the foregoing review of instruments of record at the Piscataquis County Registry of Deeds or between the Current Owner and Blue Sky West, LLC or Blue Sky West II, LLC, no unauthorized divisions have occurred within the twenty-year review period.

Memorandum

To: Aaron MacQueen, Esq., David Fowler, Josh Bagnato (First Wind)

Cc: Joy Prescott (Stantec), Karen Pelletier (Bernstein Shur);

From: Eliza Cope Nolan, Esq.

Date: April 15, 2013

Re: 20-year land division history as of March 20, 2013 – Linkletter & Sons, Inc. -
Property located on the Northerly Side of Route 16 in Kingsbury Plantation –
Piscataquis County – Tax Map 1, Lot 1 & Tax Map 4, Lot 5.

Set forth below is a land division history for property (the “Existing Parcel”) now owned by Linkletter & Sons, Inc. (hereinafter, the “Current Owner”) located in Kingsbury Plantation and generally depicted as Lot 1 on Tax Map 1 and as Lot 5 on Tax Map 4:

The Existing Parcel was acquired by the Current Owner on November 28, 2000 by deed from John Hancock Life Insurance Company (formerly known as John Hancock Mutual Life Insurance Company) dated November 28, 2000 and recorded in the Piscataquis County Registry of Deeds in Book 1288, Page 284. Prior to acquisition by the Current Owner, the Existing Parcel was conveyed as follows (organized in chronological order beginning in 1993):

- **1993, January 1:** Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. were owners of a larger parcel (the “Parent Parcel”) that includes the Existing Parcel.
- **1993, February 22:** Out-conveyance from the Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to Edward Sears and Richard Sears by deed recorded at the Piscataquis County Registry of Deeds in Book 884, Page 283. *This was a transfer of a lot shown on a 1990 LURC-approved subdivision plan (Cabinet J, Plan 54) and is not counted for unauthorized subdivision purposes.*
- **1993, February 22:** Out-conveyance from the Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to Walter A. Kwolek and Earnest J. Moccio, Jr. by deed recorded at the Piscataquis County Registry of Deeds in Book 884, Page 286. *This was a transfer of a lot shown on a 1990 LURC-approved subdivision plan (Cabinet J, Plan 54) and is not counted for unauthorized subdivision purposes.*

- **1993, March 5:** Out-conveyance from the remaining Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to Maurice Pomerleau Logging by deed recorded in the Piscataquis County Registry of Deeds in Book 886, Page 315. *This was a transfer to an abutter and is not counted for subdivision purposes.*
- **1993, May 13:** Two out-conveyances from the Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to El Shaddai Enterprises, Inc. and Y.P.C. Forest Products, Inc. by deed recorded in the Piscataquis County Registry of Deeds in Book 894, Page 198. *Based upon review of instruments of record, the conveyance of these two lots created three lots within a five year period (the two lots and the retained third lot); however, the division falls within the exception set forth in Chapter 10.25, Section Q(1)(g)(2) of the LUPC Rules: namely, the retained lot is not counted for subdivision purposes as it appears to have been retained by the grantor and for a period of five years the retained lot was not sold, platted, leased, conveyed or further divided, and was used solely for forestry purposes.*
- **1993, May 13:** Out-conveyance from the remaining Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to El Shaddai Enterprises, Inc. and Y.P.C. Forest Products, Inc. by deed recorded at the Piscataquis County Registry of Deeds in Book 894, Page 202. *These parcels were transferred to an abutter and are not counted for subdivision purposes.*
- **1993, September 23:** Conveyance of undivided interests in the remaining Parent Parcel were conveyed from Moosehead Manufacturing Company to Diamond Occidental Forest Inc. by Quitclaim Deed recorded at the Piscataquis County Registry of Deeds in Book 912, Page 292. Entire remaining Parent Parcel now owned solely by Diamond Occidental Forest Inc. *Conveyance of partial interest in entire remaining Parent Parcel to co-owner; no division.*
- **1993, October 7:** Entire remaining Parent Parcel conveyed from Diamond Occidental Forest Inc. to John Hancock Mutual Life Insurance Company by deed recorded at the Piscataquis County Registry of Deeds in Book 914, Page 14. *Entire Parcel conveyed; no division.*
- **1996, October 28:** Out-conveyance from the remaining Parent Parcel conveyed by John Hancock Mutual Life Insurance Company to Charles McCaffrey and Ann McCaffrey by deed recorded at the Piscataquis County Registry of Deeds in Book 1061, Page 324. *The lot conveyed, as shown on a recorded 1995 plan (Cabinet L, Plan 94), is a pre-1971 lease lot and is not counted for subdivision purposes.*
- **1997, August 28:** Out-conveyance from the remaining Parent Parcel conveyed by John Hancock Mutual Life Insurance Company to Barbara E. Personette by deed recorded at the Piscataquis County Registry of Deeds in Book 1098, Page 308. *The lot conveyed, as shown on a recorded 1995 plan (Cabinet L, Plan 94), is a pre-1971 lease lot and is not counted for subdivision purposes.*

