
31.0 LUPC CERTIFICATION

31.1 INTRODUCTION

The Hancock Wind Project (project) is a grid-scale wind energy development as defined under 35-A M.R.S.A. § 3451(6) and is 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; Commission) 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 in MDEP's review. Hancock Wind, LLC (Hancock; the Applicant) has provided the appropriate public notice, including notice to LUPC, as included in Section 25. 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, and in the Memorandum from Samantha Horn-Olsen to the Commission, dated October 23, 2012, regarding "Discussion – Certification for DEP Site Law Permit Applications."

31.1.1 Project Description

The Hancock Wind Project is an 18 turbine wind power project proposed by Hancock Wind, LLC. Portions of the project will be located within LUPC jurisdiction, including turbines in T22 MD and T16 MD, and an access road in Osborn. The Operations and Maintenance Building will be located in Aurora, outside of LUPC jurisdiction.

In addition to the Project Description provided in Section 1, the following information provides supplemental details about the project area in LUPC jurisdiction, as requested by LUPC.

Roads

The project includes the following roads:

- Crane path. 3.37 miles of new 39.5-foot wide crane path access road between turbines;
- New Access Roads. 0.97 miles of new 24-foot wide access roads, including:
- Existing roads. 1.60 miles of existing roads to be upgraded and/or provide access during construction and operation.
- Existing roads. 4.33 miles of existing roads that will not require upgrades.

All of the existing and proposed roads are privately-owned, with no legal right of public access.

Laydown Areas and Temporary Trailers

The project includes 13 temporary laydown areas, of which 2 will be within existing cleared areas, and 11 will be located in areas that are not yet cleared. The laydown areas will be used for equipment storage, temporary construction trailers, and parking during construction. Up to ten temporary trailers will be placed in laydown areas or at the existing Bull Hill substation/O&M building during construction.

31.2 LUPC ZONING COMPLIANCE

The portions of the project within LUPC jurisdiction in Osborn, T22 MD, and T16 MD are located entirely within the expedited wind permitting area (Figure 1). The project (Figure 2) 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 3 - 5). 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 LUPC and applicable to the project that are not specifically considered in MDEP project review 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.

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 LUPC interpretation and application of land use standards.

31.4 STANDARDS INAPPLICABLE AS PROPOSED PROJECT DOES NOT CONTAIN APPLICABLE ELEMENTS

The following LUPC 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

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)

- 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)
- 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))²

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.

² In accordance with guidance provided by LUPC staff, Hancock Wind is providing information regarding both vegetative clearing and setbacks from waterbodies. However, as DEP also reviews these standards, the information provided is subject to a reservation of rights.

SECTION 31: LUPC CERTIFICATION

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. Hancock holds a lease agreement for land in T16 MD and an easement for land in T22 MD and Osborn where the turbines, permanent meteorological towers, electrical collector system, and associated access roads will be located. In addition, electrical infrastructure owned by the Applicant will be added within the fencing of the existing Bull Hill Wind Project substation. The Applicant has entered into a 3-party easement agreement between Lakeville Shores, Blue Sky East and Hancock Wind for these parts of the Hancock Wind Project on the Blue Sky East property.

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. All of the project parcels exceed 15,000 acres, as shown on Figure 2. The Project, accordingly, 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. The portions of the parcels included in the Project area do not include any frontage on such waterbodies, as shown on Figure 6.

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 Figures 2 and 6, the entire project parcels includes frontage on the privately owned 73-00-00 Road in excess of 200 feet.

D. *Minimum Setbacks.* Section 10.26,D,2, and 3, and Section 10.26.G,5 specify the relevant minimum setbacks. Section 10.26,D,2 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; 150 feet from waterbodies greater than 10 acres in size, 75 feet from roads used by the public for access, and 25 feet from side and rear property boundary lines. Section 10.26,G,5 allows an exception for structures that must be located less than the setbacks specified due to the nature of their use.

SECTION 31: LUPC CERTIFICATION

(a) Turbines. All turbines are proposed to be located in excess of the minimum setback requirements. Turbine 5 is the closest project component to any waterbody greater than 10 acres, and is located 2253' from Spectacle Pond (Figure 6). Turbine 5 is also the closest project component to a property line, and is located 2497' from the nearest parcel (Figure 6). Turbine 15 is the closest project component to the private 73-00-00 Road, and is located 496' from this road. The turbines will also be setback further than the minimum setback requirements for a body of water less than 10 acres, streams, PSL-1 streams, PSI-2 streams, P-WL1 wetlands, and roads (Figure 6).

(b) Collector lines and poles. The 34.5 kV collector line is proposed to be located in excess of minimum setback requirements, except for two poles that would be setback less than 100' from a delineated Wetland of Special Significance (Figure 6). These poles would be located 92' and 95' from the edge of these wetlands. 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. The collector poles will be setback further 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, PSL-2 streams, roads, and property lines (Figure 6).

(c) Temporary and Permanent Met Towers. The temporary and permanent met towers are proposed to be located in excess of minimum setback requirements. Met Tower 10_11 is the closest project component to any water body less than 10 acres, and is located 6,662' from Duck Pond and is also the closest project component to a flowing water draining 50 square miles or more, and is located 3,642' from the East Brook of the Union River (Figure 6). The temporary and permanent met towers will be setback further than the minimum setback requirements from a body of water greater than 10 acres, PSL-1 streams, P-WL1 wetlands, roads, and property lines (Figure 6).

(d) Temporary Laydown Areas. All temporary laydown areas 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.

All of the existing and proposed roads are privately owned, with no legal right of public access. The project includes five access points from the privately-owned 73-00-00 Road, including the following project roads, as depicted in Section 1, Exhibit 1A: Spectacle Pond Ridge Crane Path; Schoppe Ridge North Access Road; Schoppe Ridge South T15 Crane Path; Schoppe Ridge South Crane Path; and Bull Hill Access Road.

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:

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 includes five access points from the private 73-00-00 Road, all 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.*

Most of the access road intersections with the 73-00-00 Road were designed with approach angles between 60 and 90 degrees. The exception to this is the driveway to Turbine 15 where the erection of the crane and existing grades required a driveway with a skew of less than 60 degrees. At this driveway however, an additional leg of the driveway is provided with the 73-00-00 Road such a “Y” intersection is created with the 73-00-00 Road where motorists entering and exiting to the east would likely use a different leg of the driveway than motorists entering /exiting to the west. In addition, the leg of the intersection with the lower skew angle has a width of 39.5 feet which would allow motorists to square up to the 73-00-00 Road.

