

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

26.0 LUPC CERTIFICATION

26.1 INTRODUCTION AND PROJECT DESCRIPTION

The Project is a grid-scale solar energy development that is partially located in unorganized or deorganized areas of the State (Unity Township; Unity Twp). Pursuant to 12 M.R.S.A §685-B(2-C) and 38 M.R.S.A. §489-A-1(1,2), such projects are reviewed by, and permits are issued by, the MDEP. However, MDEP may not issue a permit until the LUPC has certified that (1) the proposed development is an allowed use within the subdistrict(s) for which it is proposed; and (2) the proposed development meets any land use standard established by the LUPC and applicable to the project that is not considered as part of MDEP's review.

The following sections demonstrate that the Project is an allowed use in the subdistricts for which it is proposed and that it complies with applicable land use standards established by LUPC and not considered by MDEP in review of the Project.

Principal and accessory Project components proposed for construction within Unity Twp include:

- Approximately 256,000 PV modules;
- Up to 33 paired central inverters / transformers on skids;
- 34.5-kV overhead (1.3 miles) and underground (11.5 miles) Collector; and
- Approximately 5.4 miles of new or upgraded Project access roads; and
- Approximately 1.1 miles of 12-ft-wide access roads to allow access to several outparcels located interior to the Project.

26.2 LUPC ZONING COMPLIANCE

On September 11, 2019, the LUPC approved rezoning of approximately 748.1 acres (ZP776)¹ within 13 parcels in Unity Twp. from general management subdistrict (M-GN; 729.1 acres), shoreland protection subdistrict (P-SL2; 14.2 acres), and wetland protection subdistricts (P-WL3; 4.8 acres) to commercial industrial development (D-CI) subdistrict to allow for the construction of a grid-scale solar energy generation facility. Subsequent to the 2019 rezoning decision, the Applicant submitted an application for zone change to the LUPC on October 29, 2021, consisting of zoning boundary amendments to the 2019 D-CI subdistrict zoning. The Applicant has submitted the zone change application to further refine the Project associated D-CI subdistrict zoning based on detailed wetland and stream delineations and parcel boundary surveys. A decision on the Applicant's 2021 zone change application is anticipated at the LUPC's February 9, 2022, meeting. The PV modules, inverters, and PV module related shade management clearing portions of the Project within Unity Twp are located entirely within areas currently zoned as D-CI or areas proposed as D-CI within the October 29, 2021, zone change application (Figure 26-1). Access roads and portions of the Collector associated with the Project extend through areas zoned as a M-GN and includes some limited areas of P-SL and P-WL (Figure 26-2). Associated facilities of a grid-scale solar energy development,

¹ Zoning Petition 776. Land Use Planning Commission

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

including access roads and electrical collecting lines, are an allowed use in each of the subdistricts.² Proposed roads within P-WL subdistricts meet the definition of “Level B” Road projects (01-672 CMR 10.02,112) as they consist of minor relocation and/or reconstruction of existing timber management roads.

26.3 OVERVIEW OF LUPC LAND USE STANDARDS

The applicable land use standards established by the LUPC that are not specifically considered in MDEP’s Project review are discussed below, and include:

- Land division history, as required by the LUPC definition of subdivision (01-672 CMR 10.24, F);
- Dimensional requirements (01-672 CMR 10.26);
- Vehicular access, circulation, and parking (01-672 CMR 10.24,B and 10.25,D);
- Lighting (01-672 CMR 10.25,F);
- Activities in flood prone areas (01-672 CMR 10.25,T); and
- Signs (01-672 CMR 10.27,J).

Section 26.4 identifies land use standards that are not applicable as the Project does not include elements subject to those standards. Section 26.5 identifies applicable land use standards that are considered by MDEP during review. Section 26.6 identifies and demonstrates compliance with those land use standards not considered by MDEP.

26.4 INAPPLICABLE STANDARDS

The following LUPC standards set forth in 01-672 CMR sections are inapplicable as the Project does not include the elements subject to these standards:

- Non-Conforming Uses and Structures (01-672 CMR 10.11)
- Review Standards for Structures Adjacent to Lakes (01-672 CMR 10.25,A);
- Review Standards for Subdistricts in Prospectively Zoned Areas (01-672 CMR 10.25,B)
- Subdivision and Lot Creation (01-672 CMR 10.25,Q)
- Cluster Development (01-672 CMR 10.25,R)
- Open Space (01-672 CMR 10.25,S)
- Affordable Housing (01-672 CMR 10.25,U)
- Agricultural Management Activities (01-672 CMR 10.27,A)
- Mineral Exploration Activity (01-672 CMR 10.27,C)

