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TOWN OF WINSLOW, MAINE
CODE ENFORCEMENT OFFICE
114 Benton Ave, Winslow, ME 04901
Tel: 207-872-2776 Fax: 207-872-1999

Conditional Use Permit

Planning Board Application

($150.00 FEE)

TO BE COMPLETED BY APPLICANT:

TAX MAP NA LOT NA

Application Date: 8/15/2024

Owner's Name: Central Maine Power Company Telephone Number: 207-629-2230

Address: 83 Edison Drive, Augusta, Maine, 04330 Town: Augusta

Applicant's Name: William Goggin Telephone Number: 207-629-2230

Address: 83 Edison Drive, Augusta, Maine, 04330 Town: Augusta

Proof of standing:
Attach copy of deed, purchase and sales agreement, or lease.

Information about the site as it currently exists:
Subdivision Name (if located in subdiv) NA - Electric Transmission Line Lot Number ___
Plan Book See Attached Page See attached Abutters List and Project Mapping
Zoning District ___
Is any part of the lot in the shoreland area, as defined by the Shoreland Zoning Ordinance for the Town of Winslow? Yes, see attached Project narrative and mapping
Type of existing buildings NA
Use of existing buildings NA
Other current use of land Electric Transmission Line - Essential Services
Dimensions of lot NA - Transmission Line ROW Lot Area NA
Road Frontage NA Shoreland Frontage See Project Narrative
Is the lot an existing nonconforming lot? NA
Is the current use an existing nonconforming use? NA
Is the current structure nonconforming? NA

Information about the proposed use of the site:

Describe proposed use Rebuild of Electric Transmission Line - See attached Project narrative

Why does the proposed use require a conditional use permit? Project components located in areas of Shoreland Zoning and Floodplains

Is any new contruction or alteration of existing building involved? No

Describe

Number of employees: Existing _____ Proposed _____

Dimensions of proposed signs _____

Applicant's Signature Will F. Yaggi Date 8/15/2024

MAP INFORMATION TO BE SUBMITTED BY THE APPLICANT:

When a new structure or addition to an existing structure is proposed, a map prepared by a registered land surveyor to a scale of one inch equal one hundred feet will be required. If you think such a map is not needed, you may ask the Planning Board to waive this requirement, which they may or may not vote to do. If such a waiver is being request, the Planning Board must have an application that is complete except for the map and the information required to be shown on the map must be shown on a sketch drawn approximately to scale submitted with the application. The map or sketch will show:

1. Copy of Tax Map and Location
   1A. Lot boundaries, showing dimensions
2. Street location and name
3. Names of abutting property owners
4. Location and dimensions of existing buildings
5. Location and dimensions of proposed buildings
6. Existing and proposed off street parkign
7. Existing and proposed driveway access to streets
8. Existing highway access restrictions
9. Existing and proposed easements
10. Existing and proposed setbacks: street, side, and rear yards
11. Existing and proposed loading areas
12. Existing and proposed outside storage areas
13. Existing and outside activity areas
14. Existing and proposed fences, landscaping, or another buffer
15. Locations below the elevation of the "100-year flood"
16. Location and elevation of mean and historic high-water mark of any lake, river, stream, or wetlands subject to shoreland zoning
17. Location of existing and proposed signs
18. Location of existing and proposed sewage disposal system
19. Existing and proposed system for drainage of surface water
20. Any other relevant information that is appropriately shown in map form

OTHER ATTACHEMENTS (unless not relevant to the proposal as determined by the Planning Board):

A. Proposed sewage disposal plan
B. Proposed water system plan
C. Estimate of traffic to be generated by the project when in full use

When a Conditional Use consists of only a change of use, complete items 1, 1A, 2, 3, 6, 7, 17 and Other Attachments A, B, C, and D.

Conditional Use permits must be submitted to the Code Enforcement Office two weeks prior to the next Planning Board Meeting.