The corner radii of all of the intersections are 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 150 worker vehicles per day will be traveling to the project site, which constitutes a minor demand on the private 73-00-00 Road. Once fully operational, the number of worker vehicles traveling to the Project site within LUPC jurisdiction will be approximately two to eight vehicles per day. During construction for an eight week period, up to 40 large vehicles per day on some days are anticipated for turbine delivery and installation.

SECTION 31: LUPC CERTIFICATION

With regard to parking areas, no permanent parking areas are contemplated for the project in LUPC jurisdiction, and no on-street parking is associated with the project, so Chapter 10.25,D.3.a, and c-h are not applicable. 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, so 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 existing substation. The substation is fenced and has 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 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. 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)), the MDEP 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

None of the project area 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 proposed project will not 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 standards for vegetation clearing activities 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.*

In total, permanent clearing for the project will include 54 acres, specifically for the turbines, crane path, upgraded access roads, and permanent met towers. Temporary clearing for the project will include 74 acres, primarily for the laydown areas, and areas around turbines and met towers that will be revegetated. The turbines, met towers, and laydown areas do not require clearing within 100 feet of any public roadway, waterbody, or flowing water, and therefore the standards of 10.27,B are not applicable. For the aboveground 34.5-kilovolt collector line, the corridor tree canopy will be permanently removed and shrub vegetation will be retained. Clearing will be required within 75 feet of one stream along this corridor and the corridor will be maintained as required by MDEP, and as described in Section 10, Exhibit 10A.

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.

Exhibit 31A: Maps

Figure 1: Map of Expedited Wind Area

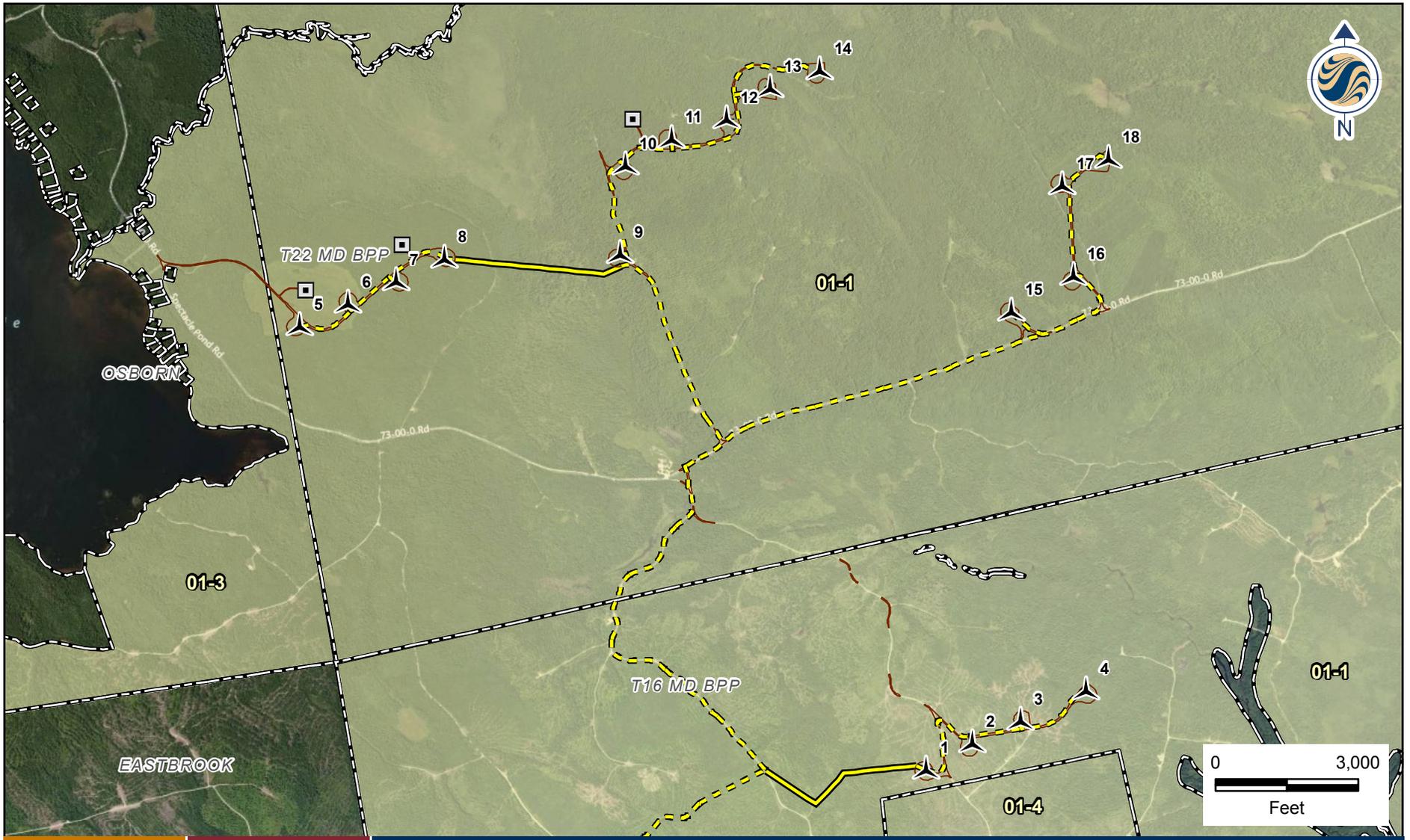
Figure 2: Map of Project in LUPC Jurisdiction

Figure 3: LUPC Land Use Guidance Map - Osborn

Figure 4: LUPC Land Use Guidance Map – T22

Figure 5: LUPC Land Use Guidance Map – T16

Figure 6: Dimensional Requirements - Minimum Setbacks for D2



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

00763_02_LocationParcels.mxd

-  Turbine Layout
-  Permanent MET Tower
-  Edge of Gravel
-  Above Ground Collector
-  Underground Collector
-  Project Parcel
-  Parcel Boundary