²01-672 CMR 10.22,A(3)(c)(18, 26)(M-GN), 10.23,L(3)(c)(16, 22)(P-SL), and 10.23,N(3)(c)(10, 18)(P-WL)

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

- Timber Harvesting (01-672 CMR 10.27,E)
- Motorized Recreational Gold Prospecting (01-672 CMR 10.27,G)
- Driveways Associated With Residential Structures and Uses (01-672 CMR 10.27,H)
- Pesticide Application (01-672 CMR 10.27,I)
- Water Impoundments (01-672 CMR 10.27,K)
- Trailered Ramps, Hand-Carry Launches, and Water-Access Ways (01-672 CMR 10.27,L)
- Service Drops (01-672 CMR 10.27,M)
- Home Occupations (01-672 CMR 10.27,N)
- Permanent Docking Structures (01-672 CMR 10.27,O)
- Accessory Structures (01-672 CMR 10.27,P)
- Recreational Lodging Facilities (01-672 CMR 10.27,Q)
- Rural Businesses (01-672 CMR 10.27,R)

26.5 STANDARDS CONSIDERED IN REVIEW BY MDEP

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

- Technical and Financial Capacity, Solid Waste, and Water Supply (01-672 CMR 10.24,A) and (38 M.R.S.A. § 484(1),(4),(6); 06-096 CMR 373, 375.6, 376)
- Existing Uses, Scenic Character, and Natural and Historic Resources (01-672 CMR 10.24,C) and (38 M.R.S.A. § 484(3); 06-096 CMR 375.11)
- Soil Erosion, Soil Capacity, and Sewage Disposal (01-672 CMR 10.24,D) and (38 M.R.S.A. § 484(4); 06-096 CMR 376)
- Technical and Financial Capacity (01-672 CMR 10.25,C) and (38 M.R.S.A. § 484(1); 06-096 CMR 373)
- Scenic Character, Natural and Historic Features (01-672 CMR 10.25,E) and (38 M.R.S.A. § 484; 06-096 CMR 375.11,12,14)
- Noise (01-672 CMR 10.25,F.1) and (38 M.R.S.A. § 484(3); 06-096 CMR 375.10)
- Soil Suitability (01-672 CMR 10.25,G) and (38 M.R.S.A. § 484(4); 06-096 CMR 376)
- Solid Waste Disposal (01-672 CMR 10.25,H) and (38 M.R.S.A. § 484(6))
- Subsurface Waste Water Disposal (01-672 CMR 10.25,I) and (38 M.R.S.A. § 484(4); 06-096 CMR 376)

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

- Water Supply (01-672 CMR 10.25,J) and (38 M.R.S.A. § 484; 06-096 CMR 375.7,8)
- Surface Water Quality (01-672 CMR 10.25,K) and (38 M.R.S.A. § 484; 06-096 CMR 375.6)
- Phosphorus Control (01-672 CMR 10.25,L) and (38 M.R.S.A. § 484; 06-096 CMR 500)
- Erosion and Sedimentation Control (01-672 CMR 10.25,M) and (38 M.R.S.A. § 484(4- A); 06-096 CMR 375.5)
- Groundwater Quality (01-672 CMR 10.25,N) and (38 M.R.S.A. § 484(3), (5); 06-09 CMR 375.7,8)
- Air Quality (01-672 CMR 10.25,O) and (38 M.R.S.A. § 484; 06-096 CMR 375.1)
- Protected Natural Resources (01-672 CMR 10.25,P) and (38 M.R.S.A. § 480-A et seq.; 06-096 CMR 310)
- Vegetation Clearing (01-672 CMR 10.27,B) and (38 M.R.S.A. § 484; 06-096 CMR 375.9)³
- Roads and Water Crossings (01-672 CMR 10.27,D) and (38 M.R.S.A. § 484, 06-096 CMR 375.3, 377)
- Filling and Grading (01-672 CMR 10.27,F) and (38 M.R.S.A. § 484(4-A))

26.6 APPLICABLE LUPC LAND USE STANDARDS

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

26.6.1 Land Division History

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

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

The Applicant must, therefore, demonstrate that the Project does not constitute a subdivision. The Applicant has obtained title, right, or interest for the Project parcels in LUPC jurisdiction (see Section 2.0).

Attached as Exhibit 26-1 is a 20-year land division analysis demonstrating that none of the title, right, or interest agreements creates a subdivision.

