Electric Transmission Facilities and Corridors Ordinance

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Section 1. Title

This Ordinance shall be known and cited as the Town of Corinth "Electric Transmission Facilities and Corridors Ordinance" (hereinafter referred to as "this Ordinance.")

Section 2. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001, and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A Section 4312 et seq.

Section 3. Purpose

1. The purpose of this Ordinance is intended to provide a set of standards for the construction and expansion of Electric Transmission Facilities and Corridors in the town of Corinth, and to: Ensure that Corinth can continue to fairly and responsibly encourage orderly growth and development while protecting the Town's rural character; and to safeguard agricultural, forest and scenic resources from development which threatens those resources. These standards are also intended to:

a. Minimize the adverse impacts of electrical transmission lines on surrounding land use, including: visual impacts, environmental impacts, impacts to historically significant areas, health and safety impacts, and property value impacts;

b. Allow the Town to protect the public health, safety, and welfare;

c. Support the goals and policies of the Town of Corinth Comprehensive Plan.

Section 4. Applicability

This Ordinance applies to all Electric Transmission Facilities and Corridors in the Town of Corinth proposed to be constructed or expanded after the effective date of this Ordinance.

Section 5. Effective Date

This Ordinance is effective upon adoption by the legislative body at the Town Meeting.

Section 6. Fee Schedule

1. Application Fees

a. All applications for Electric Transmission Facilities and Corridor development shall be accompanied by a non-refundable fee payable to the Town of Corinth, including, but not limited to the following schedule, per the Town of Corinth Fee Schedule: Initial permit application fee, commercial building fees, 150% of estimated decommissioning fee, final permit fee, licensing fees and yearly operational fee.

Section 7. Enforcement

1. It is the Code Enforcement Officer's duty to enforce the provisions of this Ordinance and investigate all complaints of alleged violations of this ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, they shall notify in writing the person or party responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal structures, and or illegal work being done and abatement of nuisance conditions. A copy of such notices shall be submitted to the Town Office and maintained as a permanent record.

a. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Town Select Board, upon notice from the Code Enforcement Officer, is hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Corinth.

b. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, revocation of permits, appeals, court actions,

violations investigated, violations found and fees collected.

2. Any violation of this Ordinance shall be deemed a nuisance. Any person, including but not limited to a landowner or easement owner, a landowner's or easement owner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. Section 4452.

a. Development of any kind without Planning Board Approval shall be a violation of law. Development includes, but is not limited to, grading or construction of roads, grading land or lots, or construction of structures which require a plan approved as provided in this Ordinance.

b. The Code Enforcement Officer shall conduct on-site inspections at their own discretion to ensure compliance with all applicable laws and conditions attached to permit approvals.

Section 8. Definitions

Abandoned: An ETFC that has not transmitted or distributed electricity for 1 (one) year.

Applicant: Person, persons, or entity applying for a permit or license to the Town of Corinth under this Ordinance.

CEO: Town of Corinth Code Enforcement Officer

Electric Transmission Facility or Corridor (ETFC): Any project, whose main purpose is the transmission or distribution of electricity, with a voltage capacity of 14 kV or greater. Including, but not limited to, all affiliated buildings and facilities that contain electrical transmission or distribution systems or equipment.

Decommissioning: The last phase in the lifetime of ETFCs following their design, construction, operation and permanent shutdown. Comprising different administrative and technical activities whose purpose is to remove or to minimize the residual hazards in the facility after it is shut down.

Inhabitant: One who resides in a given place and is domiciled

there.

Kilovolt (kV). Unit of electrical potential equal to 1,000 volts.

Large Scale Project: (LSP) Any and all ETFC's as defined herein.

Occupied Structure: A building in which people live, work or frequent including seasonal/recreational uses.

Owner/Operator: The person, persons or entity that is the legal owner of the ETFC including successors and assigns, and that has the authority and responsibility to operate the ETFC on a day-to-day basis. An Owner/Operator must have the legal authority to represent and bind.

Permit: Written permission from the Corinth Planning Board empowering the holder thereof to construct an ETFC in accordance with this Ordinance.

Permittee: Any person, persons or entity to whom a permit, as it pertains to this Ordinance, is issued.

Project Boundary: The boundaries of the ETFC within which the Owner/Operator has legal right, title or interest, or the option to acquire the same, and as shown on the site plan submitted to and approved by the Planning Board in accordance with this Ordinance.

Project Parcel: Any parcel of real estate on which all or any part of the ETFC will be constructed.

Property Line: The imaginary line along the ground surface and the vertical extension of that line which constitutes a legally enforceable boundary that separates real property owned or controlled by owner(s) from contiguous real property owned or controlled by another person.

Section 9. Electric Transmission Facilities and Corridors Standards

1. This Ordinance applies to all ETFCs, as defined herein, proposed to be constructed and operated after the effective date of this Ordinance.

2. It shall be a violation of this Ordinance to begin construction or operate an ETFC, as defined herein, without a Permit.

3. It shall be a violation of this Ordinance to construct or operate an ETFC without a permit and license except that, in situations where the proposed ETFC and its infrastructural components cannot meet the 14 kV operating capacity limitation, the ETFC may be buried underground with Planning Board approval.

4. It shall be a violation of this Ordinance to construct or erect an ETFC that exceed 45 feet in height, except that, in situations where the proposed ETFC and its infrastructural components cannot meet the height limitation, the ETFC may be buried underground with Planning Board approval.

5. Underground power and transmission lines shall be buried at a depth consistent with state public utility engineering standards to prevent transient ground currents and stray voltage.

6. The burden of compliance with all aspects of this Ordinance is the responsibility of the Applicant and the Owner/Operator of the ETFC. Approval of a Permit by the Planning Board does not abrogate or reduce the responsibility of the Applicant or the Owner/Operator to comply with this Ordinance.

