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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A TO DEVELOPMENT PERMIT DP 4949

The staff of the Maine Land Use Planning Commission (the LUPC or Commission), after reviewing the application and supporting documents submitted by Weaver Wind, LLC for Amendment A to Development Permit DP 4949, finds the following facts:

1. Applicant: Weaver Wind, LLC
Attn: Josh Bagnato
129 Middle Street, 3rd Floor
Portland, Maine 04101
2. Landowner: Ursa Major, LLC
Attn: American Forest Management
Milford, Maine 04461
3. Agent: Stantec Consulting Services Inc.
Attn: Joy Prescott
30 Park Drive
Topsham, Maine 04086
4. Date of Completed Application: March 07, 2014
5. Location of Proposal: Town of Osborn, Hancock County, Maine
Hancock County Registry of Deeds: Book 5571; Page 1
6. Zoning: (M-GN) General Management Subdistrict
7. Existing Development: Two (2) Meteorological Towers and One (1) SODAR¹ Unit
8. Proposed Development: One (1) SODAR Unit
9. Development Permit DP 4949, issued to Weaver Wind, LLC on November 20, 2013, authorized the construction of two (2) temporary meteorological towers and the placement of one (1) SODAR unit in the Town of Osborn to collect wind and weather data.

¹ SODAR Unit - Sonic Detection and Ranging Unit

10. The applicant now proposes to place one (1) additional SODAR unit in the Town of Osborn to collect wind and weather data. Site 1587, SODAR Unit would be located adjacent to the previously permitted meteorological tower site 1587 and would require approximately 9,583 square feet (0.22 acres) of additional vegetation clearing. The site would be accessed by an existing access road and would be located approximately 200 feet south of the 69-12-3 Road.
11. *Wetland alteration.* The applicant stated that no wetlands would be impacted by the clearing, placement, or operation of the unit. All wetlands within 50 feet of the edge of the clearing limits would be flagged prior to clearing and placement; these wetland areas would be avoided; any clearing near wetland areas would be set back at least 10 feet from the upland edge of the wetland boundary.
12. *Soils, Soil Disturbance and Erosion and Sedimentation Control Measures.* Soil map unit data were obtained and reviewed using the U.S. Department of Agriculture's (USDA) National Resource Conservation Service's (NRCS) Soils Survey Geographical database for Hancock County, Maine. The topography at this site is relatively flat and the tree height is 20 to 40 feet. The soils are mapped as Colonel-Brayton-Dixfield association comprised of very stony, poorly-drained to moderately-well-drained soils formed in glacial till. Erosion control best management practices would be implemented in accordance with the Commission's Land Use Districts and Standards (the Commission's Standards) and the Maine Department of Environmental Protection's Maine Erosion and Sediment Control BMP's, March 2003.
13. *Period of use.* The applicant anticipates that the proposed SODAR unit would be temporary in nature and in place for no more than seven years. At the end of the data collection period, the unit, which is towed behind a vehicle, would be removed from the site.
14. *Technical and financial capacity, and estimated development costs.* Weaver Wind, LLC is an indirect wholly-owned subsidiary of First Wind Holdings, LLC which has significant experience in developing and operating wind energy facilities, including the placement of SODAR units, throughout Maine and New England. In addition, the applicant has retained Stantec Consulting Services Inc. which has extensive experience in environmental planning, assessment and permitting of wind energy development. First Wind Holdings, LLC would fund the total cost, estimated to be approximately \$20,000, for permitting, installation, operation, maintenance and decommissioning of the SODAR unit.
15. According to Section 10.22,A,3,a,(6) of the Commission's Standards, surveying and other resource analysis shall be allowed without a permit from the Commission within an (M-GN) General Management Subdistrict.
16. According to Section 10.27,B of the Commission's Standards, vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.
17. The facts are otherwise as represented in Development Permit application DP 4949, subsequent amendment applications, and supporting documents.