- **2000, January 27:** Out-conveyance from the remaining Parent Parcel conveyed by John Hancock Mutual Life Insurance Company to Great Eastern Timber Company, LLC by deed recorded at the Piscataquis County Registry of Deeds in Book 1243, Page 134. *This deed conveyed all of the grantor's ownership southerly of Route 16, a state road, excluding that portion of Map 4, Lot 5 located southerly of Route 16; this appears to be an initial division of the land lying southerly of Route 16.*
- **2000, November 28:** The Existing Parcel (i.e. Tax Map 1, Lot 1 and Tax Map 4, Lot 5) was conveyed to the Current Owner by deed from John Hancock Life Insurance Company (formerly known as John Hancock Mutual Life Insurance Company) dated November 28, 2000 and recorded in the Piscataquis County Registry of Deeds in Book 1288, Page 284. *Conveyance of all of the grantor's land northerly of Route 16 plus that portion of Map 4, Lot 5 as lies southerly of Route 16; no division.*
- **2002, October 7:** Out-conveyance from the Existing Parcel conveyed by the Current Owner to Wendy Grunder by deed recorded at the Piscataquis County Registry of Deeds in Book 1420, Page 206. *This was an initial division of lands situated northerly of Route 16 within a five year period and, even with the next listed division (see below) did not trigger subdivision approval until the 2006 division of the retained lot made this division a subdivision that does not require LURC approval under LURC Rule Chapter 10.25(2)(I)(c); this lot was therefore specifically depicted on the 2006 subdivision concept plan approved by LURC (subdivision plan 2006-44).*
- **2002, October 11:** Out-conveyance from the Existing Parcel conveyed by the Current Owner to Gary J. Desjardins and Cindy L. Desjardins by deed recorded at the Piscataquis County Registry of Deeds in Book 1419, Page 18. *This was a second division within a five year period; however, even with the previously listed division (see above) did not trigger subdivision approval until the 2006 division of the retained lot made this division a subdivision that does not require LURC approval under LURC Rule Chapter 10.25(2)(I)(c); this lot was therefore specifically depicted on the 2006 subdivision concept plan approved by LURC (subdivision plan 2006-44).*
- **2003, October 22:** Out-conveyance by the Current Owner to Ann M. McCaffrey by deed recorded at the Piscataquis County Registry of Deeds in Book 1517, Page 253 (abuts land formerly conveyed to Charles A. McCaffrey and Ann McCaffrey subsequently conveyed to Ann McCaffrey). *This was a transfer to an abutter and is not counted for subdivision purposes.*
- **2003, December 19:** Out-conveyance by the Current Owner to Charles A. McCaffrey by deed recorded at the Piscataquis County Registry of Deeds in Book 1525, Page 120 (abuts land formerly of Personette subsequently conveyed to Charles McCaffrey). *This was a transfer to an abutter and is not counted for subdivision purposes.*
- **2006, January 12:** Out-conveyance by the Current Owner to H. Taylor Bunting and Sharon H. Bunting by deed recorded at the Piscataquis County Registry of Deeds in Book 1810, Page 139. *This was a transfer of a lot shown on a LURC-approved subdivision*

plan and is not counted for unauthorized subdivision purposes. (Lot 2E on Subdivision Plan 2006-44).