7. Decisions regarding approval of an Applicant's Permit must be made in light of the entire Ordinance.

Section 10. Public Health and Safety Standards

1. All ETFCs must be sited so as to satisfy the following Setback Standards:

   a. No ETFC shall be less than 0.5 (one-half) mile from any occupied structure, except that, in situations where the proposed ETFC cannot meet the setback requirement, the ETFC may be buried underground with Planning Board approval.

   b. Underground power and transmission lines shall be buried at a depth consistent with state public utility engineering standards to prevent transient ground currents and stray voltage.

2. Setback distance measurements.

a. All measurements shall be based on the shortest horizontal distance from the transmission line to the occupied structure or resource.

b. If more than one setback requirement applies, the greater setback distance shall be applicable.

3. Acoustic Standards.

a. Sound levels due to the operation of any project shall not exceed 50 dBA at project property lines or 30 dBA as measured at any occupied structures in the Town of Corinth.

b. Sound measurements shall be carried out at appropriate property lines or structures as soon as possible after the Town Code Enforcement Officer determines that a violation of the noise standards may have occurred.

c. All sound measurements shall be made by a professional acoustical engineer who is a Full Member of the Institute of Noise Control Engineering (INCE) or who possesses some comparable qualification to be determined by the Planning Board. The engineer shall be chosen by the Owner/Operator from a list provided by the Planning Board and paid by the Owner/Operator.

d. Except as specifically noted otherwise, sound measurements shall be conducted in compliance with the American National Standards Institute (ANSI) Standard S12.18-1994 "Outdoor Measurements of Sound Pressure."

e. Sound level meters and calibration equipment shall comply with the latest version of ANSI Standard S1.4 "Specifications for General Purpose Sound Level Meters," and shall have been calibrated at a recognized laboratory within one year before the sound measurements are carried out.

f. An Independent Pre-licensing Sound Study must be completed for all ETFCs. An Application for an ETFC shall include a four season sound study. This study shall be conducted by a professional acoustical engineer who is a Full Member of the Institute of Noise Control Engineering (INCE) or who possesses some comparable qualification as determined by the Planning Board. The engineer shall be

chosen by the Owner/Operator from a list provided by the Planning Board and paid by the Owner/Operator. This study shall provide the town with expected sound levels to be generated by the proposed project. The Applicant shall provide financial surety that the cost of the study, and its review, will be borne by the Applicant.

4. Fire Prevention.

a. An Application for a permit to construct an ETFC shall include a Fire Prevention and Fire Fighting Plan that has been approved by the Fire Chief of the Town of Corinth. The plan shall identify a response plan to address all potential Large Scale Project fire scenarios and include a list of hazardous materials that may be encountered.

b. The Owner/Operator of an ETFC shall ensure that the project complies with the following fire control and prevention measures and assumes responsibility for all associated incremental costs:

i. Use of fireproof or fire resistant building materials and buffers as required by state law or the provider of fire protection services to the Town of Corinth.

ii. Maintenance of firebreak areas, cleared of vegetation, as required by state law or the provider of fire protection services to the Town of Corinth. Provision for any additional firefighting or rescue personnel, services, training, materials, and vehicles as may be required to deal with any emergency related to the ETFC that is beyond the current capabilities of the provider of fire protection services to the Town of Corinth.

5. Large Scale Project Stray Voltage Assessment and Requirements.

a. An Application for Large Scale Project Permit shall include reports of stray voltage analysis in accordance with this section. The Applicant shall conduct and include a report of a pre- construction stray voltage test on all Occupied Structures located within a 0.5 (one-half) mile radius of the Project Parcels. The tests shall be performed by a Planning Board approved investigator, using a testing

protocol which is also approved by the Planning Board. A report of the tests shall be provided with the Permit Application and shall be provided to the owners of all property within 0.5 (one-half) mile radius of the Project Parcels. The Applicant shall seek written permission from property owners prior to conducting testing on such owners' property. The Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.

b. Following construction of the ETFC, and within one year after commencing operation, the Applicant shall conduct a post construction stray voltage test on all Occupied Structures located within a 0.5(one-half) mile radius of the Project Parcels. The tests shall be performed by an investigator approved by the Planning Board and shall be performed using a testing protocol which is approved by the Planning Board. A report of the tests shall be provided to the Planning Board, the Code Enforcement Officer and to the owners of all property included within 0.5 (one-half) mile. The Applicant shall seek written permission from property owners prior to conducting testing on private property. The Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.

c. The Applicant or subsequent holder of the Operational License shall provide neutral isolation devices to property owners where testing reveals neutral-to-earth voltages in excess of 0.5 volts caused by the project.

6. Emergency Shutdown Plan and Requirements.

a. An Application for an ETFC shall include an emergency shutdown plan. The plan shall include a copy of the project summary, electrical schematic, and site plan and describe the circumstances under which an emergency shutdown may be required to protect public safety.

b. The plan shall also describe the procedures that the Town and the Owner/Operator and Licensee will follow in the event an emergency shutdown is required. This plan will include immediate notification of any emergency shutdown to the Fire Chief of the Town of Corinth.