Client/Project
 Hancock Wind, LLC
 Hancock Wind Project
 T16 MD & T22 MD, Maine

Figure No.
 2

Title
 Project Parcel Map
 1/9/2013

Land Use Guidance Map

Osborn

Hancock 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-GP Great Pond
- 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

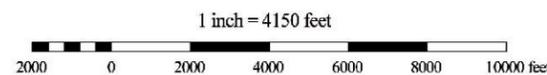
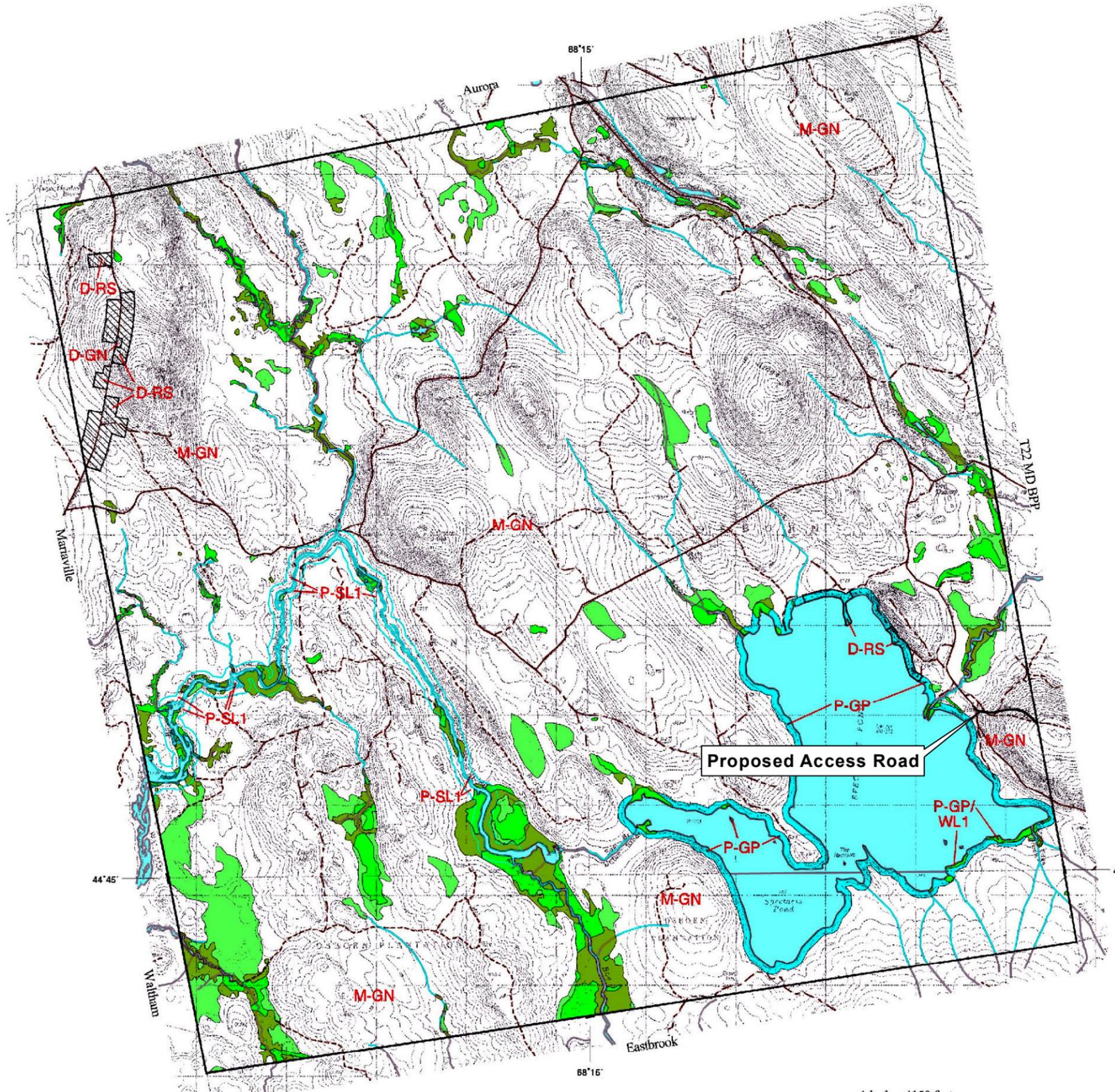
- or Subdistrict boundary
- Zoning amendment

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



Land Use Guidance Map

T22 MD BPP

Hancock County



Maine Department of Conservation
 LAND USE REGULATION COMMISSION
 Augusta, Maine 04333-0022
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 TTY (207) 287-2213
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Legend

