

# Drummond Woodsum

Ronald N. Ward

rnward@dwmlaw.com

84 Marginal Way, Suite 600  
Portland, ME 04101-2480

ATT 2-A-1

(207) 772-1941

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Admitted in ME only

www.dwmlaw.com

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S. Campbell Badger\*  
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Alexandra E. Caulfield\*  
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George T. Dilworth\*  
Peter C. Feinly\*  
Erin R. Feltes†  
Adrienne E. Fouts\*  
Sara S. Hellstedt\*  
Eric R. Herlan\*†  
Melissa A. Hewey††  
Michael E. High\*  
David M. Kallin\*  
John S. Kaminski\*  
Edward J. Kelleher\*  
James T. Kilbrath\*  
Jeanne M. Kincaid††  
Peter D. Klein\*  
Rodney A. Lake\*  
Benjamin E. Marcus\*  
Elek A. Miller\*  
Mona T. Movafagh†  
Michael J. Murray\*  
Robert P. Nadeau\*  
Daina J. Nathanson††  
Kimberly A. Pacelli\*  
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William L. Plouffe\*  
Aaron M. Pratt††  
Harry R. Pringle\*  
Kerriann Roman†  
Daniel J. Rosa††  
George Royle V\*  
Gregory W. Sample\*  
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David S. Sherman, Jr.\*  
Richard A. Shiny\*  
Christina R. Simpson†  
Kaleigh Smith, Jr.\*  
Bruce W. Smith\*  
Richard A. Spencer††  
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E. William Stockmeyer††  
Amy K. Tcheo††  
Joanna B. Tourangeau††  
M. Thomas Trenholm\*  
Matthew H. Upton†  
Gary D. Vogel\*  
Ronald N. Ward\*  
Thomas R. Watson††  
Brian D. Willing\*  
Reade E. Wilson\*  
Gerald M. Zelint†

#### Consultants

Ann S. Chapman  
Policy & Labor Relations

Roger P. Kelley  
Labor Relations &  
Conflict Management

Michael J. Opuda Ph.D.  
Special Education

#### Of Counsel

Joseph L. DeLafield III\*  
Robert L. Gips\*  
Donald A. Kopp\*  
Hugh G. E. MacMahon\*  
Harold E. Woodsum, Jr.\*

\* Admitted in Maine  
† Admitted in New Hampshire

August 22, 2012

City of Portland Planning Department  
389 Congress Street  
Portland ME 04101

RE: Dinosaur Enterprises Ltd. – Contract Zoning Application

Ladies and Gentlemen:

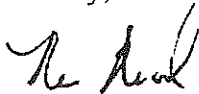
Enclosed is the original application, amended to add the City's prescribed application form. We assume it to be complete, but let me or Ted Weber know if you feel differently.

We do not believe that this application requires a neighborhood meeting, in accordance with your published standards for such a meeting. Be aware that the Webers have signed petitions from dozens of Island residents supporting their business and this application which we can provide to you, if requested.

You will keep us all posted on the various hearing dates and required meetings at City Hall.

Thank you for your consideration.

Sincerely,



Ronald N. Ward

RNW:kjl

Enclosures

cc: Dinosaur Enterprises Ltd.  
Danielle West-Chuhta, Esq.  
Michael Murray, Island Liaison

MERITAS



2-A-2

# Zoning Amendment Application

Department of Planning and Development, Planning Division and Planning Board

PROJECT ADDRESS: 118 Sunset Avenue, Great Diamond Island

CHART/BLOCK/LOT: 83A-K-5-10

## CONTACT INFORMATION:

### APPLICANT

Name: Dinosaur Enterprises Ltd.  
 Address: PO Box 4804  
Great Diamond Island  
Portland, ME  
 Zip Code: 04112-4804  
 Work #: 207-766-5673 or  
207-766-5061  
 Cell #: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: dinosaurenterprises@yahoo.com

### PROPERTY OWNER

Name: Elizabeth A. Weber  
 Address: PO Box 4804  
Great Diamond Island  
Portland, ME  
 Zip Code: 04112-4804  
 Work #: 207-766-5673 or  
207-766-5061  
 Cell #: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: dinosaurenterprises@yahoo.com

### BILLING ADDRESS

Name: Dinosaur Enterprises Ltd.  
 Address: PO Box 4804  
Great Diamond Island  
Portland, ME  
 Zip: 04112-4804  
 Work #: 207-766-5673 or  
207-766-5061  
 Cell #: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: dinosaurenterprises@yahoo.com