³ Based on LUPC guidance (*Guidance Document on Site Law Certification, Land Use Standards*, Adopted 12/8/21), MDEP will apply clearing standards for NRPA resource areas, and LUPC will apply clearing standards for other areas, and the two agencies will coordinate review. Clearing is addressed in the following sections, as appropriate, based on that guidance.

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

26.6.2 Dimensional Requirements

The applicable dimensional requirements standards (01-672 CMR 10.26) reviewed by the LUPC are detailed below.

- *Minimum Lot Size:* The minimum lot size for commercial or industrial development involving one or more buildings is 40,000 sf (01-672 CMR 10.26,A,2). While the Project does not include development of any buildings within LUPC jurisdiction, the Project is proposed on lots that exceed the required minimum lot size for commercial or industrial development. The parcels owned by Bessey Development Company (Plan 01, Lots 7, 8, 9, 10, 11, 12, 14, 17, 18, 19, 20, 22, and 23), which contain land included in the Applicants option to lease agreement with Bessey Development Company (see Section 2), total approximately 1,716 acres.
- *Minimum Shoreline Frontage:* The minimum shoreline frontage for a commercial or industrial development is 200 ft 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 (01-672 CMR 10.26,B,1,b and 2,b). None of the leased parcels contain shoreline frontage bordering a minor flowing water or a waterbody greater than 10 acres.
- *Minimum Road Frontage:* The minimum road frontage for commercial or industrial development is 200 ft for any road used for public access (01-672 CMR 10.26,C,1,b). The one road use for public access within LUPC jurisdiction is Palmer Road, and the Project's road frontage along Palmer Road totals approximately 450 ft. Additionally, the Land Lease Agreement with Bessey Development Company (Plan 1, Lot 6) includes access to Route 139 over an existing private road (Bessey Lane), as shown on Figure 26-2.
- *Minimum Setbacks:* Sections 10.26,D,2, 10.26,D,3, and 10.26,G,5 specify the relevant minimum setbacks. Sections 10.26,D,2 and 10.26,D,3 specify that the minimum setback for commercial or industrial development is 100 ft from flowing waters draining less than 50 square miles, P-WL1 wetlands, and waterbodies less than 10 acres; 150 ft from flowing water draining 50 square miles or more and waterbodies greater than 10 acres in size; 75 ft from roads used by the public for access; and 25 ft from side and rear property boundary lines. Although not required for this Project, 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. Table 26-1 and Figure 26-2 summarize the setbacks for the Project components.
 - *PV Modules:* All PV modules are proposed to be located in excess of the minimum setback requirements.
 - *Collector Lines and Poles:* The majority of the 34.5-kV Collector is proposed to be located underground adjacent to existing or proposed new gravel roads or interior to the proposed PV arrays. All Collector lines and pole locations will exceed minimum setback requirements.
 - *Temporary Laydown Areas:* All proposed laydown areas will be temporary; therefore, setbacks are not required.

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

- *Maximum Lot Coverage:* The maximum lot coverage is 30 percent for all uses involving one or more buildings (01-672 CMR 10.26,E,1). There are no lots with buildings within LUPC jurisdiction.
- *Maximum Structure Height:* The maximum height of structures is 100 ft (01-672 CMR 10.26,F,1). The maximum height of the PV modules will be approximately 10 feet.

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

Table 26-1. Minimum Setbacks for all Project Components in LUPC Jurisdiction

Chapter 10.26 Reference	Minimum Setback Requirement	Distance of Closest Project Component that Exceed Minimum Setbacks	Project Component	
			PV Modules and Inverters	Collector Poles
D.2.a	100 feet from the nearest shoreline of (a) a flowing water draining less than 50 square miles, (b) a body of standing water less than 10 acres in size, or a tidal water, and (c) the upland edge of wetlands designated as P-WL1 subdistricts	(a) 129 ft from a PV module to a flowing water draining less than 50 square miles (b) 310 ft from a PV module to body of standing water less than 10 acres in size (c) 322 ft from a PV module to P-WL1 subdistrict	All PV modules and inverters exceed minimum setbacks.	All poles exceed other minimum setbacks.
D.2.b	150 feet from the nearest shoreline of (a) a flowing water draining 50 square miles or more and (b) a body of standing water 10 acres or greater in size	(a) approximately 1,135 ft from a PV module to the Sebasticook River (b) approximately 3 miles from a PV module to Unity Pond	All PV modules and inverters exceed minimum setbacks.	All poles exceed minimum setbacks.
D.2.c	75 feet from the traveled portion of the nearest roadway	92 ft from a PV module to nearest E911 road (Palmer Road)	All PV modules and inverters exceed minimum setbacks.	All poles exceed minimum setbacks.
D.2.f	25 feet from the side and rear property lines	92 ft from a PV module to a non-participating property line	All PV modules and inverters exceed minimum setbacks.	All poles exceed minimum setbacks.