Development Subdistricts

- D-GN General
- D-RS Residential

Protection Subdistricts

- 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

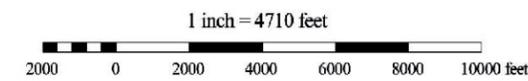
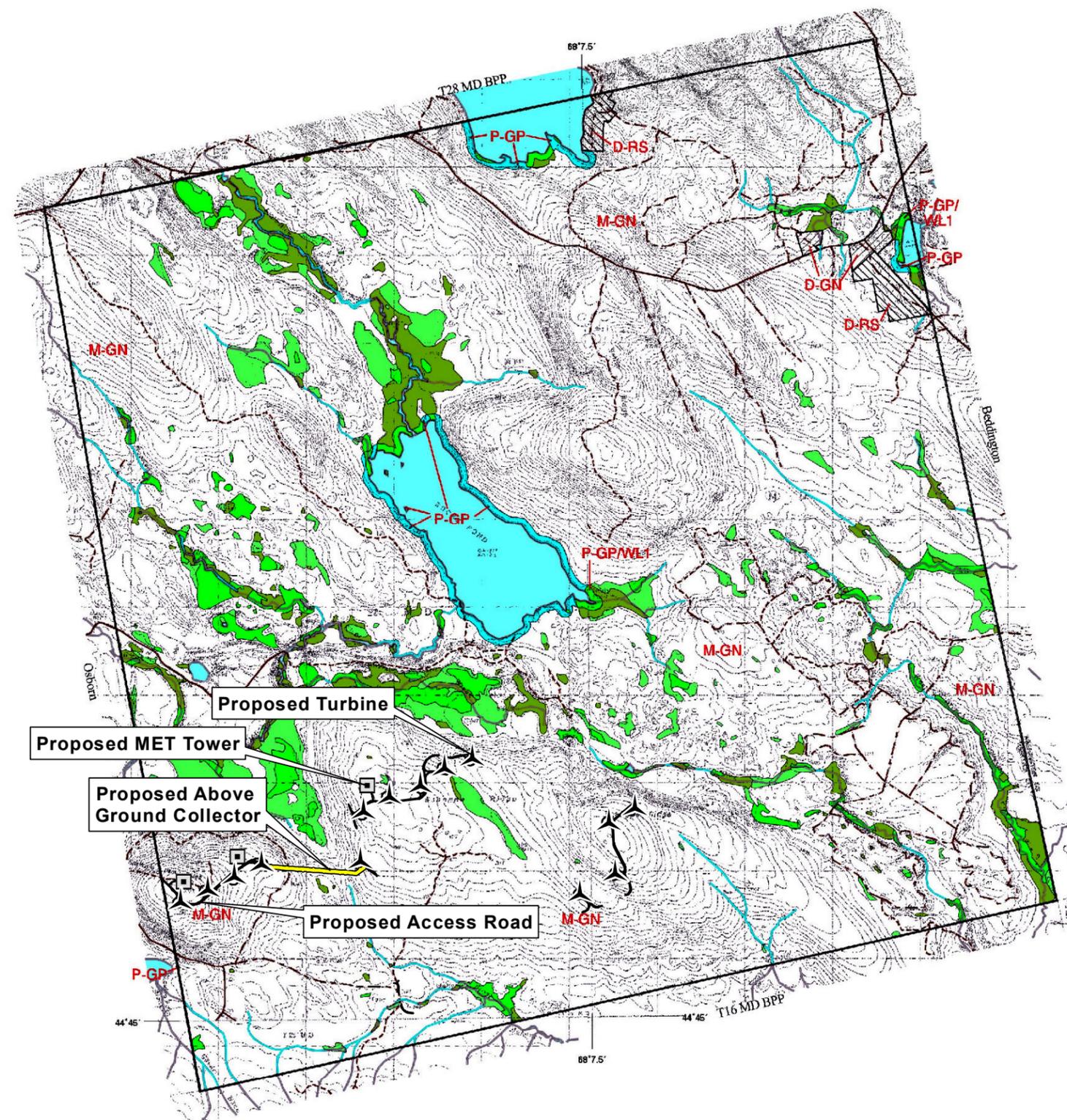
- or Subdistrict boundary
- Zoning amendment

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

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Land Use Guidance Map

T16 MD BPP

Hancock County

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Legend

Development Subdistricts

D-CI Commercial/Industrial

Protection Subdistricts

- P-GP Great Pond
- 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

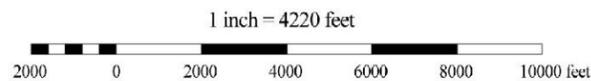
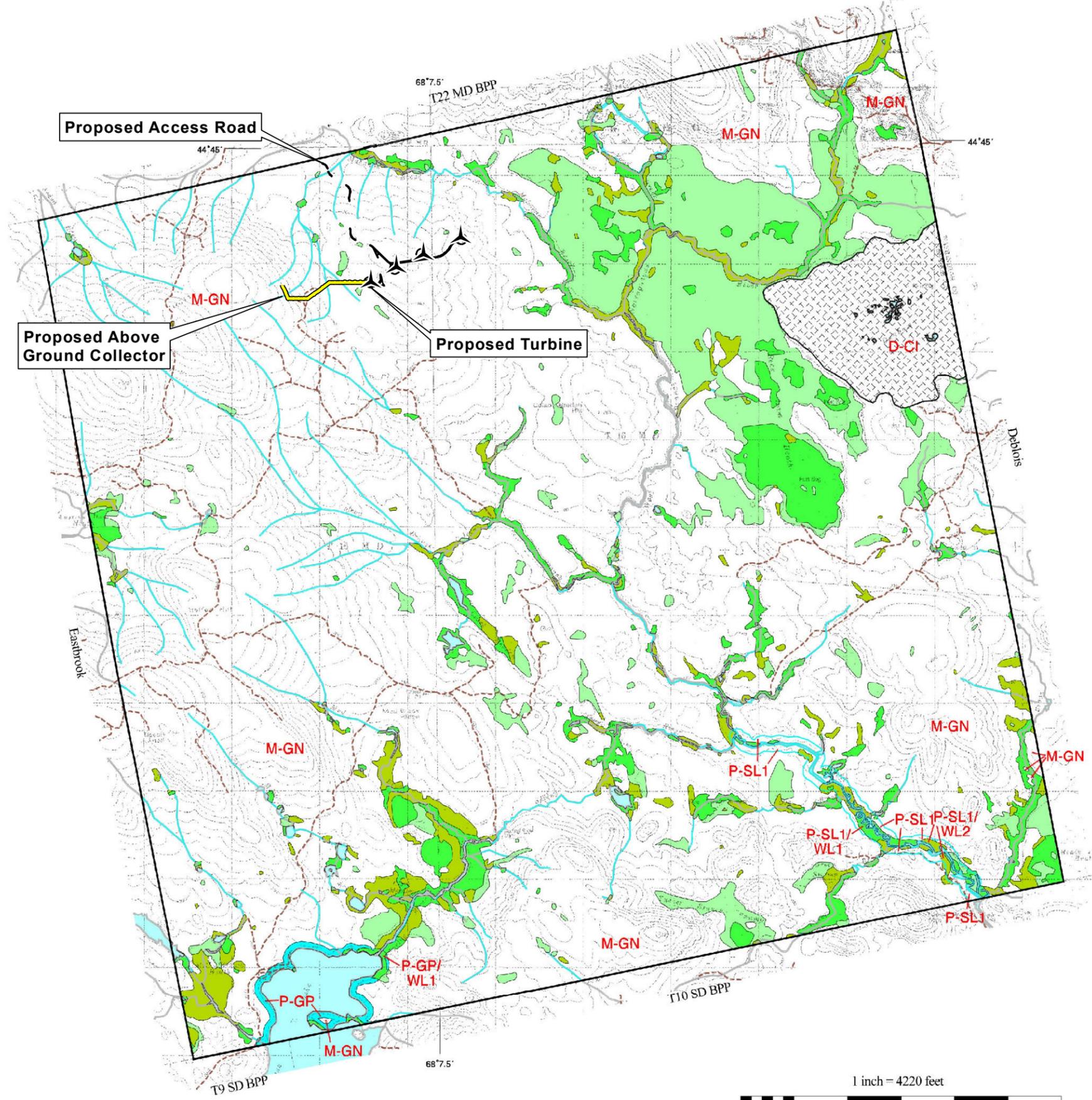
or Subdistrict boundary
 Zoning amendment