7. Road and Property Risk Assessment.

a. An application for a permit to construct a Large Scale Project shall include a Road and Property Risk Assessment that has been approved by the Town of Corinth Road Commissioner and includes and meets the following requirements:

i. A description and map of all property, public and private rights of way and easements in the Town to be used or affected in connection with the construction of the project, including a description of how and when such property and rights will be used or affected.

ii. description of the type and length of vehicles and type, weight and length of loads to be used on all public and private ways in the Town.

iii. complete assessment of the proposed use of public and private ways in the Town in connection with the construction of the project, including the adequacy of turning radius; the ability of the public and private ways to sustain loads without damage; the need to remove or modify (permanently or temporarily) signs, trees, utilities, or anything else; any reasonably foreseeable damage to public or private ways or other property, public or private; any reasonably foreseeable costs that the Town may incur in connection with the use of property in the Town, including but not limited to costs relating to traffic control, public safety, or damage to public ways, or to other public or private property.

iv. traffic control and safety plan relating to the use of public and private ways in the Town in connection with the construction of the project.

v. The project shall not cause any disruption to the flow of traffic in the town. No existing public road, private road, right of way, or recreational trail shall be obstructed by the construction of said project. Access over, under, or through the project must be provided and constructed for all routes described and shall be similar in nature and size as the original traveled surface, along with legal rights granted to

parties of interests that use said way.

vi. Any additional relevant information that the Planning Board may request relating to the use of public ways or other effects on public and private property that may occur in connection with the construction and operation of the project.

b. The Town of Corinth Planning Board shall require changes to the Road and Property Risk Assessment plan that it deems appropriate to protect public safety, to protect public and private property, and to address anticipated costs to the town.

8. A qualified third party engineer, chosen by the Applicant from a list provided by the Planning Board and paid by the Applicant, shall document road conditions prior to the construction of the Large Scale Project and again within thirty days after construction is complete. Any road damage determined by the engineer to have been caused by the applicant or their contractors shall be promptly repaired at the applicant's expense.

a. The Town of Corinth may bond the roads in compliance with state regulations, and the bond is to be paid by the applicant prior to the transport of project components.

b. If the Applicant requires the temporary closure of any public way, the Planning Board may require the Applicant to enter into an agreement relating to the use of the public way.

c. Access roads and drives shall be maintained to allow for maintenance and emergency management vehicles.

9. Extraordinary Events.

a. The Owner/Operator of any ETFC shall notify the officials of the Town of Corinth of any "extraordinary event" within 24 hours after that event. Extraordinary events shall include, but not be limited to tower/structure collapse, catastrophic component failure, fires, leakage of hazardous materials, injury caused by the ETFC, and any other event that affects the public health and safety of the town or its residents, or risks personal property damage.

10. Visual Impact Assessment.

a. Visual Impact Assessment shall be submitted as part of the initial application for an ETFC within the Town of Corinth. In determining whether or not the proposed development will have a negative effect on the scenic character and/or a negative aesthetic impact on the residents, the Planning Board shall address the question: "Would this particular project result in undue harm to valuable aesthetic resources within the town of Corinth?" The Planning Board shall weigh the following questions:

i. Is the proposed facility located within an area of obvious scenic significance?

ii. Would the facility significantly degrade views or scenic resources of Corinth?

iii. Is the facility in a landscape area that is visually distinct for the town?

iv. Is the facility unreasonably close to residences that would be affected as a result of noise, or by being completely surrounded or in view of transmission towers and lines?

v. Will the facility occupy an area valued for its wilderness characteristics?

vi. Would the facility's scale in terms of height or numbers overwhelm the landscape in which it is built?

Section 11. Environmental Standards

1. The siting and construction of all ETFCs shall meet all the applicable standards and ordinances of the Town of Corinth, State of Maine and be consistent with the Town of Corinth Comprehensive Plan.

2. Department of Environmental Protection.

a. If required by the laws of the State of Maine, a Department of Environmental Protection Site Location of Development permit shall be obtained and submitted with an

application.

3. Environmentally Sensitive Areas.

a. The design, construction, and maintenance of an ETFC shall protect all environmentally sensitive areas that may be affected by its siting. Such areas shall include but not limited to wetlands, vernal pools, seeps or springs, steep slopes (equal to or greater than 15%), watersheds, 100 year flood plains, significant habitat for wildlife, birds, fish, and plants as defined by The Maine Department of Inland Fisheries and Wildlife and the Beginning with Habitat Program. An application for a Large Scale Project permit shall demonstrate appropriate measures for protecting all such areas during both construction and operation of the project.

4. Wildlife Protection.

a. The application for an ETFC shall include a Wildlife Protection Plan based on pre-construction field studies designed and carried out by a qualified wildlife biologist chosen by the Applicant from a list provided and contracted by the Planning Board and paid by the applicant. Such studies shall describe the possible adverse effects of the project on bees, birds, bats, animals, pollinators and their habitats, and shall propose remedies for these effects.

5. Post Construction Wildlife Protection Field Studies.

a. Within three years after completion of construction of a an ETFC, studies to ascertain its actual effect on wildlife shall be designed and carried out by a qualified Wildlife Biologist chosen by the Owner/Operator from a list provided by the Planning Board and paid by the Owner/Operator. If these studies demonstrate undue adverse effects on wildlife caused by the project, the Owner/Operator in consultation with the Maine Department of Inland Fisheries and Wildlife MDIFW) shall design and implement an appropriate mitigation plan. The plan shall be submitted to the Town of Corinth Planning Board for approval. The Owner/Operator shall be responsible for the full cost of carrying out the plan under the supervision of the MDIFW. Failure to adhere to this provision may result in the revocation of any or all licenses associated with operating the facility and subject

the Owner/Operator to fines pursuant to 30-A M.R.S.A. §4452.

6. Erosion Control Methods.

a. ETFCs shall be designed, constructed, and maintained in accordance with accepted erosion and sediment control methods as set out in the most current edition of the Maine Erosion Control Handbook for Construction; The Best Management Practices.

7. Water Quality Protection.

a. ETFCs shall be designed, constructed, and maintained so as to avoid undue adverse impacts to groundwater, including sand and gravel aquifers. The Planning Board shall require as condition of issuing a permit for a ETFC that a pre-construction baseline study of all wells, springs, lakes, ponds, streams, rivers, brooks, creeks, and public water sources within the watershed of the project site be conducted. The study shall be designed and carried out by a water quality professional chosen by the Applicant from a list provided and contracted by the Planning Board and paid by the Applicant.