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ENGINEER

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ARCHITECT

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

CONSULTANT

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

SURVEYOR

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ATTORNEY

Name: Ronald N. Ward  
Address: Drummond Woodsum & MacMahon  
84 Marginal Way, Suite 600  
Portland, ME  
\_\_\_\_\_  
Zip Code: 04101-2480  
Work #: 207-772-1941  
Cell #: \_\_\_\_\_  
Fax #: 207-772-3627  
Home: \_\_\_\_\_  
E-mail: rward@dwmlaw.com

# PROJECT DATA

2-A-4

The following information is required where applicable, in order complete the application

Total Site Area N/A - see \_\_\_\_\_ sq. ft.  
Proposed Total Disturbed Area of the Site enclosed narrative sq. ft.  
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.)

Impervious Surface Area  
Proposed Total Paved Area N/A - see enclosed narrative sq. ft.  
Existing Total Impervious Area \_\_\_\_\_ sq. ft.  
Proposed Total Impervious Area \_\_\_\_\_ sq. ft.  
Proposed Impervious Net Change \_\_\_\_\_ sq. ft.

Building Area  
Existing Building Footprint N/A - see enclosed narrative sq. ft.  
Proposed Building Footprint \_\_\_\_\_ sq. ft.  
Proposed Building Footprint Net change \_\_\_\_\_ sq. ft.  
Existing Total Building Floor Area \_\_\_\_\_ sq. ft.  
Proposed Total Building Floor Area \_\_\_\_\_ sq. ft.  
Proposed Building Floor Area Net Change \_\_\_\_\_ sq. ft.  
New Building \_\_\_\_\_ (yes or no)

Zoning  
Existing IR-1/IR-2  
Proposed Unchanged with respect to underlying zone designation, but subject to additional Contract Zone requirements

Land Use  
Existing N/A - see enclosed narrative  
Proposed \_\_\_\_\_

Residential, if applicable  
Proposed Number of Affordable Housing Units N/A  
Proposed Number of Residential Units to be Demolished \_\_\_\_\_  
Existing Number of Residential Units \_\_\_\_\_  
Proposed Number of Residential Units \_\_\_\_\_  
Subdivision, Proposed Number of Lots \_\_\_\_\_

Parking Spaces  
Existing Number of Parking Spaces N/A  
Proposed Number of Parking Spaces \_\_\_\_\_  
Number of Handicapped Parking Spaces \_\_\_\_\_  
Proposed Total Parking Spaces \_\_\_\_\_

Bicycle Parking Spaces  
Existing Number of Bicycle Parking Spaces N/A  
Proposed Number of Bicycle Parking Spaces \_\_\_\_\_  
Total Bicycle Parking Spaces \_\_\_\_\_

Estimated Cost of Project N/A

2-A-5

**Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:

See enclosed narrative

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Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

**Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

**Existing Use:**

Describe the existing use of the subject property:

See enclosed narrative

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**Current Zoning Designation(s):**

IR-1/IR-2 (residential)

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**Proposed Use of Property:** Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

See enclosed narrative

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**Sketch Plan:** On a separate sheet, please provide a sketch plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 100'.) Contract and conditional rezoning applications may require inclusion of site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

2-A-6

**APPLICATION FEE:**

Check the type of zoning review that applies. Payment may be made in cash or check to the City of Portland.

**Zoning Map Amendment**

\_\_\_ \$2,000.00 (from \_\_\_ zone to \_\_\_ zone)

**Zoning Text Amendment**

\_\_\_ \$2,000.00 (to Section 14- \_\_\_)

(For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

**Conditional or Contract Zone**

\$1,000.00 (under 5,000 sq. ft.)  
\_\_\_ \$3,000.00 (5,000 sq. ft. and over)

(A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)

**Signature:** The above information is true and accurate to the best of my knowledge.

Signature of Applicant: <i>Elizabeth A. Weber</i> <i>William E. Weber</i>	Date: August 13, 2012
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**Further Information**

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

Dinosaur Enterprises Ltd.  
Great Diamond Island  
Portland, ME 04112

August 13, 2012

City of Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Contract Zoning Application - Great Diamond Island  
Dinosaur Enterprises Ltd.