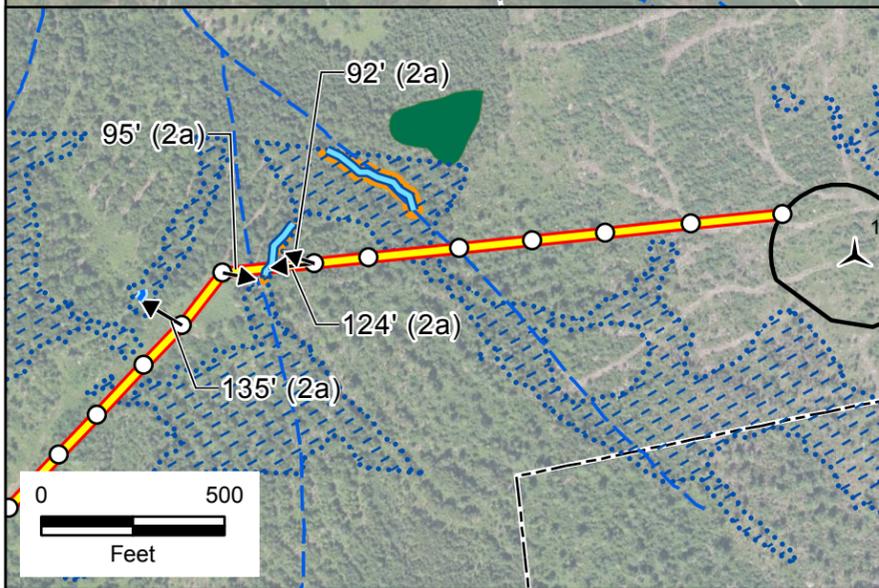
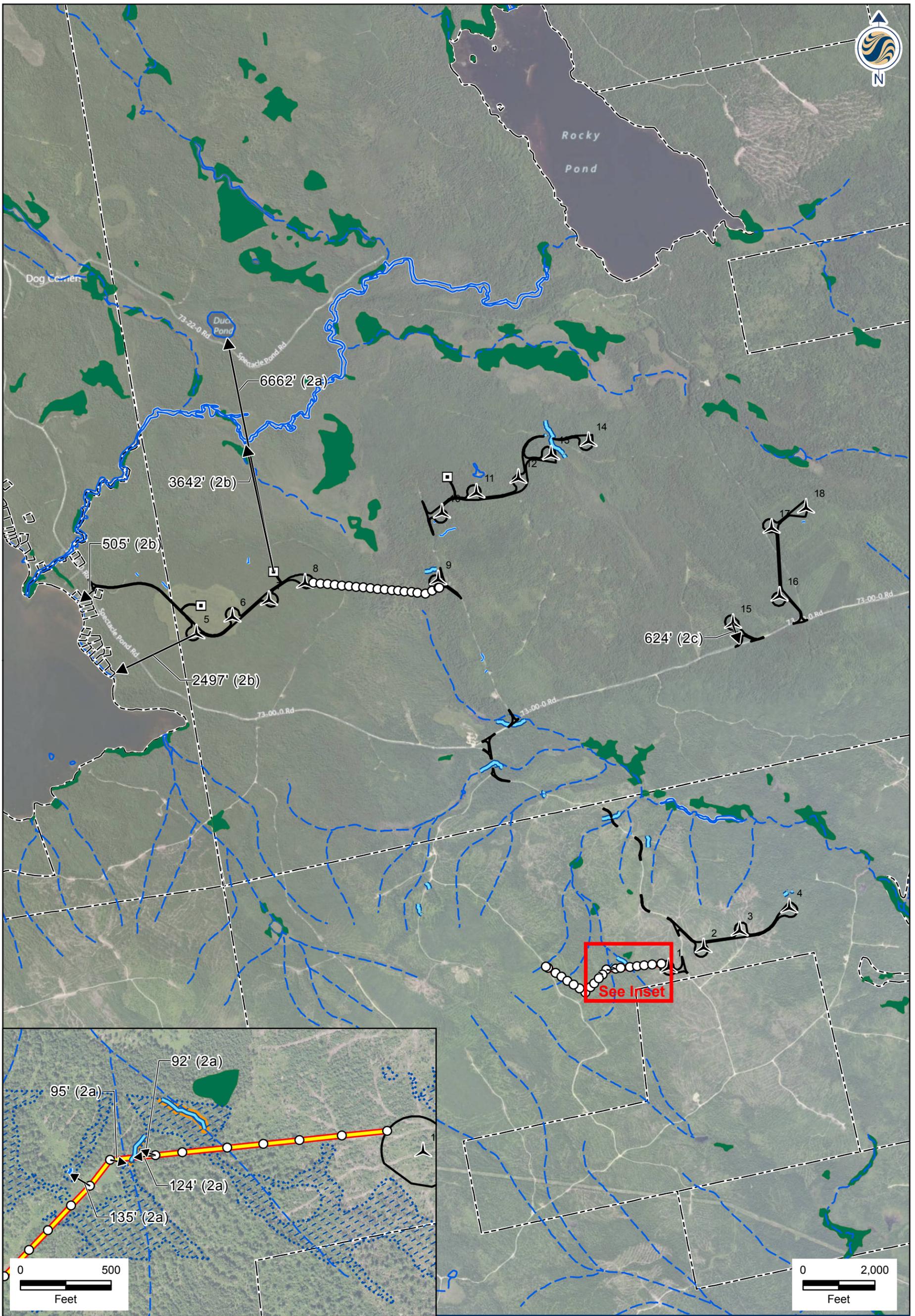
Topographic base, roads and trails from U.S. Geological Survey 7.5-minute map series