8. Post Construction Groundwater Quality Study.

a. Within two years after completion of construction of an ETFCs for which the Planning Board has required a pre-construction baseline Water Quality Study as described in this Ordinance, a Post Construction Water Quality study of all wells, springs, lakes, ponds, streams, rivers, brooks, creeks and public water sources within the watershed of the project site shall be designed and carried out by a water quality professional chosen by the Applicant from a list provided by the Planning Board and paid by the Owner/Operator.

b. If degradation or contamination is found to have occurred, fines and/or permanent remedies as required by the Town of Corinth or the State of Maine shall be the responsibility of the Owner/Operator.

9. Hazardous Wastes.

a. The Owner/Operator shall be responsible for compliance with all state and federal regulations applicable to the use

and disposal of hazardous wastes involved in or generated by the project's construction and operation.

10. Blasting.

a. The Owner/Operator of an ETFC shall not undertake any blasting without notifying the Town of Corinth and submitting a blasting plan in accordance with the latest DEP Standards.

b. The blasting plan shall be reviewed and approved by the Corinth Planning Board before any blasting takes place. Forty-eight-hour notice shall be given to all residents within a two (2) mile radius of the blasting area (measured horizontally) before blasting can begin.

11. Light Pollution.

a. All ETFCs shall be designed and sited to minimize night time light pollution and shall not exceed the minimal requirements by the Federal Aviation Authority when applicable.

b. Red lights shall be used instead of white if possible and shall be shielded to the greatest extent possible from viewers on the ground.

c. Lighting of facilities and grounds shall be limited to that which is required for safety and operational purposes, and shall be shielded from interference with abutting properties.

12. Radar Interference.

a. ETFC applicants shall contact the FAA and The Department of Defense to obtain written approval that all proposed project structures and associated facilities are approved by them under all operating conditions.

13. Earth Disturbances.

a. If a project is removed, any earth disturbance must be graded and re-seeded and returned to pre-construction quality and hydrology.

Section 12. Financial Standards

1. An applicant for an ETFC shall provide evidence satisfactory to the Town of Corinth Planning Board that the project is financially viable. Evidence of financial viability shall include the following:

a. A budget for the construction of the project;

b. Proof of adequate financing for all aspects of the construction;

c. Proof of adequate financing for operations and maintenance including salaries over the lifetime of the project;

d. Proof of the applicant's technical ability to implement the project as proposed;

e. Proof of adequate funds for Decommissioning as specified in this Ordinance

2. The Owner/Operator of an ETFC shall maintain a current general liability policy for the project covering bodily injury and property damage commensurate with the scope and scale of the project. Proof of current insurance must be presented to the Planning Board with the application for a permit and every year thereafter on the date of the insurance's annual renewal.

3. Any promises of any benefits to be conferred upon the Town of Corinth by the applicant shall be documented and submitted with the Final Application. These benefits shall become a legally enforceable provision of the permit.

4. In reviewing an application and/or ongoing project operations for compliance with this Ordinance, the Planning Board and/or CEO may, at their discretion, retain professional services as necessary to assist with its review, including but not limited to those of an attorney, engineer, biologist, or land use planner. If the Planning Board deems that such services are indeed necessary, they shall inform the applicant who will then have fourteen (14) days to deposit in a joint escrow account with the Town of Corinth the sum of $50,000 as partial payment towards such expenses.

5. If such a fund is established and the balance of the fund

falls below $25,000, the Applicant, upon notice shall submit an additional $25,000 to replenish the fund. If, at any time after such notification, the balance of this fund stays below $25,000 for a period of 30 days (or any time the level of funds is insufficient to complete reviews that are required), the Application or Operational License shall be considered to have been withdrawn. The balance of the escrow account shall be returned to the Owner/Operator after all expenses have been paid. If any delay in replenishing the fund generates a delay in reviewing the application or operations, then the deadline for completing the review is extended accordingly.

Section 13. Decommissioning Standards

1. The Owner/Operator of a Large Scale Project shall, at their expense, be responsible for complete decommissioning of the project and site restoration within twelve (12) months after it ceases to transmit electricity, or after its operational license has been revoked. Abandonment will be grounds for immediate revocation of license a permit to operate.

2. Decommissioning shall include removal and disposal outside the Town of Corinth of all parts of the project (including foundations) in accordance with local, state and federal laws and regulations. Areas of disturbed earth shall be graded, seeded, or otherwise re-vegetated following guidelines provided by the Code Enforcement Officer.

3. A Professional Engineer shall be chosen by the Applicant from a list provided and contracted by the Planning Board and paid by the Applicant to estimate the total cost of decommissioning without consideration of the salvage value of the equipment. No permit for an Large Scale Project ETFC shall be issued until decommissioning funds have been posted by the Applicant with a bonding company or a federal or state chartered lending institution (the Escrow Agent) authorized to conduct such business in the State of Maine and approved by the Town of Corinth Planning Board and Board of Selectmen.

4. Estimates, as described above, shall be redone annually on the anniversary of the granting of a project permit and the Owner/ Operator of the project shall be required to maintain Decommissioning Funds that are at least equal to the most recent estimate.

5. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit or other form of financial assurance acceptable to the Town of Corinth Planning Board and Board of Selectmen.

6. If the Owner/Operator of the project does not complete decommissioning within the time prescribed in this Ordinance, the Town of Corinth may take such action as necessary (including court action) to secure the posted decommissioning funds and to ensure completion of the decommissioning.