TO BE COMPLETED BY THE CODE ENFORCEMENT OFFICER:

Recommendations of the Planning Board for any conditions that might be appropriate to protect the interests of the abutting or nearby property owners, or otherwise benefit the area _____

_____

_____

_____

Date of Application: _____

Name of Applicant: _____

Conditional Use Request: _____

Planning Board Action: _____

_____

_____

_____

Planning Board Conditions: _____

_____

_____

_____

Planning Board Signatures:

Approved _____ Denied _____ Date _____ Time _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Section 1 Transmission Line Rebuild Project

Town of Winslow

Shoreland Zoning and Flood Hazard Development Permit Application

Project Description/Need

Central Maine Power Company (CMP) is proposing to rebuild an existing 34.5-kilovolt (kV) electric transmission line. The Section 1 Transmission Line Rebuild Project (Project) is approximately 20.1 miles and is located in Augusta, Vassalboro, and Winslow, Maine. Approximately 5.9 miles of the line is located in Winslow. The Project consists of replacing the existing transmission line by installing new utility poles approximately ten feet from those existing, and then installing new conductor lines, insulators, and grounding equipment. In Winslow, approximately 3.8 miles of the existing Section 1 line will be removed and re-located to a 1.5-mile segment of the existing Section 40 Right-of-Way (ROW) corridor. The re-location of the Section 1 line will remove 89 existing poles and install 33 new poles alongside the existing Section 40 transmission line within the existing ROW corridor. The re-location of the Section 1 alongside 1.5 miles of the existing Section 40 line will shorten the existing Section 1 line in Winslow by 2.3 miles overall.

The Project is being implemented to bring the Section 1 transmission line to current standards and improve reliability of the electric grid in this region. The transmission line was originally built in the 1930's, was rebuilt in the early 1980's, and had limited upgrades performed in 2012. To rebuild the existing Section 1 line, the existing poles will be cut at ground level, replacement poles will be placed as nearby to the original locations as feasible (within approximately 10-feet), and the new poles will be installed and strung with new conductor. There are 123 poles along the existing line in Winslow that will be cut to ground level and abandoned in-place. Twelve (12) of the existing poles are located in Resource Protection (RP) Districts and 11 are located in Limited Residential (LR) Districts. There are also 12 existing poles located within floodplains that will be replaced.

Temporary construction matting will be utilized within wetland areas and at wetland crossings to reduce impacts associated with ground disturbance during project construction and site access. Project installation along the route will be performed within the existing, approximately 100-foot-wide ROW. Occasional side trimming or removal of danger trees (trees that pose a threat to equipment if the tree were to fall into the ROW) will be performed where necessary to maintain proper clearances.

CMP has the right, title, and interest in the existing ROW, and has existing access to construct and maintain Section 1. The enclosed Shoreland Zoning maps depict the ROW, structure location, the Resource Protection (RP) and Limited Residential (LR) Districts. The Project requires shoreland zoning approval by the Town of Winslow under Chapter 300, Section 300-86 of the Winslow Code Additionally, the Project requires a Flood Hazard Development Permit under Chapter 139 of the Winslow Code. The Project is classified as an Essential Service under the Winslow Code.

Additional details regarding the Project include:

- The Project will minimize natural resources impacts by implementing temporary construction matting and best management practices, as defined by state and federal

regulations. The Project is in the process of acquiring environmental permits from the Maine Department of Environmental Protection (MDEP) and U.S. Army Corps of Engineers (USACE). Cultural resource consultation is ongoing for compliance with Section 106 of the National Historic Preservation Act.

- Construction will be performed using construction matting to minimize impacts to soil and water quality within environmentally sensitive areas. No new gravel access roads (temporary or permanent) are anticipated within the Resource Protection Districts or Limited Residential Districts as part of the Project.
- A limited amount of inert construction debris, including wooden poles, conductors, insulators, and steel hardware will be generated by the Project. All debris will be removed from the jobsite and disposed of in accordance with state-approved facilities.
- The Project will not result in increased stormwater runoff as the added impervious, permanently non-vegetated areas will be adjacent to existing impervious areas associated with existing poles and result in approximately 2.4 square feet of new impact for each new pole (this calculation is based on an average pole diameter of 21 inches).

Project Schedule

Construction of the Project is anticipated to start January 2025 with completion scheduled for December 2025.