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





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

- Turbine
- MET Tower
- Utility Pole
- Edge of Gravel
- Above Ground Collector
- USGS Stream

- Stream Identified by Stantec
- LUPC Stream Identified by Stantec
- Wetland Identified by Stantec
- Wetland Areas of Special Significance
- (P-WL) Wetland Protection Subdistrict
- Open Water

Client/Project
 Hancock Wind, LLC
 Hancock Wind Project
 T16 MD & T22 MD, Maine

Figure No.
6

Title
Dimensional Requirements

1/9/2013

195600763

Exhibit 31B: Land Division History

MEMORANDUM

To: Joy Prescott, Stantec

From: Anthony Calcagni, Esq., Verrill Dana

Date: December 31, 2012

Re: 20-year land division history – Lakeville Shores Property – T16 MD, Hancock County

The following is a land division history¹ for the parent parcel now owned by Lakeville Shores, Inc. (“Lakeville Shores”) in T16 MD, Hancock County, Maine:

LAKEVILLE SHORES PARENT PARCEL – T16 MD, HANCOCK COUNTY, MAINE

The parent parcel in T16 MD was acquired by Lakeville Shores from Five Islands Land Corporation and Herbert C. Haynes, Inc. a/k/a H.C. Haynes, Inc.² by deed dated February 18, 2009 and recorded at the Hancock County Registry of Deeds in Book 5141, Page 309.³ Prior to Lakeville Shores’ ownership, the parent parcel was conveyed as follows (in chronological order):

- 1989, January 1: Entire parent parcel owned in fee by Champion International Corporation, which had acquired the parent parcel by the following: (i) deed dated May 17, 1985 and recorded at said Registry in Book 1539, Page 426; (ii) deed dated June 12, 1987 and recorded at said Registry in Book 1647, Page 359; and (iii) merger with St. Regis Corporation by Certificate of Merger dated April 1, 1985 and recorded at said Registry in Book 9, Page 151.
- 2000, December 31: Champion International Corporation merged with International Paper Company by Certificate of Merger recorded at said Registry in Book 3017, Page 191.
- 2001, March 12: Entire parent parcel conveyed to IP Maine Forests L.L.C. by International Paper Company by deed recorded at said Registry in Book 3036, Page 212, as corrected by deed dated June 20, 2001 and recorded at said Registry in Book 3095, Page 274.

¹ Granted easements are not addressed in this report.

² Herbert C. Haynes, Inc. a/k/a H.C. Haynes, Inc. joined in this deed for the sole purpose of conveying its interest in a certain Permit to Use Sand, Clay and Gravel from International Paper Company dated May 20, 2004 and recorded in the Hancock County Registry of Deeds in Book 3934, Page 165.

³ The deed into Lakeville Shores also reserves and excepts seven lease lots that are part of a previously approved LURC subdivision.

- 2001, March 26: IP Maine Forests L.L.C. merged with S.P. Forests L.L.C. by Certificate of Merger recorded at said Registry in Book 3042, Page 257.
- 2003, November 25: Out-parcel conveyed by S.P. Forests L.L.C. to Tree Top Manufacturing, Inc. by deed recorded at said Registry in Book 3809, Page 286. This lot was the first division in a five-year period; this lot is not counted for subdivision purposes after November 25, 2008.
- 2004, May 20: Entire parent parcel conveyed to Herbert C. Haynes, Inc. a/k/a H.C. Haynes, Inc. by S.P. Forests L.L.C. by deed recorded at said Registry in Book 3809, Page 286.
- 2004, May 28: Entire parent parcel conveyed to Five Islands Land Corporation by Herbert C. Haynes, Inc. a/k/a H.C. Haynes, Inc. by deed recorded at said Registry in Book 3936, Page 18.
- 2009, February 18: Entire parent parcel conveyed to Lakeville Shores, Inc. by Five Islands Land Corporation and Herbert C. Haynes, Inc. a/k/a H.C. Haynes, Inc. by deed recorded at said Registry in Book 5141, Page 309.

Since the acquisition by Lakeville Shores on February 18, 2009 and through December 31, 2012, Registry records indicate that no fee interests have been conveyed from the parent parcel, but the following lease agreements have been entered into by Lakeville Shores:

- 2009, August 17: Amended and Restated Land Lease Agreement to Blue Sky East, LLC dated August 17, 2009, a Memorandum of which having been recorded at said Registry in Book 5523, Page 201 and also in Book 5701, Page 307 (the "Blue Sky East Lease"), leasing the entire parcel of Lakeville Shores described in the deed recorded in Book 5141, Page 309.
- 2012, April 2: By Amendment dated April 2, 2012, the Blue Sky East Lease was amended to reduce the area leased to a 2,300± acre portion of the Lakeville Shores parcel. Also, by Land Lease Agreement to Hancock Wind, LLC dated April 2, 2012, a Memorandum of which having been recorded at said Registry in Book 5793, Page 270 (the "Hancock Wind Lease"), the remaining portion of the Lakeville Shores parcel (i.e., everything except the 2,300± acre portion now subject to the Blue Sky East Lease, being approximately 16,300 acres) was leased to Hancock Wind, LLC. This amendment of the Blue Sky East Lease and leasing of all remaining land with the Hancock Wind Lease was the first division in a five-year period.