7. The Escrow Agent shall not release the decommissioning funds except upon written approval of the Town of Corinth Planning Board and Board of Selectmen.

8. Upon decommissioning any and all easements that were obtained by the owner/operator for the use and construction of the ETFC will be granted back to the current property owner of record by way of Release Deed at no charge to the property owner. All Release Deeds will be recorded at the Penobscot Registry of Deeds at the expense of the owner/operator of the ETFC. Property owners will be held harmless to any lasting impacts caused by the ETFC.

Section 14. Permit and License Requirements and Standards

1. A Preliminary Application for a Permit to construct an ETFC shall include at least ten hard copies. ETFC applications shall also include an electronic copy of the complete application on a flash drive.

a. The Preliminary Application shall include the following items:

i. Applicants name, address and contact information.

ii. Visual Impact Component: This information, includes the following:

a. Detailed characteristics of the proposed project, and their actual locations;

b. Complete description of structures;

c. Roads;

d. Distribution and transmission lines;

e. Temporary or permanent storage areas;

f. Substations;

g. Any other structures associated with the project;

h. Identification of site clearings, including clearing for roads, power lines, substations;

i. Description and location of all site regrading that will be engineered, including the amount of cut and fill, locations, and clearing required; Simulated photos and video of the proposed facility which illustrates items a - h above. This information forms the basis for all aesthetic review by the Planning Board.

2. Visual Impact Components for an ETFC must also include:

a. View shed analysis map showing all areas of Corinth, superimposed over the Corinth Property Tax Map, from which any part of the proposed facility would potentially be visible. This shall be a computer generated map based on digital-elevation models which illustrate where the apex of any/all towers and all aspects of the facility could potentially be visible from all year-round and seasonal residences within the boundaries of the Town. When complex topography makes it difficult to determine whether a particular object will be visible from a particular point, a line-of-sight analysis shall be submitted.

b. Virtual simulations of how the facility will appear from each Corinth residence designated shall be prepared using photographic simulations or photomontages based on still photographs taken from each of the above named locations. Photographs shall be taken with a 50 mm lens or digital equivalent that creates a 38.6 degree angle of view. Global positioning system (GPS) location points of all sites named above shall be recorded for each simulation. The accuracy of

these simulations shall be verified by an expert in the field of digital images. This expert shall be commissioned by the Planning Board and paid for by the applicant.

c. Using a DEM (digital-elevation model), create accurate digital images of the facility from each of the GPS coordinates representing each identified location. Electric transmission towers, as well as roads, and other project infrastructure will be inserted into the model. Images of the structures and ancillary projects shall be created on the DEM using a program such as Visual Nature Studio and merged with a photograph using a digital photo-editing program. The relationship between the size of each photograph and the distance of the observer shall be such that a realistic image in created. The formula for determining the correct size of the image in relation to the distance viewed is:

Distance from viewer=Width of image

d. Field Assessment and Inventory of Views. A field inventory of views from all designated residences shall be presented. In addition to photographically documenting and mapping viewing locations named above, the following information shall be recorded; distance from project, duration of view, angle of view, scenic quality of view, focal point of view of the project, characteristics of the view (intermittent, panoramic, and foreground, middle ground and background elements in the view.) These documents, outlined in this ordinance, shall be presented to the residents of Corinth at a public Planning Board Meeting for their review and input to the Planning Board.

3. ETFC Preliminary Applications shall also include the following:

a. Evidence of the Applicant's right, title or interest in the land on which the project is proposed to be sited;

b. An application for a permit for an ETFC that will be connected to the Public Utility Grid shall include a Public Utility Grid Impact Statement documenting all anticipated changes to the public utility grid within the Town of Corinth due to the LSP. The Statement shall be signed and approved by the Maine Public Utilities Commission and shall include proof of leases, easements, or rights of way for

transmission lines, and an analysis of the residual capacity in the grid that will be available to other local generating projects after the construction of the LSP.

c. A Detailed Site Plan that shall include:

i. Total acreage occupied by the project;

ii. detailed map of the area showing parcel boundaries and individual component locations and their distances to boundaries and existing structures;

iii. The location of existing and proposed transmission lines, substations, driveways, access and maintenance roads. All proposed electric transmission and distribution lines shall be shown;

iv. The location of wells, abandoned and active, within a 0.5 (one-half) mile radius of project boundary;

v. Engineering or architectural drawings of all planned structures, including structures for support and maintenance of the project;

vi. Engineering drawings of facilities;

vii. Calculations and supporting data for all setback requirements as specified in this.

viii. Overlay of Town of Corinth property maps showing the setback area and all property lines and rights of way affected by the setback requirements;

viv. List of property owners whose property, wholly or in part, lies within the setback areas;

x. Visual Impact Assessment as specified in this ordinance.

d. The applicant shall pay (in advance if required by the Town of Corinth Planning Board) for the services of all consultants that the Planning Board deems necessary to evaluate the application. Such consultants shall be chosen by the Planning Board. Failure of the Applicant to make such payment renders the Application void.

e. Fire Prevention and Fire Fighting Plan as specified in this Ordinance;

f. Road and Property Risk Assessment as specified in this Ordinance;

g. Plan to protect Environmentally Sensitive Areas, as specified in this Ordinance;

i. Wildlife Protection Plan as specified in this Ordinance;

ii. Baseline Water Quality Study (if required) as specified in this Ordinance;

iii. Plan for the handling and disposal of Hazardous Wastes as specified in this Ordinance;

iv. Plan to minimize Light Pollution as specified in this ordinance.

v. Blasting Plan as specified in this Ordinance.

