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Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

September 28, 2011

Steve DiMillo
25 Long Wharf
Portland, ME 04101

Mark J Hellen
Nelson and Small
212 Canco Road
Portland, ME 04103

Re: **Installation of *Windspire* wind energy system near DiMillo's Floating Restaurant & Marina
144 Commercial Street
Site Plan exemption issued 01-29-2010**

Dear Mr. DiMillo and Mr. Hellen,

I am writing in regard to the fencing surrounding this installation.

The Site Plan exemption had a condition that required railings around the base of the system to discourage access. Subsequently we approved two versions of the railings.

We note that neither version of the approved railings has been installed, and that you have asked us to consider a revision to remove the fence requirement. After discussion with our office, you have installed some temporary fencing as an interim measure. While this temporary fencing does not meet the conditions of the site plan approval, we do not intend to take enforcement action at this time. As we have discussed with you, we are awaiting a final decision from the City Council on the wind ordinance, which as currently proposed does not explicitly require railings in cases such as this. The wind ordinance was anticipated to be considered by the Council on September 7, 2011 but the Council has referred it to a subcommittee and the hearing date is not known at this time.

In the interim the temporary fencing should remain at all times as currently installed. We will revisit the question of permanent fencing after the City Council has completed its review of the new ordinance. We reserve the right to require the fencing as originally approved, or as may be modified or eliminated after further review by this office.

Sincerely,


Alexander Jaegerman
Planning Division Director

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