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

26.6.3 Vehicular Circulation, Access, and Parking

With the exception of Palmer Road, all of the existing and proposed roads are privately owned, with no legal right of public access. The Project includes one access point from Palmer Road and one access point from the privately owned Bessey Lane, as depicted on the civil site plans for the solar array areas (Exhibit 1-1).

The Project includes provisions for vehicular access to and within the Project, as depicted on the civil site plans for the solar array areas (Exhibit 1-1), which safely and efficiently handles the traffic attributable to the development as required by 01-672 CMR 10.25,D.1.

With regard to access to roadways, the Project includes improvements to one existing access road (Bessey Lane – not located within LUPC jurisdiction) intersection with Route 139. The entrance to this access road will comply with all applicable Maine Department of Transportation (MDOT) safety standards, and a MDOT road opening/driveway permit for the Bessey Lane/Route 139 entrance will be obtained prior to construction. Palmer Road also provides connection to Route 139 but no improvements to the existing intersection of Palmer Road and Route 139 are associated with the Project. As such, the standards of 01-672 CMR 10.25,D do not apply to the intersection of Palmer Road and Route 139.

As the Project is not expected to generate a significant amount of traffic, no traffic study has been commissioned. During peak construction, approximately 80 to 100 worker vehicles per day will be traveling to and from the Project site, which constitutes a minor demand on roads adjacent to the Project. For a 20-month period during construction, up to 40 large vehicles per day on some days are anticipated for component delivery and installation. Once fully operational, the number of worker vehicles traveling within the Project area within LUPC jurisdiction will be approximately two to four. It is anticipated that two large pickup trucks will be needed to operate and maintain the Project.

To assist with traffic management at the proposed temporary laydown areas, warning signs will be installed on Route 139 at Palmer Road and Bessey Lane to alert approaching vehicles of entering construction traffic. Standard sized loads and unescorted oversized loads will be managed by the truck driver (i.e., rules of the road will apply, and driver will be responsible for safety). If necessary, oversized loads escorted by a chase vehicle will have the assistance of the chase vehicle to spot other traffic and alert the oversized vehicle driver.

Permanent parking will be located at the Project's proposed O&M building in Benton, outside of LUPC jurisdiction. With regard to temporary parking areas, the Project will use upland areas within the proposed Project in Benton, outside LUPC jurisdiction. Within LUPC jurisdiction, temporary parking areas are proposed within existing clearing areas adjacent to the Palmer Road access point. No on-street parking is associated with the Project.

Access roads associated with the Project will be reviewed by the MDEP with regard to road, grading, and erosion and safety standards. Within LUPC jurisdiction, the Project will include approximately 5.4 miles of access roads that will range between 24-ft-wide at the beginning of roads and 16-ft-wide as roads reach the periphery of the network and anticipated vehicle use decreases. To allow access to several outparcels located interior to the Project, the Applicant is constructing 1.1 miles of 12-ft-wide access roads. It is anticipated that road maintenance and minor regrading will be performed on all existing roads during Project operations.

Three Corners Solar Project

MDEP Site Location of Development Act Application

SECTION 26: LUPC CERTIFICATION

26.6.4 Noise and Lighting

MDEP will evaluate the noise effects from the Project in Section 5.0 of this application; thus, 01-672 CMR 10.25,F.1 is not applicable.

There is no permanent lighting associated with the Project within LUPC jurisdiction. During construction, the access points for the Project may be lit with temporary nighttime security lighting.

26.6.5 Activities in Flood Prone Areas

Although MDEP generally regulates flooding (38 M.R.S.A. § 484.7), the MDEP is not authorized to regulate compliance with FEMA standards 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 (01-672 CMR 10.25,T).

Within LUPC jurisdiction, proposed Project development will not occur in any flood-prone areas. Based on FEMA FIRMS, there are no Project components to be constructed within any mapped 100-year floodplains in Unity Twp. Based on LUPC zoning maps, the Project does not include any areas where the Project crosses LUPC Flood Prone Area Protection subdistricts. Therefore, the proposed Project will not cause or increase flooding or cause a flood hazard to any existing structure within Unity Twp.