Ladies and Gentlemen:

This letter will serve as the formal application of Dinosaur Enterprises Ltd. ("Dinosaur") and Elizabeth A. Weber to amend the current zoning at 118 Sunset Avenue on Great Diamond Island ("GDI") to allow the continuation of the current fuel distribution services from the Sunset Avenue site, conditioned as outlined below. The discussion of this operation has actually continued for years, and most recently included discussions with Diamond Island Association ("DIA") regarding the "DPW Site" on land licensed by DIA to the City of Portland. Those discussions, for a number of reasons, never reached the point of agreement and Dinosaur has since continued the attempt to reach a mutually agreeable resolution. This Application is the result of those efforts.

Background of the Operation

Dinosaur is a Maine corporation which provides fuel and services to Island residents from the Sunset Avenue site. These services are provided primarily from an oil truck and a gasoline trailer housed at the site. Dinosaur is a very small family business, however measured. Ted is the principal of Dinosaur, assisted as needed by the family, including daughter, Beth. Heating oil and gasoline are the primary products sold by Dinosaur, primarily through oil truck deliveries, or dispensing gasoline from the gas trailer on-site. Ted/Dinosaur has been operating from this site without incident since 1988. Elizabeth Weber is the owner of the real estate (see deed copy, attached).

Dinosaur does not maintain regular business hours and is significantly more active during the tourist season, relating primarily to gasoline sales. Dinosaur is the only source for fuel purchases on GDI. Fuel cannot be carried on Casco Bay Lines or water taxi. The list of Dinosaur customers is lengthy and has included Portland's Department of Public Works, for example. The availability of gasoline and fuel oil is a significant advantage to the residents and visitors to GDI,

it being licensed to transport and dispense these products on the Island, which is otherwise very difficult to serve. Similar services have been continuously provided on GDI since World War II without significant incident. The operators and their general eras of providing these services are Dan Carr 1940-1970, Bill Loveless 1970-1988, Ted Weber 1988-1992 and Dinosaur 1992-present.

Current photos of our property are included to show the physical arrangement of the site, including the Weber home which shares this site and affords us round-the-clock security. A listing of the abutters to the site is also enclosed.

#### Background of this Contract Zone Request

Dinosaur was formally challenged by the City regarding this family operation on September 21, 2011 (see letter attached as Exhibit A) when the earlier proposal to move the Dinosaur business to the DPW site, licensed to the City by DIA, collapsed. Several reasons for the collapse were referenced, but the primary reason is that the City and DIA could not find common ground on the detail. With respect to Dinosaur, those negotiations were initiated by an earlier challenge to our right to continue our long-standing business because of the City's zoning regulations. We argued that Dinosaur was grandfathered, but ultimately agreed to join a discussion with the City to find a means that met the needs of all. Hence, this application.

The real estate runs between Crescent Avenue and Sunset Avenue, and is shown on Tax Map 83A-K-5-10 (see map attached as Exhibit B). A zone line dividing IR-1 and IR-2 zones runs through the property. These zones do not permit the kinds of business operated by Dinosaur. Our application is submitted pursuant to the Portland Land Use Ordinance Division 1.5 "Conditional or Contract Zoning" (14-60 to 14-65), based upon the State authority appearing in 30-A M.R.S.A. sections 4503 (9) and 4352.

#### The Contract Zone Request

We request that the City of Portland, acting through its Planning Board and City Council, grant us the authority to continue the current Dinosaur business through a formal Contract Zone Agreement. The Conditions remain to be determined, but Dinosaur is in favor of the following conditions:

- The term of this Agreement terminate if Dinosaur or the immediate Weber family discontinue the operation for at least 12 months.
- The term of this Agreement terminate if Dinosaur or the immediate Weber family transfer the business or assets of the current business to unrelated third parties.
- The term of this Agreement terminate at any time the current business is transferred off the current Sunset/Crescent Avenue location.



- The business of Dinosaur be limited to the current uses, both in type and scope, such that impacts on surrounding properties, if any, not be expanded.

Dinosaur stands willing to discuss such further, reasonable conditions as the City may propose. We're a service-driven, small family business which has provided fuel products and service from this site since 1992. We'd like to continue to do so without in any way negatively impacting our neighbors.

Thank you for your consideration.

Sincerely,



Ted Weber  
Dinosaur Enterprises Ltd.

Enclosures

cc: Elizabeth A. Weber  
Danielle West-Chuhta, Esq.  
Michael Murray, Island Liaison  
Ronald N. Ward, Esq.