Information Required in Written Project Narrative – Shoreland Zone:

All land use activities within the established Shoreland Zone District boundaries must comply with Land Use Standards in Chapter 300, Section 300-86 of the Winslow Town Code on Zoning. Applicable standards are provided below with accompanying project information as a response to identify conformance with each standard.

Section 300-86-J

Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

Response:

The Project calls for rebuilding public utility infrastructure and will control stormwater during construction with the use of erosion and sediment control devices and vegetative buffers. The Project will be revegetated to prevent soil erosion and to prevent a reduction in the land's capacity to hold water. CMP's Environmental Guidelines (attached) will be followed. After, construction the Project area will be restored to pre-existing conditions with no effect on stormwater runoff.

Section 300-86-M

Essential Services

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

Response:

The Project calls for rebuilding existing public utility infrastructure within an existing service corridor. Per section 14 of the Shoreland Zoning Ordinance, electric utility transmission lines are an allowed use within RP and LR Districts provided a permit from the Planning Board is obtained. CMP has located all proposed facilities to minimize adverse impacts on surrounding uses and resources to the greatest extent practical.

Section 300-86-P

Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in Subsection R. Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in § 300-86Q(1) above, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

> *(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.*
>
> *(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of § 300-86Q(2)(b), a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each twenty-five-foot by fifty-foot rectangular (1,250 square feet) area as determined by the following rating system.*
>
> *(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above and 2(g) below.*

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.

(f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15(P)(2).

(g) Clearing for recreational trails for public use is permitted provided that the width of the trail does not exceed six (6) feet in width and the other objectives of this section are met to the greatest extent practical.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas and public boat access facilities as long as cleared areas are limited to the minimum area necessary.

(3) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development District.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this article.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of § 300-86Q.

Response:

Project installation along the route will be performed within the existing, approximately 100-foot-wide ROW corridor which is currently cleared and maintained. Occasional side trimming or removal of danger trees (trees that pose a threat to equipment if the tree were to fall into the ROW) will be performed where necessary to maintain adequate clearances for the proposed transmission line improvements and equipment.

Section 300-86-R

Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

(1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening

in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height and be no less than two (2) inches in diameter. Stumps may not be removed.

(b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

(c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

(d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

(e) The Code Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

(2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

(b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand

(10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

Response:

Project installation along the route will be performed within the existing, approximately 100-foot-wide ROW corridor which is currently cleared and maintained. Occasional side trimming or removal of hazard trees (trees that pose a threat to equipment if the tree were to fall into the ROW) and dead, or storm-damaged trees, will be performed where necessary to maintain adequate clearances for the proposed transmission line improvements and equipment.

Section 300-86-U

Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation, or other similar activities which result in un-stabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or rip-rap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater and shall be stabilized with vegetation or lined with riprap.

Response:

During construction, the Project will utilize erosion and sediment control devices and vegetative buffers to control stormwater. The Project will be revegetated to prevent soil erosion and to prevent

a reduction in the land's capacity to hold water. CMP's Environmental Guidelines (attached) will be followed.

Section 300-86-V

Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

Response:

During construction, the Project will utilize erosion and sediment control devices and vegetative buffers to control stormwater. The Project will be revegetated to prevent soil erosion and to prevent a reduction in the land's capacity to hold water. CMP's Environmental Guidelines (attached) will be followed. No subsurface waste disposal is required for the Project and no adverse environmental impacts are anticipated from construction.

Section 300-86-W

Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

Response:

The Project calls for rebuilding public utility infrastructure and will have no effect on the quality of any water bodies. During construction, the Project will utilize erosion and sediment control devices and vegetative buffers. The Project will be revegetated to prevent soil erosion and to prevent a reduction in the land's capacity to hold water. The Project will also utilize matting to protect wetlands when work is required within or through a wetland. CMP's Environmental Guidelines (attached) will be followed.

Section 300-86-X

Archaeological Site

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from

the Commission prior to rendering a decision on the application.