26.6.6 Vegetation Clearing

Permanent clearing for the Project within LUPC jurisdiction will consist of approximately 688 acres associated with construction of the PV arrays and associated shade management clearing, upgraded and proposed access roads, and Collector corridor. Vegetation will need to be maintained (i.e., cut) to prevent dense growth from overwhelming roadside ditches and shade management areas. Maintenance inspections will occur twice each year and growth of trees or other vegetation that is shading the arrays will be trimmed as needed. Only trimming is anticipated within the shade management and Collector areas following initial clearing.

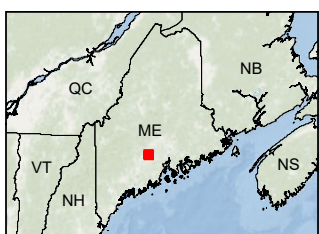
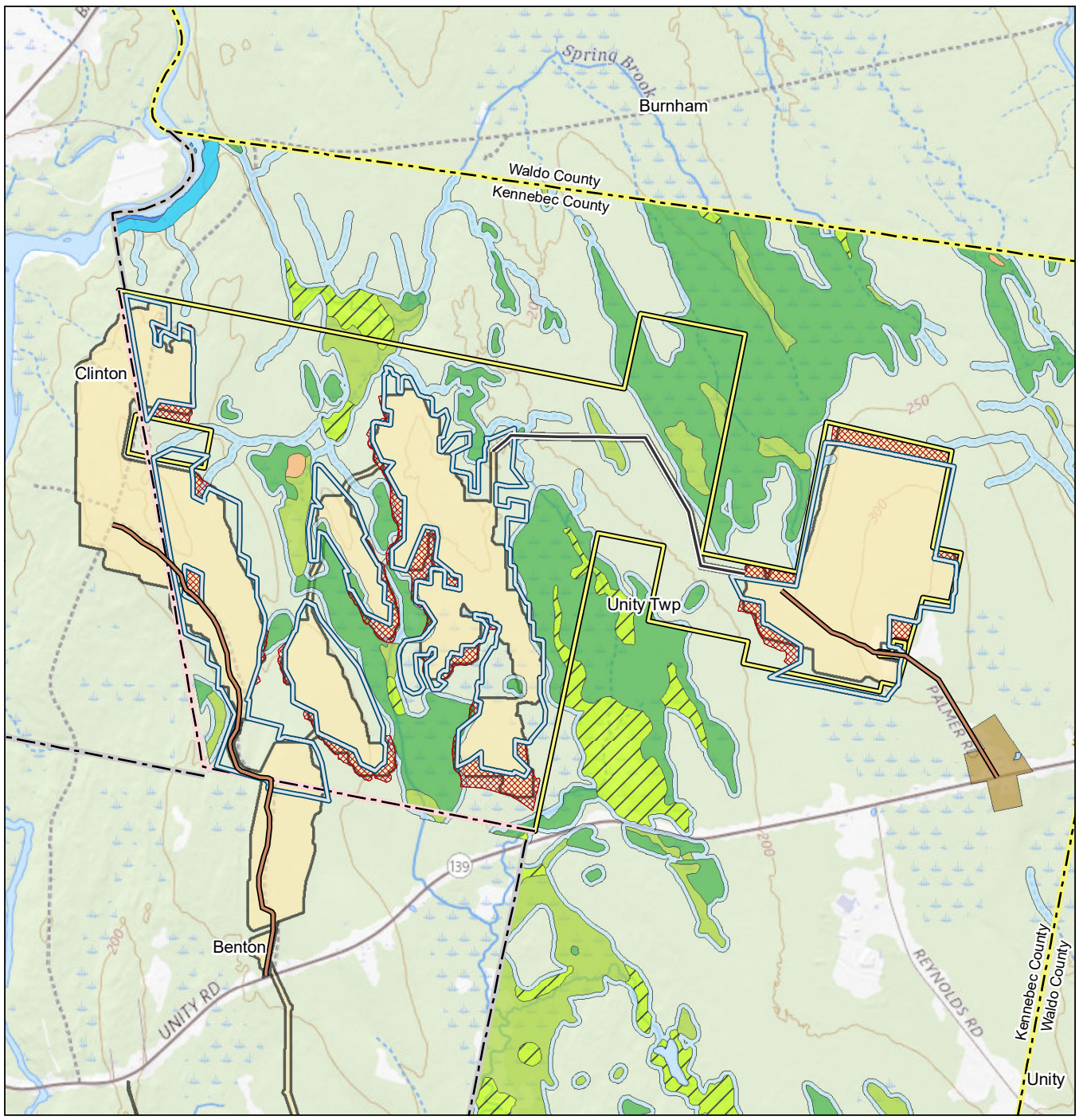
The Project solar array, access roads, and Collector will not require clearing within 100 feet of any public roadway, waterbody, or flowing water; therefore, the standards in 01-672 CMR 10.27,B are not applicable. However, shade management clearing will occur within 75 feet of one stream (flowing waters draining less than 50 square miles) in LUPC jurisdiction. During initial clearing activities prior to solar array construction, forested vegetation will be cleared within and around the proposed arrays to allow for construction and to prevent trees from shading solar panels. Clearing within the areas beyond the proposed solar arrays will generally involve cutting 1 to 2 feet from the ground surface, and low growing herbaceous plants less than 1-foot-tall will remain uncut. Further details regarding vegetation maintenance are located in Section 10.0 and the VMP (Exhibit 10-1)