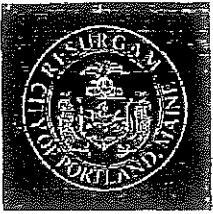


EXHIBIT A

2-A-10

Strengthening a Remarkable City. Building a Community for Life

www.portlandmaine.gov

Corporation Counsel  
Gary C. Wood

Associate Counsel  
Mary E. Costigan  
Danielle P. West-Chuhta  
Ann M. Freeman

September 21, 2011

William E. Weber  
PO Box 4804  
Portland ME 04112

*Had meeting with  
City Oct 4, 2011  
at 9:30 AM.*

RE: Dinosaur Enterprises, Inc.

Dear Mr. Weber:

I am writing in regard to the operation of your business, Dinosaur Enterprises, Inc., at your property on Great Diamond Island. As you are aware, the City of Portland has a license from the Diamond Island Association ("DIA") for a parcel of land that the City uses for Department of Public Services ("DPS") operations. The City began the process of applying for a rezoning of that parcel in order to accommodate an oil business on the site. By letter dated June 15, 2011, DIA advised the City that it no longer supported the rezoning of the DPS site to allow a fuel business.

The purpose of this letter is to provide you with notice that the DPS site is no longer an option for relocation of your business. Please contact Mike Murray at 756-8288 at your earliest convenience to schedule a meeting to discuss next steps.

Thank you for your attention to this matter. Please feel free to call me if you have any questions.

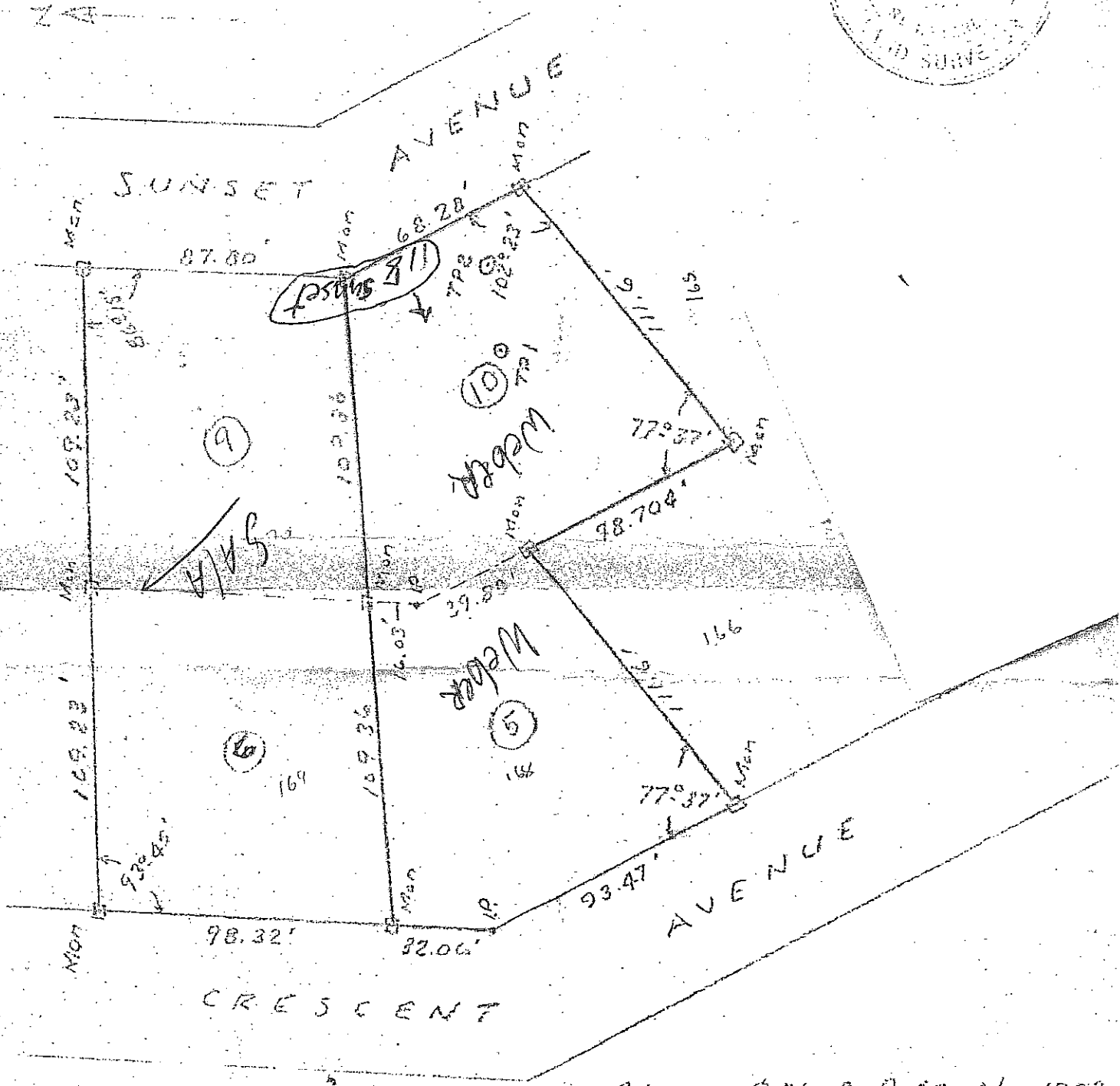
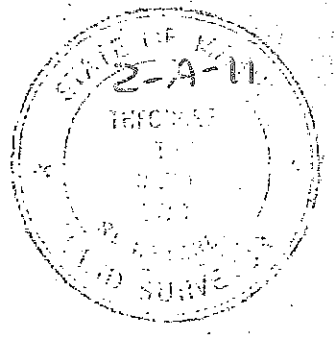
Sincerely,