4. Within 120 days of the Planning Board's receiving a Preliminary project Application, the Planning Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate:

a. Notify the Applicant in writing that the application is complete or, if the application is incomplete, shall inform the Applicant of the specific additional material needed to complete the application. The Planning Board may extend the amount of time for reviewing the Preliminary Application by 30 days if resources do not allow for a proper review in the allotted time.

b. For ETFC Applications, the Planning Board shall hold a public hearing within 60 days of the date of determination of a completed preliminary application. The Planning Board shall publish the time, date, and place of the hearing in at least three public locations. All landowners within one mile of an ETFC shall be notified by the Planning Board of the hearing. All landowners within two miles of any ETFC shall be notified of the hearing by the Applicant via Certified Mail return receipt requested. Public hearings by the Planning Board shall be conducted according to the

procedures outlined in title 30-A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).

c. After the Planning Board determines that a Preliminary Project Application is complete, the Planning Board shall determine whether the Preliminary Application meets all requirements of this Ordinance. In determining whether the Application meets the requirements of this Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate which will be paid for by the applicant.

d. Within 90 days of determining the Preliminary Application is complete, the Planning Board shall approve the Preliminary Application, approve the Preliminary Application with conditions, or disapprove the Preliminary Application. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant.

e. The Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve the Preliminary Application. If the Planning Board finds that any of the standards of this Ordinance have not been met, the Planning Board shall either deny the Preliminary Application or approve the Preliminary Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be stated in the findings of facts and conclusions.

5. Final Application for an ETFC Construction Permit.

a. Upon approval of the Preliminary Application, a Final Application shall be prepared and submitted. All ETFC Final Applications shall include at least ten hard copies. All ETFC applications shall also include an electronic copy of the complete application on a flash drive. Approval of the Final Application by signatures of a majority of the members of the Planning Board shall constitute a Permit to construct the project.

b. The Final Application shall include the following items:

i. Updates to information provided in the preliminary

application, including additions, corrections, and any other changes.

6. Additional Requirements For ETFC Applications:

a. Any building use or construction permits required by other authorities due to the scope of the intended project;

b. Public Utility Grid Impact Statement as specified in this Ordinance; Financial analysis for the ETFC, including evidence of financial capacity to carry out the project, as specified in this Ordinance;

c. Proof of general liability insurance as specified in this Ordinance;

d. Decommissioning bond for the ETFC as specified in this Ordinance;

e. Statement of Benefits promised to the Town of Corinth;

f. The applicant shall pay (in advance if required by the Town of CorinthPlanning Board) for the services of all consultants that the Planning Board deems necessary to evaluate the application. Such consultants shall be chosen by the Planning Board. Failure of the Applicant to make such payment renders the Application void;

g. Posting of the estimated total cost of decommissioning funds.

7. Within 120 days of receiving a Final Application:

a. The Planning Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate;

i. Notify the applicant in writing that the application is complete or, if the application is incomplete, shall inform the applicant of the specific additional material needed to complete the application. The Planning Board may extend the amount of time for reviewing the Final Application by 30 days if resources do not allow for a proper review in the allotted time.

b. The Planning Board shall hold a public hearing within 60 days of the date of determination of a complete Final Application for a Large Scale Project. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least fourteen days prior to the hearing in a newspaper of area wide circulation. All landowners within two miles of a project shall be notified of the hearing by the Applicant via Certified Mail return receipt requested. The notice does not need to be returned as "claimed" in order to be sufficient. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30-A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).

c. After the Planning Board determines that a Final Application is complete, the Planning Board shall determine whether the Application meets all requirements of this Ordinance. In determining whether the Final Application meets the requirements of this Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate.

d. Within 90 (ninety) days of determining the Final Application is complete, the Planning Board shall approve the Final Application, approve the Final Application with conditions, or disapprove the Final Application.

e. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant. The Planning Board may extend the amount of time for approving the Final Application by 30 (thirty) days if resources do not allow for a proper review in the allotted time.

f. The Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve the Final Application. If the Planning Board finds that any of the standards of this Ordinance have not been met, the Planning Board shall either deny the Final Application or approve the Final Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be slated in the findings of facts and conclusions.

g. If construction or operation of the activity is not begun

within 1 (one) year, this permit shall lapse and the applicant shall reapply to the Planning Board for a new permit. The applicant may not begin construction of operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within 1 (one) year from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.

8. Operational License Requirements and Standards

a. An Operational License is required for the operation of any ETFC built in the Town of Corinth after the effective date of this Ordinance.

b. An application for an Operational License shall be submitted in ten hard copies and one electronic copy on a flash drive to the Town of Corinth Planning Board after the project has been fully built.

c. The application for an original Operational License shall include the following items:

i. The Applicant's name, address and phone number, and the name, address and phone number of the Owner/Operator, if different;

ii. An emergency directory for the Owner/ Operator sufficient to allow the Town to contact the Owner/Operator at any time;

iii. An Inspection Report certifying the structural and operational integrity of the project. This Report shall be signed by a Maine licensed professional engineer chosen by the Town of Corinth Planning Board and paid by the Owner/ Operator of the project.

iv. A signed statement that the Applicant has read this Ordinance, understands all its provisions, and agrees to abide by them.

d. An Operational License shall be valid for one year and can be renewed by submission of a new Inspection Report and Fee as specified in this Ordinance at least 30 (thirty) days before expiration of the License.

e. An Operational License shall be revoked and the project required to cease operations if the Town of Corinth Planning Board determines that the project is violating any of the standards and requirements of this Ordinance. The Operational License shall not be reinstated until the Planning Board is satisfied that all violations have ceased and all problems have been corrected.

f. An Operational License shall automatically terminate upon transfer of ownership of the project. The new Owner/Operator shall apply for a new Operational License and shall not operate the project until the new License has been issued.