26.6.7 Signs

Signage on leased areas will be limited to informational signs associated with site activities. Any permanent signs will comply with the standards described in 01-672 CMR 10.27,J.

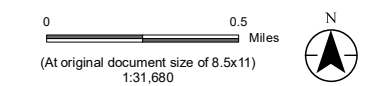
Figure 26-1
Land Use Zoning

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Notes
 1. Coordinate System: NAD 1983 UTM Zone 19N
 2. Data Sources: Plisga and Day Land Surveyors, LUPC, MEGIS
 3. Background: The USGS National Map

- Legend**
- Project Area
 - Existing D-CI
 - Proposed D-CI
 - Collector Line Route
 - Existing Access
 - Plisga & Day Surveyed Parcel Boundary
 - Plisga & Day Surveyed Township Boundary
 - County Boundary
 - Municipal Boundary
- LUPC Zoning Subdistricts**
- D-GN: General
 - M-GN: General
 - P-FP: Flood Prone
 - P-SL1: Shoreland - 250'
 - P-SL2: Shoreland - 75'
 - P-WL1: Wetlands of Special Significance
 - P-WL2: Scrub-shrub Wetlands
 - P-WL3: Forested Wetlands



Project Location
 Benton, Clinton, Unity Twp, Maine
Prepared by GC on 2022-01-20
 Reviewed by EB on 2022-01-21

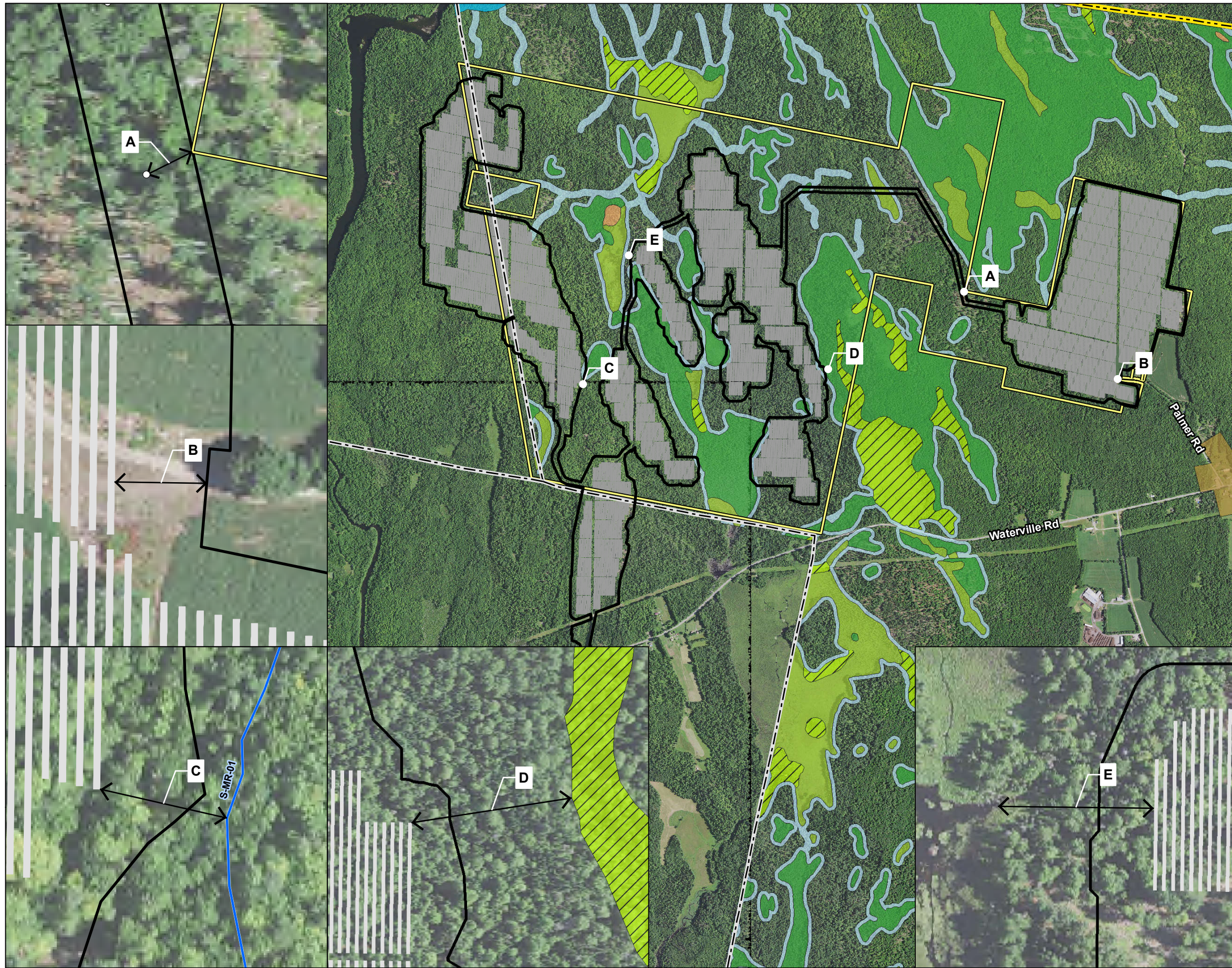
Client/Project
 Three Corners Solar Project
 195601453