- **2006, November 22:** Out-conveyance by the Current Owner to Dave E. Howarth and Dawn Marie Fournier by deed recorded December 5, 2006 at the Piscataquis County Registry of Deeds in Book 1800, Page 146. *This was a transfer of a lot shown on a LURC-approved subdivision plan and is not counted for unauthorized subdivision purposes. (Lot 1E on Subdivision Plan 2006-44).*
- **2007, February 14:** Out-conveyance by the Current Owner to Paul F. Just by deed recorded at the Piscataquis County Registry of Deeds in Book 1816, Page 28. *This was a transfer of a lot shown on a LURC-approved subdivision plan and is not counted for unauthorized subdivision purposes. (Lot 3E on Subdivision Plan 2006-44).*
- **2007, July 11:** Out-conveyance by the Current Owner to Whetstone West Owners Association by deed recorded at the Piscataquis County Registry of Deeds in Book 1855, Page 156. *This was a transfer of a lot shown on a LURC-approved subdivision plan and is not counted for unauthorized subdivision purposes. (Lot 10.78 – Open Space on Subdivision Plan 2007-6).*
- **2007, July 11:** Out-conveyance by the Current Owner to Robert E. Linkletter and Debra A. Linkletter by deed recorded at the Piscataquis County Registry of Deeds in Book 1856, Page 57. *This was a transfer of a lot shown on a LURC-approved subdivision plan and is not counted for unauthorized subdivision purposes. (Lot 4W on Subdivision Plan 2006-44).*
- **2007, July 11:** Out-conveyance by the Current Owner to Bruce A. Linkletter and Sandra J. Linkletter by deed recorded at the Piscataquis County Registry of Deeds in Book 1859, Page 84. *This was a transfer of a lot shown on a LURC-approved subdivision plan and is not counted for unauthorized subdivision purposes. (Lot 2W on Subdivision Plan 2006-44).*
- **2007, July 11:** Out-conveyance by the Current Owner to John C. Shorey by deed recorded at the Piscataquis County Registry of Deeds in Book 1859, Page 117. *This was a transfer of a lot shown on a LURC-approved subdivision plan and is not counted for unauthorized subdivision purposes. (Lot 1W on Subdivision Plan 2006-44).*
- **2009, April 10:** Amended and Restated Land Lease Agreement between the Current Owner and Blue Sky West, LLC, a Memorandum of which is being recorded at the Piscataquis County Registry of Deeds. *Lease of entire Existing Parcel; no division.*
- **2013, April 8:** The Current Owner and Blue Sky West II, LLC entered into a Generator Lead Easement Agreement executed April 8, 2013 which is being recorded at the Piscataquis County Registry of Deeds. *Grant of easement; no division.*

Based upon the foregoing review of instruments of record at the Piscataquis County Registry of Deeds or between the Current Owner and Blue Sky West II, LLC, and the assumptions noted herein, no unauthorized divisions have occurred within the twenty-year review period.

Memorandum

To: Aaron MacQueen, Esq., David Fowler, Josh Bagnato (First Wind)

Cc: Joy Prescott (Stantec), Karen Pelletier (Bernstein Shur);

From: Eliza Cope Nolan, Esq.

Date: April 15, 2013

Re: 20-year land division history as of March 28, 2013 – Linkletter Timberlands, LLC - Property located on the Southerly Side of Route 16 in Kingsbury Plantation – Piscataquis County – Tax Map 1, Lot 4.

Set forth below is a land division history for property (the “Existing Parcel”) now owned by Linkletter Timberlands, LLC (hereinafter, the “Current Owner”) located in Kingsbury Plantation and generally depicted as Lot 4 on Tax Map 1:

The Existing Parcel was acquired by the Current Owner on May 13, 2002 by deed from Great Eastern Timber Company, LLC recorded at the Piscataquis County Registry of Deeds in Book 1387, Page 187. Prior to acquisition by the Current Owner, the Existing Parcel was conveyed as follows (organized in chronological order beginning in 1993):

- **1993, January 1:** Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. were owners of a larger parcel (the “Parent Parcel”) that includes the Existing Parcel.
- **1993, February 22:** Out-conveyance from the Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to Edward Sears and Richard Sears by deed recorded at the Piscataquis County Registry of Deeds in Book 884, Page 283. *This was a transfer of a lot shown on a 1990 LURC-approved subdivision plan (Cabinet J, Plan 54), and is not counted for unauthorized subdivision purposes.*
- **1993, February 22:** Out-conveyance from the remaining Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to Walter A. Kwolek and Earnest J. Moccio, Jr. by deed recorded at the Piscataquis County Registry of Deeds in Book 884, Page 286. *This was a transfer of a lot shown on a 1990 LURC-approved subdivision plan (Cabinet J, Plan 54) and is not counted for unauthorized subdivision purposes.*