MEMORANDUM

To: Joy Prescott, Stantec

From: Anthony Calcagni, Esq., Verrill Dana LLP

Date: December 10, 2012

Re: 20 year land division history – Property of Ursa Major in Osborn, Hancock County

The following is a land division history¹ for the parent parcel in the Town of Osborn, Hancock County, Maine now owned by Ursa Major, LLC:

URSA MAJOR PARENT PARCEL – OSBORN

The parent parcel in Osborn was acquired by Ursa Major from Kennebec West Forest LLC by deed dated January 28, 2011 and recorded in the Hancock County Registry of Deeds in Book 5571, Page 1. Prior to the ownership of Ursa Major, the parent parcel was conveyed as follows (in chronological order beginning in 1992):

- 1992, January 1: Entire parent parcel is owned by Champion International Corporation by virtue of a merger with St. Regis Corporation as evidenced by a Certificate of Merger effective January 31, 1985 and filed with the Maine Secretary of State on April 1, 1985.
- 2000, December 31: Entire parent parcel is owned by International Paper Company by virtue of a merger with Champion International Corporation effective December 31, 2000 and recorded in the Hancock County Registry of Deeds on January 25, 2001 in Book 3017, Page 191.
- 2001, March 12: Entire parent parcel is conveyed to IP Maine Forests LLC by a Quitclaim Deed with Covenant from International Paper Company dated March 12, 2001 and recorded in said Registry in Book 3036, Page 212. (International Paper Co. reserves mineral rights from this conveyance.)
- 2001, March 26: Entire parent parcel is owned by SP Forests LLC by virtue of a merger with IP Maine Forests LLC effective March 26, 2001 and recorded in said Registry on March 27, 2001 in Book 3042, Page 257.
- 2003, November 25: Out-parcel conveyed to Tree Top Manufacturing, Inc. by deed from SP Forests LLC dated November 25, 2003 and recorded in said Registry on December 17, 2003 in Book 3809, Page 303. Assuming no other exemption, this lot was the first division in a five-year period and is not counted for subdivision purposes after November 25, 2008.

¹ Granted easements are not addressed in this report.

- 2004, December 30: Parent parcel conveyed to Kennebec West Forest LLC by SP Forests LLC by deed dated December 30, 2004 and recorded in said Registry in Book 4107, Page 70.
- 2004, December 30: International Paper Company conveyed to Kennebec West Forest LLC by Quitclaim Deed dated December 30, 2004 and recorded in Book 4107, Page 133, the mineral rights related to the parent parcel (excepting mineral rights in certain “Mineral Reservation Tracts”).
- 2005, July 21: Kennebec West Forest LLC conveys a parcel to Tree Top Manufacturing Inc. by deed dated July 21, 2005 and recorded in Book 4253, Page 54. This deed is a conveyance to an abutter and is not counted for subdivision purposes.
- 2005: Numerous conveyances were made by Kennebec West Forests LLC to various individuals of lots on a recorded plan entitled “Plan One Spectacle Pond Camp Lots” dated August 3, 2005 and recorded in the Hancock County Registry of Deeds in File 34, Number 73 as follows:
 - Lot 7N on sheet 5 to Gerald T. Cormier and Elaine E. Cormier by deed of October 31, 2005 in Book 4333, Page 13;
 - Lot 13E on sheet 5 to Judith W. Thornton and Marli F. Weiner by deed of October 18, 2005 in Book 4336, Page 161;
 - Lot 14E on sheet 5 to Robert C. Hutchinson by deed of October 28, 2005 in Book 4339, Page 347;
 - Lot 10E on sheet 5 to Christopher H. Owen and Nancy B. Owen by deed of October 21, 2005 in Book 4354, Page 288;
 - Lot 20N on sheet 7 to Chris W. Burke and Julie B. Burke by deed of October 21, 2005 in Book 4355, Page 71;
 - Lot 25E on sheet 4 to Joseph W. Beggs and Julie L. Beggs by deed of October 21, 2005 in Book 4360, Page 52;
 - Lot 3N on sheet 6 to Jennifer M. Wingard and Geoffrey H. Wingard by deed of October 21, 2005 in Book 4360, Page 152;
 - Lot 23N on sheet 7 to Kenneth R. Simpson and Kristen L. Simpson by deed of November 23, 2005 in Book 4367, Page 65;
 - Lot 17E on sheet 5 to Joan H. Robbins by deed of Nov. 21, 2005 in Book 4367, Page 68;
 - Lot 17N. sheet 7 to Jonathan S. Osgood and Iris M. Osgood by deed of Nov. 21, 2005 in Book 4367, Page 71;
 - Lot 6N on sheet 6 to Hiestand Family Partnership by deed of November 21, 2005 in Book 4367, Page 74;
 - Lot 15N on sheet 6 to Bruce H. Armstrong by deed of Nov. 21, 2005 in Book 4367, Page 81;
 - Lot 20E on sheet 4 to Marjorie C. Lawrence by deed of Nov. 21, 2005 in Book 4367, Page 84;
 - Lot 29E on sheet 4 to Alick R. Thibault and Debra J. Thibault by deed of Dec. 20, 2005 in Book 4380, Page 68;

- Lot 19E on sheet 5 to Margaret E. Bachelder by deed of Oct. 21, 2005 in Book 4380, Page 167;
 - Lot 18N on sheet 7 to Elizabeth A. Hammond and Arthur W. Hammond by deed of Nov. 16, 2005 in Book 4381, Page 11;
 - Lot 28E on sheet 4 to Michael J. Benjamin and Cheryl A. Benjamin by deed of Dec. 13, 2005 in Book 4381, Page 39;
 - Lot 2N on sheet 6 to Geneva A. Duncan-Front, Austin C. Frost, Jennifer M. Wingard and Cyrus M. Duncan by deed of Dec. 13, 2005 in Book 4390, Page 255;
 - Lot 26E on sheet 4 to Donna M. Nealley by deed of Dec. 13, 2005 in Book 4390, Page 273;
 - Lot 32E on sheet 4 to Patrick A. Cormier and Terry Lynn Cormier by deed of Nov. 23, 2005 in Book 4395, Page 296;
 - Lot 38E on sheet 2 to Herbert R. Jordan, Sr. and Phyllis A. Jordan by deed of Nov. 22, 2005 in Book 4395, Page 301;
 - Lot 35E on sheet 3 to Steven A. Moulton by deed of Nov. 22, 2005 in Book 4395, Page 306;
 - Lot 4N on sheet 6 to Wendell S. Ogden and Ellen M. Ogden by deed of Nov. 22, 2005 in Book 4395, Page 309;
 - Lot 14N on sheet 6 to Richard P. Randall and Jean L. Randall by deed of Nov. 22, 2005 in Book 4395, Page 312;
 - Lot 26N on sheet 7 to Jason D. Lane and Cornelius C. Sullivan by deed of Nov. 22, 2005 in Book 4395, Page 321;
 - Lot 24N on sheet 7 to Barbara A. Acord by deed of Nov. 28, 2005 in Book 4395, Page 328;
 - Lot 27E on sheet 4 to Elaine Louise Bennett by deed of Nov. 7, 2005 in Book 4395, Page 346;
 - Lot 16E on sheet 5 to Eleanor M. Hammond by deed of Dec. 28, 2005 in Book 4396, Page 78;
 - Lot 18E on sheet 5 to Harold Hammond by deed of Dec. 28, 2005 in Book 4396, Page 81;
 - Lot 37E on sheet 3 to Todd E. Sawyer, Jr. and Brenda L. Sawyer by deed of Nov. 28, 2005 in Book 4396, Page 154; and
 - Lot 15E on sheet 5 to Wendy L. Whitmore and Markham L. Whitmore by deed of Dec. 14, 2005 in Book 4402, Page 230.
- 2005, December: Kennebec West Forest LLC conveys to Black Bear Forest, Inc. by deed recorded on Feb. 2, 2006 in Book 4413, Page 255, as corrected by deed recorded on March 31, 2006 in Book 4453, Page 319 and confirmed by deed dated December 29, 2005 and recorded in Book 4490, Page 192, previously existing lease lots and any additional land that may have been conveyed with the original lots to bring the lots into compliance; therefore, this conveyance is not counted for subdivision purposes.
 - 2011, January 28: Entire remaining parcel conveyed by Kennebec West Forest LLC to Ursa Major, LLC by deed dated January 28, 2011 and recorded in Book 5571, Page 1.