Response:

The Project calls for rebuilding existing public utility infrastructure and occurs within locations where adverse environmental impacts are not present, nor would be anticipated to occur during structure removal or replacement. The Project is currently consulting with the Maine Historic Preservation Commission and will perform pedestrian surveys prior to conducting soil disturbing activities.

Section 300-87-D(3)

Procedure for Administering Permits

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(a) Will maintain safe and healthful conditions;

(b) Will not result in water pollution, erosion, or sedimentation to surface waters;

(c) Will adequately provide for the disposal of all wastewater;

(d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(e) Will conserve shore cover and visual, as well as actual, points of access to inland

(f) Will protect archaeological and historic resources as designated in the strategic plan;

(g) Reserved

Response:

The Project consists of rebuilding and existing above ground electric utility. The rebuild of the line will maintain safe and healthful conditions in the same manner as the existing utility line. Primary risks to safety is during construction.

During construction, the Project will utilize erosion and sediment control devices and vegetative buffers. The Project will be revegetated to prevent soil erosion and to prevent a reduction in the land's capacity to hold water. CMP's Environmental Guidelines (attached) will be followed.

The Project proposes no sewage or wastewater and any industrial waste created will be hauled off site to an appropriate disposal facility.

The Project will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

The Project will not have any impact on shore cover and visual points of access inland.

The Project is currently consulting with the Maine Historic Preservation Commission and will perform pedestrian surveys prior to conducting soil disturbing activities.

Information Required in Written Project Narrative – Flood Hazard Development Permit:

All developments in areas of special flood hazard shall meet the applicable development standards in Chapter 139, Section 139-6 of the Winslow Town Code on Floodplain Management. Applicable standards are provided below with accompanying project information as a response to identify conformance with each standard.

Section 139-6-A

All Development

All development shall:

(1) Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
(2) Use construction materials that are resistant to flood damage;
(3) Use construction methods and practices that will minimize flood damage; and
(4) Use electrical, heating, ventilation, plumbing and air-conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

Response:

The Project calls for rebuilding aboveground public electric utility infrastructure and has been designed to adequately anchor all utility poles to prevent floatation, collapse or lateral movement.

Section 139-6-B

Water Supply

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

Response:

The Project will have no effect on the quality or quantity of water supplies as the Project calls for rebuilding aboveground public electric utility infrastructure.

Section 139-6-C

Sanitary Sewerage Systems

All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters.

Response:

The Project will have no effect on sanitary sewage systems as the Project calls for rebuilding aboveground public electric utility infrastructure.

Section 139-6-D

On-site Waste Disposal Systems

On-site waste disposal systems shall be located and constructed to avoid impairment to them or

contamination from them during floods.

Response:

The Project will not require on-site waste disposal systems.

Section 139-6-E

Watercourse Carrying Capacity

All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood-carrying capacity of the watercourse.

Response:

The Project will have no effect on flood carrying capacity of any watercourse.

Section 139-6-F

Residential

New construction or substantial improvement of any residential structure located within:

(1) Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

(2) Zone A shall have the lowest floor (including basement) elevated:

(a) To at least one foot above the base flood elevation utilizing information obtained pursuant to § 139-3H(1)(b)[1], 139-5B, or 139-8D; or

(b) In the absence of all data described in § 139-6F(2)(a), to at least two feet above the highest adjacent grade to the structure.

Response:

The Project does not involve construction or improvement of any residential structures as the Project calls for rebuilding aboveground public electric utility infrastructure.

Section 139-6-G

Non-Residential

New construction or substantial improvement of any nonresidential structure located within:

(1) Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

(a) Be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 139-3K and shall

include a record of the elevation above mean sea level to which the structure is floodproofed.

(2) Zone A shall have the lowest floor (including basement) elevated:

(a) To at least one foot above the base flood elevation utilizing information obtained pursuant to §§ 139-3H(1)(b)[1], 139-5B, 139-8D;

(b) In the absence of all data described in § 139-6G(2)(a), to at least two feet above the highest adjacent grade to the structure; or

(c) Together with attendant utility and sanitary facilities meet the floodproofing standards of § 139-6G(1)(a), (b), and (c).