g. The Application for an Operational License by a new Owner/Operator shall contain the following items:

i. Copies of the original Permit Applications, updated as necessary, and signed by the new Applicant;

ii. A copy of the original Operational License Application, updated as necessary, and signed by the new Applicant;

iii. A statement, signed by the new Applicant, that he/she has read this Ordinance, understands it, and will abide by all of its provisions.

h. A new Applicant for an Operational License for an ETFC shall provide evidence satisfactory to the Town of Corinth Planning Board that the project remains financially viable. Evidence of financial viability shall include the following:

i. Proof of long-term power purchase contracts;

ii. Proof of ongoing subsidies from all sources;

iii. Proof of adequate funds for Decommissioning as specified in this Ordinance.

i. Within 90 days of the determining that an ETFC Operational License Application is complete, the Planning Board shall determine whether the Application meets the requirements for an Operational License. In determining whether the Application meets the requirements of this

Ordinance, the Planning Board may obtain assistance from such staff and consultants as it deems appropriate. The Planning Board may extend the amount of time for reviewing the Application by 30 days if resources do not allow for a proper review in the allotted time.

9. The Planning Board shall make findings of fact and conclusions relative to the standards contained in this Ordinance. If the Planning Board finds that all standards have been met, they shall approve the Application. If the Planning Board finds that any of the standards of this Ordinance have not been met, the Planning Board shall either deny the Application or approve the Application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be stated in the findings of facts and conclusions.

10. Expiration of an ETFC Permit Approval and Operational License.

a. If on-site construction of a Large Scale Project is not significantly commenced within 1 (one) year of the date of issue of a Site Permit, the Site Permit shall automatically lapse and become null and void. If an approved ETFC is not completed within 30 (thirty) months after a Site Permit is issued, then the Site Permit shall expire, and the Applicant must reapply. The Planning Board may, for good cause shown, grant a one-time extension of up to 6 (six) months for completion of construction provided such request is submitted prior to the lapse or expiration of the Site Permit.

11. An ETFC Operational License shall be deemed abandoned if its operation has ceased for 12 (twelve) consecutive months. An Operational License expires immediately upon abandonment.

12. An ETFC Operational License shall automatically terminate upon transfer of ownership or operation of the project. The proposed new owner or operator shall be required to obtain a new Operational License, which must be in place prior to the transfer of ownership or operation of the project.

13. An ETFC Operational License shall automatically terminate upon any amendment to a Site Permit other than a minor change approved by the Planning Board.

Section 15. Inspections of ETFCs

1. All ETFCs, including their infrastructure, shall be inspected after construction is completed but before becoming operational, and every year thereafter (in accordance with Operational License renewal), for structural and operational integrity by a Maine licensed professional engineer hired by the Town of Corinth with the expenses paid by the Owner/Operator. If the report from said engineer recommends that repairs or maintenance are to be conducted, then the Owner/Operator and/or Licensee shall provide the Planning Board with a written schedule for the repairs or maintenance. Failure to complete the repairs or maintenance in accordance with the schedule shall be deemed a violation of this Ordinance.

2. Minor changes in approved plans necessary to address field conditions may be approved by the Planning Board, provided that any such change does not affect compliance with the Ordinance. The Permittee shall submit revised plans to the Planning Board showing the proposed minor change, which, if approved, shall be considered an amendment to an existing Site Permit and/or Operational License, as appropriate. In the event that a majority of the Planning Board believes that a requested change constitutes a material change to a Permit and/or Operational License, or if the changes will affect compliance with the Ordinance, full re-approval is required.

3. All construction activities must conform to the approved site plan, including any conditions of approval and minor changes approved by the Planning Board to address field conditions.

4. Upon completion of the project, the Permittee must provide the Planning Board with a set of construction plans showing the structures and site improvements as actually constructed. These "as-built" plans must be submitted within thirty days of completion of the project, and before commencement of operation of the project.

Section 16. Maintenance, Amendments, and Miscellaneous Requirements

1. All projects shall be constructed, operated, maintained and repaired in accordance with the approved Permit, Operational License and this Ordinance. Where a standard or requirement is not provided by either this Ordinance, the Permit or the

Operational License, the project Permittee and Licensee shall comply with Good Utility Practices.

2. All components of the project shall conform to relevant and applicable local, state and national codes.

3. A Permittee may apply to the Planning Board for changes to a Permit or Operational License. The Application shall describe the requested change or changes. The Planning Board shall review the Application and determine what provisions of this Ordinance will apply to the Application. The Application will then be processed in accordance with all provisions of this Ordinance deemed to be applicable by the Planning Board. All instances where this Ordinance outlines financial obligations of the Applicant, Permittee, Owner/Operator and Licensee shall apply to any Application for changes to a Permit or Operational License. An Application for changes will be required for any significant modification to the approved Permit, including, but not limited to: any change in infrastructure, utilities, roads, location, design, or specification; or any substantive change to any required plan or insurance coverage.

4. The Permittee, Owner/Operator and/or Licensee, as applicable, shall notify the Town of any extraordinary event as soon as possible, and in no case more than 24 hours after the event. "Extraordinary events" shall include but not be limited to fires, leakage of hazardous materials, unauthorized entry, any injury to a Facility worker or other person that requires emergency medical treatment, or other event that impacts the health and safety of the Town or its residents.

5. Approval of a Permit under this Ordinance does not exempt an Applicant from obtaining other applicable permits from the Town of Corinth, such as electrical, plumbing and shore- land zoning permits, as applicable, or any applicable state or federal permits.

6. The Planning Board may choose to hire a Project Manager to provide assistance and oversight of the applications submissions, reviewing, and approval processes. The selected individual or company shall estimate the cost of such oversight outlined by the Planning Board and the applicant shall deposit with the town the full estimated cost, which the town shall place in an escrow account. The town shall pay the individual or company from the escrow account and reimburse the applicant if funds remain after payments are completed. To be selected, the

individual or company shall be fully qualified to provide the required services.