Based upon the above Findings, the staff Concludes that if carried out in compliance with the Conditions below, the proposal will meet the applicable requirements set forth in Sub-Chapter III of the Commission's Standards and the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.

Therefore, the staff approves the amendment request of Weaver Wind, LLC with the following Conditions:

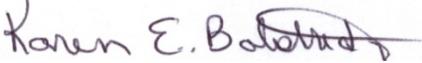
1. The Standard Conditions for Development Permits, revised 04/2004, a copy of which is attached.
2. Notwithstanding Standard Conditions for Development Permits, Condition #3, prior to seven years from the date of issuance of this permit (the permit expiration), if the one (1) SODAR unit is proposed to remain on site, and if no permanent commercial wind energy development has been proposed, the permittee shall submit a new permit application and obtain approval from the Commission to extend the time period to the expiration date of this permit.
3. The one SODAR unit must be placed at the identified location and must be set back at least 75 feet from any public road and any private road open for public use, 150 feet from all bodies of standing water 10 acres or greater in size and the nearest major flowing water, 100 feet from the nearest minor flowing water and P-WL1 wetland of special significance, and 25 feet from the nearest property boundary line.
4. The total cleared area for the Site 1587, SODAR Unit must not exceed 0.22 acres. The cleared areas must not impact any area meeting the description of a (P-GP) Great Pond Protection Subdistrict, a (P-SL) Shoreland Protection Subdistrict or (P-WL) Wetland Protection Subdistrict. The cleared areas must meet the setback requirements outline in Condition #3.
5. Access to the SODAR unit site must be by existing logging roads and skidder trails, or overland; no new access roads shall be created.
6. The permittee shall secure and comply with all other applicable licenses, permits, and authorizations of all federal, state and local agencies.
7. For areas where soil is to be disturbed, erosion and sedimentation control structures, including but not limited to silt fences, must be installed prior to commencement of construction, and measures to control erosion, including but not limited to hay mulch, re-seeding and water bars, must be employed during and after construction. Once implemented or put in place, erosion control devices and measures must be maintained to insure proper functioning.
8. If weather permits, the clearing must be conducted when the ground is frozen. Installation of the SODAR unit must be avoided when the soil is saturated; or if unavoidable, slash, wood chips, or mats must be used to drive heavy equipment over where the soil is soft enough to rut. However, work that will disturb soils must not be conducted if conditions are such that significant erosion and sedimentation with the potential to damage a stream, vernal pool or wetland will occur. For the development proposed, no clearing or other disturbance may occur within any wetland areas, vernal pools, or streams.
9. Excluding areas actively use for forest management activities or existing access road or skidder trails, all areas of disturbed soil associated with the installation of the SODAR unit must be promptly reseeded and stabilized with mulch until 85% vegetative cover is achieved, and maintained in a vegetated state to prevent soil erosion. In areas where re-vegetation is not initially successful, additional measure to control erosion and sedimentation must be undertaken as often as necessary to be effective.
10. Should any erosion or sedimentation impacting a wetland or stream occur during installation, the permittee shall contact the Land Use Planning Commission staff immediately, or as soon as possible if the event

occurs outside of regular business hours, notifying staff of the problem and describing all proposed corrective measures.

11. Once construction is complete, the permittee shall submit to LUPC staff photos of the site showing the completed work at each meteorological tower including: the wildlife protection techniques; the tower sites; the SODAR unit site; and along the skidder trails, accompanied by a brief narrative of the erosion and sedimentation controls employed.
12. All Conditions of Development Permit DP 4949 shall remain in effect except as altered by this amendment.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT BANGOR, MAINE, THIS 17TH DAY OF MARCH, 2014.

By: 
_____ *for* Nicholas D. Livesay, Executive Director



STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

STANDARD CONDITIONS OF APPROVAL FOR ALL DEVELOPMENT PERMITS

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Regulation Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Regulation Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Regulation Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
8. The permittee shall not advertise Land Use Regulation Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.