Response:

The Project does not involve construction or improvement of any non-residential structures as the Project calls for rebuilding aboveground public electric utility infrastructure consisting primarily of wooden utility poles.

Section 139-6-H

Manufactured Homes

New or substantially improved manufactured homes located within:

(1) Zone AE shall:

(a) Be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

(b) Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and

(c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

[1] Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

[2] Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

[3] All components of the anchoring system described in § 139-6H(1)(c)[1] and [2] shall be capable of carrying a force of 4,800 pounds.

(2) Zone A shall:

(a) Be elevated on a permanent foundation, as described in § 139-6H(1)(b), such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to §§ 139-3H(1)(b)(1), 139-5B; 139-8D; or

(b) In the absence of all data as described in § 139-6H(2)(a), to at least two feet above the highest adjacent grade to the structure; and

(c) Meet the anchoring requirements of § 139-6H(1)(c).

Response:

The Project does not involve construction or improvement of any manufactured homes as the Project calls for rebuilding aboveground public electric utility infrastructure consisting primarily of wooden utility poles.

Section 139-6-I

Recreational Vehicles

Recreational vehicles located within:

(1) Zones A and AE shall either:

(a) Be on the site for fewer than 180 consecutive days; and

(b) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in § 139-6H(1).

Response:

The Project does not involve the use or storage of recreational vehicles.

Section 139-6-J

Accessory Structures

Accessory structures, as defined in § 139-13, located within Zones A and AE, shall be exempt from the elevation criteria required in § 139-6F and G above, if all other requirements of § 139-6 and all the following requirements are met. Accessory Structures shall:

(1) Have unfinished interiors and not be used for human habitation;

(2) Have hydraulic openings, as specified in § 139-6L(2), in at least two different walls of the accessory structure;

(3) Be located outside the floodway;

(4) When possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and

(5) Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the special flood hazard area.

Response:

The Project does not involve the construction or use of accessory structures.

Section 139-6-K

Floodways

(1) In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is

designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) In Zones A and AE, riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in § 139-6K(3) unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

> *(a) Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and*
>
> *(b) Is consistent with the technical criteria contained in FEMA's guidelines and standard for flood risk analysis and mapping.*

(3) In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain as measured from the norma high-water mark to the upland limit of the floodplain.

Response:

The Project does not involve the construction or use of accessory structures.

Section 139-6-L

Enclosed Areas Below the Lowest Floor

New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of § 139-6, including the elevation requirements of § 139-6, Subsection F, G, or H, and is elevated on posts, columns, piers, piles, or crawlspaces may be enclosed below the base flood elevation requirements, provided all the following criteria are met or exceeded:

(1) Enclosed areas are not "basements" as defined in § 139-13;

(2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:

> *(a) Be engineered and certified by a registered professional engineer or architect; or*
>
> *(b) Meet or exceed the following minimum criteria:*
>
> > *[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;*
> >
> > *[2] The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and*
> >
> > *[3] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the entry and exit of floodwaters automatically without any external influence or control such as human intervention, including the use of electrical and other nonautomatic mechanical means;*

(3) The enclosed area shall not be used for human habitation; and

(4) The enclosed areas are usable solely for building access, parking of vehicles, or storage.

Response:

The Project does not involve the construction or use of structures with basements or any other enclosed areas below grade.

Section 139-6-M

Bridges

New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

(1) When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

(2) A registered professional engineer shall certify that:

> *(a) The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of § 139-6K; and*
>
> *(b) The foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.*

Response:

The Project does not involve the construction or improvements of bridges within Zones A or AE.

Section 139-6-N

Containment Walls

New construction or substantial improvement of any containment wall located within:

(1) Zones A and AE shall:

> *(a) Have the containment wall elevated to at least one foot above the base flood elevation;*
>
> *(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and*
>
> *(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for flood hazard development permit, as required by § 139-3K.*

Response:

The Project does not involve the construction or improvements of containments walls within Zones A or AE.

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Section 139-6-O

Wharves, Piers and Docks

New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water if the following requirements are met:

(1) Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

(2) For commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

Response:

The Project does not involve the construction or improvements of wharves, piers or docks within Zones A or AE.