September 28, 2011

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| Steve DiMillo25 Long WharfPortland, ME 04101 | Mark J HellenNelson and Small212 Canco RoadPortland, ME 04103 |

Re: **Installation of *Windspire* wind energy system near DiMillo’s Floating Restaurant & Marina**

 **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 have been installed and that the temporary fencing does not meet the conditions of the site plan approval. We do not intend to take enforcement action as we are awaiting a final decision from the City Council on the wind ordinance, as it may contain a provision that 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.

Sincerely,

Barbara Barhydt

Development Review Services Manager

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