  
Mary E. Costigan  
Associate Corporation Counsel

cc: Mike Murray  
Michael Bobinsky

Sold  
house & lot 9, 6  
to Sales

EXHIBIT B



Reference: B B K & P 42 Nov 1882

Ted Weber  
1-617-388-0410 (Amesbury)  
766-5061 (Island)

LAND AT GREAT DIAMOND  
Portland, Maine  
Assessors 83A-K-5, 6, 9,  
7-19-78

69265

WARRANTY DEED

Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS THAT, We , William F. Batal and Cheryl T. Cartmill, of Greenwich, State of New Jersey, for consideration paid, grant to Elizabeth A. Weber, of Portland, County of Cumberland, State of Maine, with a mailing address of P.O. Box 4841, Portland, ME 04112, with WARRANTY COVENANTS, the following:

A certain lot or parcel of land, together with the buildings or improvements thereon, more particularly described in Exhibit A attached hereto and made a part hereof.

This deed is given subject to real property taxes for the current year, and by acceptance of this deed, the Grantees hereby assume and agree to pay same.

Witness our hand(s) and seal(s) this 5 day of November, 1992

W. Batal 11/5/92  
William F. Batal

Cheryl T. Cartmill  
Cheryl T. Cartmill

SEAL

State of New Jersey  
County of Salem

November 5, 1992

Personally appeared William F. Batal and acknowledged the foregoing to be his free act and deed.

Before me,

Elizabeth J. Kidd  
Notary Public/Attorney at Law  
Print Name:

ELIZABETH J. KIDD  
Notary Public of New Jersey  
My Commission Expires April 25, 1995

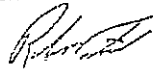
## Exhibit A

Two certain lots or parcels of land situated on Great Diamond Island in the City of Portland, County of Cumberland and State of Maine, and being lots numbered 167 and 168 as shown on a Plan of Land of Great Diamond Island Association, recorded in the Cumberland County Registry of Deeds at Plan Book 4, Page 42.

The above described premises are conveyed together with all rights and privileges, and subject to all the agreements, conditions, restrictions, and limitations contained in the original deed from said Great Diamond Island Association above referenced recorded in said Registry in Book 500, Page 62.

Being the same premises conveyed to the Grantors by deed of Grantee dated January 24, 1979 and recorded in the Cumberland County Registry of Deeds in Book 4373, Page 331.

RECEIVED  
RECORDED REGISTRY OF DEEDS  
92 NOV 10 PM 3:14  
CUMBERLAND COUNTY



Abutters to the Weber residence 118 Sunset Ave, GDI

Jim & Hilary Riedy	111 Sunset Ave,	766-3075
Lyn, Peter & Susan Sala	124 Sunset Ave.	766-5637
Didriksen / Tucker	100 Sunset Ave.	415-0333 / 766-2172
Fred & Philip Laughlin	63 Crescent Ave.	838-8101
Mike & Eileen Harris	78 Crescent Ave.	766-5779



IMG\_0111



IMG\_0112



IMG\_0113



IMG\_0114



IMG\_0115



IMG\_0116



IMG\_0117



IMG\_0118



IMG\_0122

VIEWS OF OIL TRUCKS IN DRIVEWAY  
FROM CRESCENT AVE.