Since the acquisition by Ursa Major on January 28, 2011 and through December 10, 2012, Registry records indicate only the following conveyance:

- 2012, April 23: BBC Land, LLC conveys (and Ursa Major, LLC joins for granting of easement rights) to Patrick & Terri Cormier, by deed recorded in Book 5823 Page 167, Lot 150 on a recorded plan entitled "Plan Two Spectacle Pond Camp Lots" dated December 5, 2005 and recorded in the Hancock County Registry of Deeds in File 34, Number 182.

MEMORANDUM

To: Joy Prescott, Stantec

From: Anthony Calcagni, Esq., Verrill Dana, LLP

Date: December 10, 2012

Re: 20 year land division history – Property of Ursa Major in T22 MD, Hancock County

The following is a land division history¹ for the parent parcel in Township 22 MD, Hancock County, Maine now owned by Ursa Major, LLC:

URSA MAJOR PARENT PARCEL – T22

The parent parcel in T22 MD was acquired by Ursa Major from Kennebec West Forest LLC by deed dated January 28, 2011 and recorded in the Hancock County Registry of Deeds in Book 5571, Page 1. Prior to the ownership of Ursa Major the parent parcel was conveyed as follows (in chronological order beginning in 1992):

- 1992, January 1: Entire parent parcel is owned by Champion International Corporation by virtue of a merger with St. Regis Corporation as evidenced by a Certificate of Merger effective January 31, 1985 and filed with the Maine Secretary of State on April 1, 1985.
- 2000, December 31: Entire parent parcel is owned by International Paper Company by Virtue of a merger with Champion International Corporation effective December 31, 2000 and recorded in the Hancock County Registry of Deeds on January 25, 2001 in Book 3017, Page 191.
- 2001, March 12: Entire parent parcel, except for 31.8-acre “First Parcel,” is conveyed to IP Maine Forests LLC by a Quitclaim Deed with Covenant from International Paper Company dated March 12, 2001 and recorded in said Registry in Book 3036, Page 212. (International Paper Co. reserves mineral rights from this conveyance.) Assuming no other exemption, this was the first division in a five-year period and is not counted for subdivision purposes after March 12, 2006.
- 2001, March 26: Parent parcel is owned by SP Forests LLC by virtue of a merger with IP Maine Forests LLC effective March 26, 2001 and recorded in said Registry on March 27, 2001 in Book 3042, Page 257.
- 2004, December 30: Parent parcel conveyed to Kennebec West Forest LLC by SP Forests LLC by deed dated December 30, 2004 and recorded in said Registry in Book 4107, Page 70.

¹ Granted easements are not addressed in this report.

- 2004, December 30: International Paper Company conveyed to Kennebec West Forest LLC by Quitclaim Deed dated December 30, 2004 and recorded in Book 4107, Page 133, the mineral rights related to the parent parcel (excepting mineral rights in certain “Mineral Reservation Tracts”).
- 2005, November 17: Out-parcel conveyed by Kennebec West Forest LLC to Laurie Lee recorded on November 30, 2005 in Book 4358, Page 242. This lot is not counted for subdivision purposes as this was a transfer to an abutter.
- 2005: Conveyances were made by Kennebec West Forests LLC to various individuals of existing lease lots as follows:
 - Site 747-5, Rocky Pond to Floyd W. Hardison and Norma M. Hardison by deed of Dec. 20, 2005 in Book 4396, Page 84; and
 - Site 747-8, Rocky Pond to Mark MacLeod and Suzanne T. MacLeod by deed of Dec. 21, 2005 in Book 4396, Page 112.
- 2005, December: Kennebec West Forest LLC conveys to Black Bear Forest, Inc. by deed recorded on Feb. 2, 2006 in Book 4413, Page 255, as corrected by deed recorded on March 31, 2006 in Book 4453, Page 319 and confirmed by deed dated December 29, 2005 and recorded in Book 4490, Page 192, previously existing lease lots as well as lots on approved and recorded plans; therefore, this conveyance is not counted for subdivision purposes.
- 2011, January 18: Out-parcel conveyed to Jasper Wyman & Son by deed from Kennebec West Forest LLC dated January 18, 2011 and recorded in Book 5562, Page 251. Assuming no other exemption, this represents the first division in a five year period and is not counted for subdivision purposes after January 18, 2016.
- 2011, January 28: Remainder of parcel conveyed by Kennebec West Forest LLC to Ursa Major, LLC by deed dated January 28, 2011 and recorded in Book 5571, Page 1.

Since the acquisition by Ursa Major on January 28, 2011 and through December 10, 2012, Registry records indicate only the following conveyance:

- 2011, November 3: Ursa Major, LLC conveys to David N. Bragg, Sr. by deed recorded on Nov. 30, 2011 in Book 5723, Page 250. This is a conveyance of a previously existing lease lot and therefore is not counted for subdivision purposes.