Figure No.
26-1
Title
Land Use Planning Commission Zoning

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

Figure 26-2
Dimensional Requirements

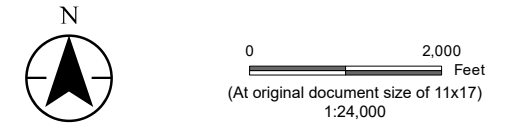
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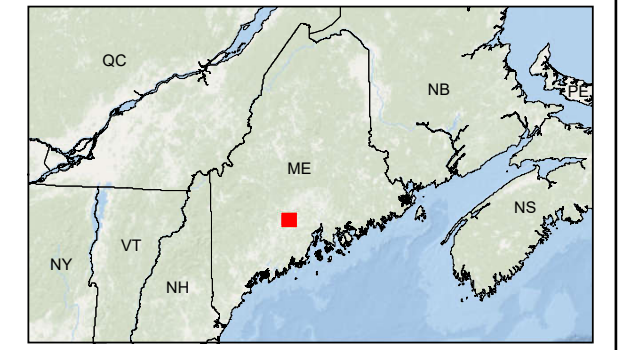
Legend

- Collector Pole
- Solar Array
- ▭ Project Area
- LUPC Zoning Subdistricts**
- D-GN: General
- M-GN: General
- P-FP: Flood Prone
- P-SL1: Shoreland - 250'
- P-SL2: Shoreland - 75'
- P-WL1: Wetlands of Special Significance
- P-WL2: Scrub-shrub Wetlands
- P-WL3: Forested Wetlands
- Municipal Boundary
- County Boundary

Map ID	Closest Project Component (exceeding minimum setback)	Distance (feet)
A	Collector pole to parcel boundary	51
B	Solar array to Palmer Road	92
C	Solar array to delineated stream	129
D	Solar array to P-WL1 subdistrict	322
E	Solar area to open water < 10 acres	310



- Notes**
1. Coordinate System: NAD 1983 UTM Zone 19N
 2. Sources: ME GIS, LUPC, Pilsa and Day, Stantec, Longroad
 2. Background: NAIP 2018 Orthophoto



Project Location
Benton, Clinton, Unity Twp, Maine

Prepared by GC on 2022-01-25
Reviewed by EB on 2022-01-25

Client/Project
Three Corners Solar Project

195601453

Figure No.
26-2

Title
Dimensional Requirements

Exhibit 26-1
20-Year Land Division History

Memorandum

To: Deron Lawrence, Longroad Energy

From: Anthony Calcagni, Verrill

Date: January 11, 2022

Re: Three Corners Solar, LLC
20-Year Land Division History
Bessey Development Company land in Unity Township, Kennebec County

The following is a twenty-year land division history report through December 6, 2021 for the parcel in **Unity Township, Kennebec County**, known as Maine Revenue 2021 Map/Lot Index LURC Plan KE001, **Plan 01, Lots 5, 7, 8, 9, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22 and 23**, now owned by **Bessey Development Company**.