- **1993, March 5:** Out-conveyance from the remaining Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to Maurice Pomerleau Logging by deed recorded at the Piscataquis County Registry of Deeds in Book 886, Page 315. *This was a transfer to an abutter and is not counted for subdivision purposes.*
- **1993, May 13:** Two out-conveyances from the remaining Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to El Shaddai Enterprises, Inc. and Y.P.C. Forest Products, Inc. by deed recorded at the Piscataquis County Registry of Deeds in Book 894, Page 198. *Based upon review of instruments of record, the conveyance of these two lots created three lots within a five year period (the two lots and the retained third lot); however, the division falls within the exception set forth in Chapter 10.25, Section Q(1)(g)(2) of the LUPC Rules: namely, the retained lot is not counted for subdivision purposes as it appears to have been retained by the grantor and for a period of five years the retained lot was not sold, platted, leased, conveyed or further divided, and was used solely for forestry purposes.*
- **1993, May 13:** Out-conveyances from the remaining Parent Parcel conveyed by Diamond Occidental Forest Inc. and Moosehead Manufacturing Company, Inc. to El Shaddai Enterprises, Inc. and Y.P.C. Forest Products, Inc. by deed recorded at the Piscataquis County Registry of Deeds in Book 894, Page 202. *These parcels were transferred to an abutter and are not counted for subdivision purposes.*
- **1993, September 23:** Conveyance of undivided interests in the remaining Parent Parcel were conveyed from Moosehead Manufacturing Company to Diamond Occidental Forest Inc. by Quitclaim Deed recorded at the Piscataquis County Registry of Deeds in Book 912, Page 292. Remaining Parent Parcel now owned solely by Diamond Occidental Forest Inc. *Conveyance of partial interest in entire remaining Parent Parcel to co-owner; no division.*
- **1993, October 7:** Entire remaining Parent Parcel conveyed by Diamond Occidental Forest Inc. to John Hancock Mutual Life Insurance Company by deed recorded at the Piscataquis County Registry of Deeds in Book 914, Page 14. *Entire remaining Parent Parcel conveyed; no division.*
- **1996, October 28:** Out-conveyance from the remaining Parent Parcel conveyed by John Hancock Mutual Life Insurance Company to Charles McCaffrey and Ann McCaffrey by deed recorded at the Piscataquis County Registry of Deeds in Book 1061, Page 324. *The lot conveyed, as shown on a recorded 1995 plan (Cabinet L, Plan 94), is a pre-1971 lease lot and is not counted for subdivision purposes.*
- **1997, August 28:** Out-conveyance from the remaining Parent Parcel conveyed by John Hancock Mutual Life Insurance Company to Barbara E. Personette by deed recorded at the Piscataquis County Registry of Deeds in Book 1098, Page 308. *The lot conveyed, as shown on a recorded 1995 plan (Cabinet L, Plan 94), is a pre-1971 lease lot and is not counted for subdivision purposes.*

- **2000, January 27:** The Existing Parcel was conveyed to Great Eastern Timber Company, LLC by deed from John Hancock Life Insurance Company (formerly known as John Hancock Mutual Life Insurance Company) recorded at the Piscataquis County Registry of Deeds in Book 1243, Page 134. *Conveyance of Existing Parcel from the remaining Parent Parcel was all of the remaining Parent Parcel land southerly of Route 16, a state road, except the portion of Map 4, Lot 5 lying southerly of Route 16; this appears to be an initial division of lands southerly of Route 16.*
- **2002, May 13:** The Existing Parcel was conveyed to the Current Owner by deed from Great Eastern Timber Company, LLC recorded at the Piscataquis County Registry of Deeds in Book 1387, Page 187. *Conveyance of entire Existing Parcel; no division.*
- **2013, April 8:** The Current Owner and Blue Sky West II, LLC entered into a Generator Lead Easement Agreement executed April 8, 2013 which is being recorded at the Piscataquis County Registry of Deeds. *Grant of easement; no division.*

Based upon the foregoing review of instruments of record at the Piscataquis County Registry of Deeds or between the Current Owner and Blue Sky West II, LLC, and the assumptions noted herein, no unauthorized divisions have occurred within the twenty-year review period.