7. Should the Planning Board find there is a need for hiring an expert for advice, then the Planning Board may require the applicant to undertake any additional studies, which it deems reasonable and necessary, to ensure that the requirements of this Ordinance are met. The costs of all such studies shall be borne by the applicant.

Section 17. Violations, Complaints and Penalties

1. Violations of This Ordinance. It shall be unlawful to construct or operate an ETFC or part thereof in violation of any provision of this Ordinance, a Permit, or an Operational License; any violation thereof is punishable, upon conviction, in accordance with 30-A M.R.S.A.§4452(3), and shall include attorney's fees and a penalty to address economic benefit as provided in 30-A M.R.S.A. § 4452(3)(D) and (H). All fines assessed under this Ordinance shall inure to the benefit of the Town of Corinth. Each day a violation exists or continues shall constitute a separate offense.

2. Complaints and Modification, Revocation or Suspension. The Planning Board shall retain continuing jurisdiction to modify, suspend or revoke all Permit and/or Operational Licenses in accordance with this section. Such authority shall be in addition to the Town's authority to prosecute violations and take other enforcement action.

a. In this section, "violation" means a violation of this Ordinance, or a violation of a Permit issued under this Ordinance, or a violation of an Operational License.

b. Any resident of the Town, real property tax- payer to the Town, or Town official may file a written complaint with the Town Clerk alleging that a Permittee, Owner/Operator or Licensee has committed or is committing a violation. Such complaints shall be forwarded to the Planning Board and the Planning Board will notify, in writing, the Permittee, Owner/Operator or Licensee of the alleged violation.

c. The Planning Board shall preliminarily review the complaint. In connection with its preliminary review, the Planning Board may require the Code Enforcement Officer or

other person or persons to conduct such investigations and make such reports as the Planning Board may direct. The Planning Board may request information from the Permittee, Owner/Operator and/or Licensee, the complainant, and any other person or entity to assist with its preliminary review.

d. Following its preliminary review, the Planning Board may:

i. Dismiss the complaint;

ii. Refer the complaint to the Town attorney for prosecution; or

iii. Conduct a public meeting to determine whether the alleged violation(s) have occurred, and what remedial action should be taken. Prior to such meeting, notice of the meeting shall be given to the Permittee, Owner/ Operator, Licensee, as applicable, and the complainant. The Permittee, Owner/Operator, Licensee, as applicable, and the complainant, and any other person, may appear at the meeting and may offer testimony and other relevant evidence, and may be represented violations have occurred, the Planning Board shall:

1. Impose conditions on the Permittee, Owner/ Operator and/or Licensee to the extent reasonably necessary to discontinue the violation(s) or avoid any recurrence thereof; or

2. Recommend to the Select Board that the matter be referred to the Town's attorney for prosecution seeking that the Permit and/or Operational License be suspended until such time as the Permittee, Owner/Operator and/or Licensee presents and implements a plan, satisfactory to the Planning Board that will discontinue the violation(s) or prevent any recurrence thereof, and meets such further conditions as the Planning Board deems appropriate to discontinue and prevent further violations; or

3. Recommend to the Select Board that the matter be referred to the Town's attorney for prosecution seeking that the Permit and/or Operational License be revoked and that decommissioning of the ETFC be directed, if the Planning Board concludes that no reasonable modification can be made to the ETFC to discontinue or prevent violations; or

4. Refer the matter to the Select Board and Town's attorney for prosecution, subject to Planning Board and Select Board approval; or

5. Take no action, if the Planning Board concludes that no further action is needed to discontinue or prevent violations, and that prosecution is unwarranted.

e. Following any such hearing, the Planning Board's written decision shall be furnished to the Permittee, Owner/Operator and/or Licensee, as applicable, and to the complainant.

f. An appellate appeal from the decision of the Planning Board may be taken to the Appeals Board by the Permittee, Owner/Operator or Licensee, or a complainant. Such appeal must be in writing and must specify the grounds thereof, and must be filed with the Town Clerk within 30 (thirty) days after the final action of the Planning Board. The Town Clerk shall provide any appeal to the Appeals Board. The Appeals Board must set a date within 30 (thirty) days for the hearing of the appeal, and shall give public notice thereof as well as due notice to the Permittee, Owner/Operator and/or Licensee, as applicable, and the complainant. The action of the Planning Board shall be sustained unless the Appeals Board, by a favorable vote of the majority of all members of the Appeals Board, reverses or modifies the Planning Board's determination.

g. An appeal from a decision of the Board of Appeals shall be made to Superior Court in accordance with M.R.Civ.P. 80B.

Section 18. Ethical Standards

1. All deliberations concerning the permitting and regulation of ETFCs shall be conducted at public Planning Board meetings for

which notice has been duly given.

2. Conflicts of Interest. No elected or appointed official or employee of the Town of Corinth who has a financial interest in the ETFC under consideration shall be directly or indirectly involved in the permitting or other regulation of thatETFC. Financial interest includes the following:

a. Having signed for the Applicant's benefit a Covenant with financial remuneration.

b. Having a financial arrangement such as employment or the promise of employment- including employment as an outside contractor- with the Applicant Serving as a paid representative of an individual or company that derives income from the project.

Section 19. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 20. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Corinth, the more restrictive provision shall control.

Section 21. Amendments

An amendment to this ordinance may be initiated by a majority vote of the Planning Board, written request of a majority of members of the Select Board, or the Town Manager to the planning board, or written petition of registered voters in the town of Corinth in accordance with 30-A.M.R.S. 2522. All proposed amendments shall be adopted only by a 2/3rds Majority Vote from the Town of Corinth Voters at a Town Meeting.