In January 2002, Bessey Development Company holds title to the above-referenced parcels by virtue of several instruments, starting back in 1949 with the Foreclosure of a Mortgage by Charles F. Bessey Company dated 08/22/1949 as recorded at the Kennebec County Registry of Deeds in Book 875 Page 378, and through the deeds and instruments recorded at said Registry on Book 875 Page 378, Book 1262 Page 351, Book 1315 Page 271, Book 1365 Page 52, Book 1445 Page 893, Book 1484 Page 126, Book 3073 Page 116, Book 3122 Page 147, and Book 10610 Page 169.¹ E.D. Bessey & Son was formally known as Charles F. Bessey Company. Bessey Development Company merged with E.D. Bessey & Son in 2012 as noted in an instrument recorded at said Registry in Book 10953 Page 294, with Bessey Development Company being the surviving entity.

The following is a list of recorded instruments affecting the above-referenced parcels since January 2002:

¹ Other than the Deed from Dufault Lumber Company to Bessey Development Company dated December 6, 2010 and recorded at the Kennebec County Registry of Deeds in Book 10610 Page 169, all of these instruments precede 2002, the beginning point of this 20-year land division history report, and are referenced in survey work prepared by Plisga & Day. There may be other source deeds as well. We have limited our title search for purposes of this report to Registry records from and after January 11, 2002, including records for Charles F. Bessey Company, E.D. Bessey & Son, Bessey Development Company, and Dufault Lumber Company.

- Notices to Prevent the Acquisition of a Right of Way or Other Easement dated 07/08/2008 and recorded at the Kennebec County Registry of Deeds in Book 9801 Pages 264 and 265. *Notices recorded to prevent prescriptive easements.*
- Deed from Dufault Lumber Company to Bessey Development Company dated 12/06/2010 and recorded in Book 10610 Page 169. *This deed is the same parcel description as what was conveyed from Bessey Development Company to Dufault Lumber Company by deed dated 05/31/1991 and recorded in Book 3917 Page 331; relates to KE001 Plan 01 Lots 7,8, 22 and 23.*
- Articles of Merger between Bessey Development Company and E.D. Bessey & Son filed 02/02/2012 and recorded in Book 10953 Page 294.
- Memorandum of Lease from Bessey Development Company to Maine RSA #1, Inc dated 04/03/2012 and recorded in Book 11012 Page 267. *Affects less than one acre on north side of Palmer Road for a cell tower, being a portion of KE001 Plan 01 Lot 23. May not be deemed a division for subdivision purposes pursuant to Horton v. Casco, 2013 ME 111 (2013), but if it is then it would be a first dividing within a 5-year period and would not be counted after April 3, 2017.*
- Easement from Bessey Development Company to Central Maine Power Company and Unitel, Inc dated 05/17/2021 and recorded in Book 11059 Page 194. *Utility easement affecting land near Palmer Road described in the Deed from Dufault Lumber Company recorded in Book 10610 Page 169.*
- Memorandum of Lease Option Agreement from Bessey Development Company to LSH Land Holdings, LLC dated 03/15/2018 and recorded in Book 12861 Page 325, as affected by (i) Assignment and Assumption of Lease Option Agreement from LSH Land Holdings, LLC to Three Corners Solar, LLC dated 04/18/2018 and recorded in Book 12887 Page 103, and (ii) Amendment to Lease Option Agreement between Bessey Development Company and Three Corners Solar, LLC dated 04/12/2019 and recorded in Book 13184 Page 55. *This is the instrument by which Three Corners Solar, LLC has the option to lease KE001 Plan 01 Lots 7, 8, 9, 10, 11, 12, 14, 17, 18, 19, 20, 22, and 23. KE001 Plan 01 Lots 5 and 21 are not subject to this Lease Option Agreement, and Ethan Bessey, President of Bessey Development Company, has agreed that Lot 5 (only) is being retained in accordance with LUPC Rule 10.25,Q,1,g,2 and used solely for forest or agricultural management activities.*

There are no other divisions or grants of the above-referenced parcels recorded at the Kennebec County Registry of Deeds through our review period.

Based on the foregoing, there does not appear to be any subdivision of the above-referenced parcels requiring LUPC approval during the twenty-year review period.