GAS TRAILER  
FRONT SUNSET  
IMG\_0107



SUNSET AVE  
IMG\_0108



SUNSET AVE  
IMG\_0109

2-8-3



IMG\_0110



IMG\_0119



IMG\_0120

✓ VIEWS OF GAS TRAILER  
LOCATED AT 118 SUNSET AVE,  
GREAT DIAMOND ISLAND





GAS TRAILER  
SUNSET AVENUE  
IMG\_0150



OIL TRUCKS  
SUNSET AVE LOOKING  
DOWN TO CRESCENT  
AVE  
IMG\_0151



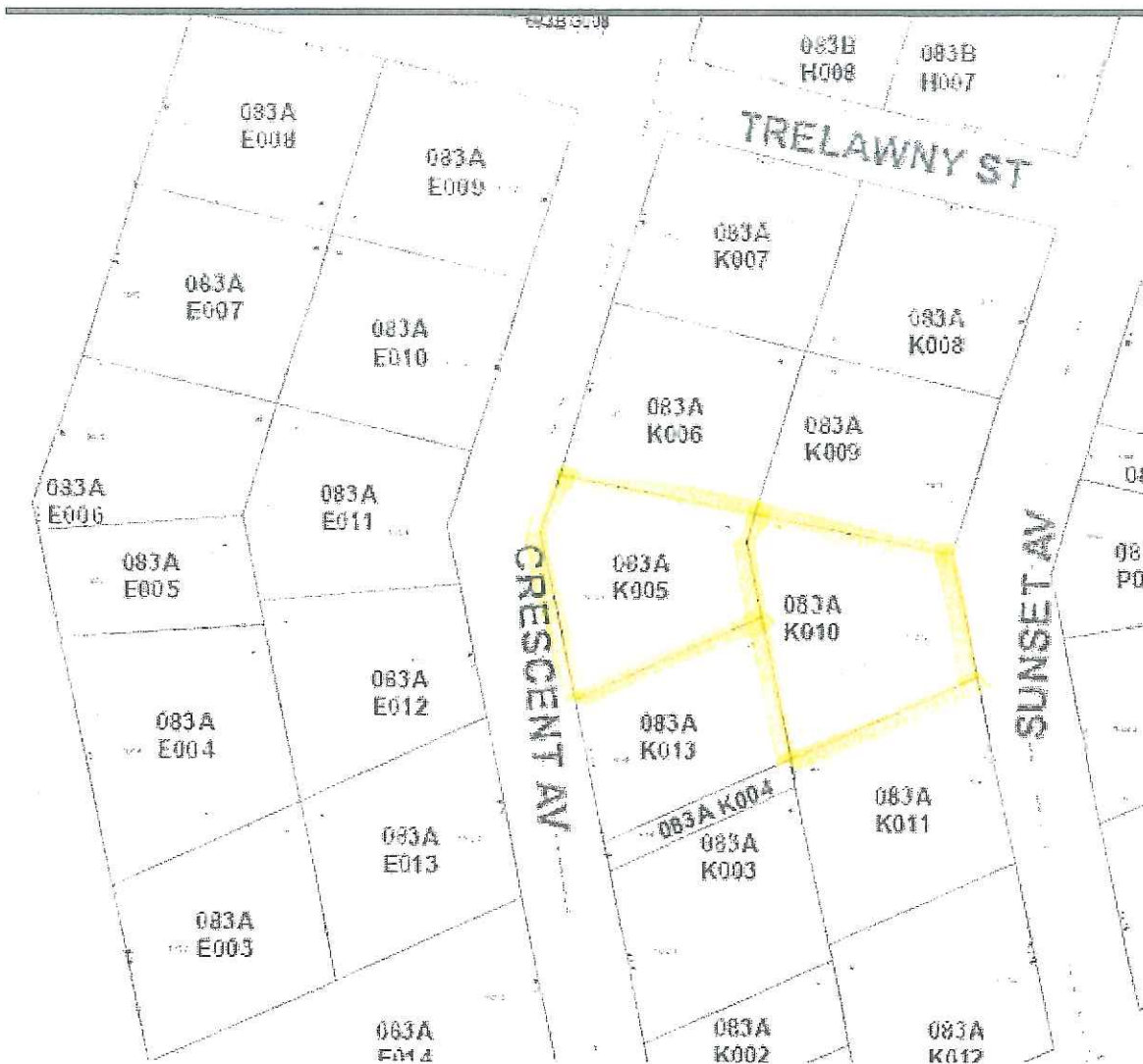
CRESCENT AVE  
OIL TRUCK  
DRIVEWAY  
IMG\_0152

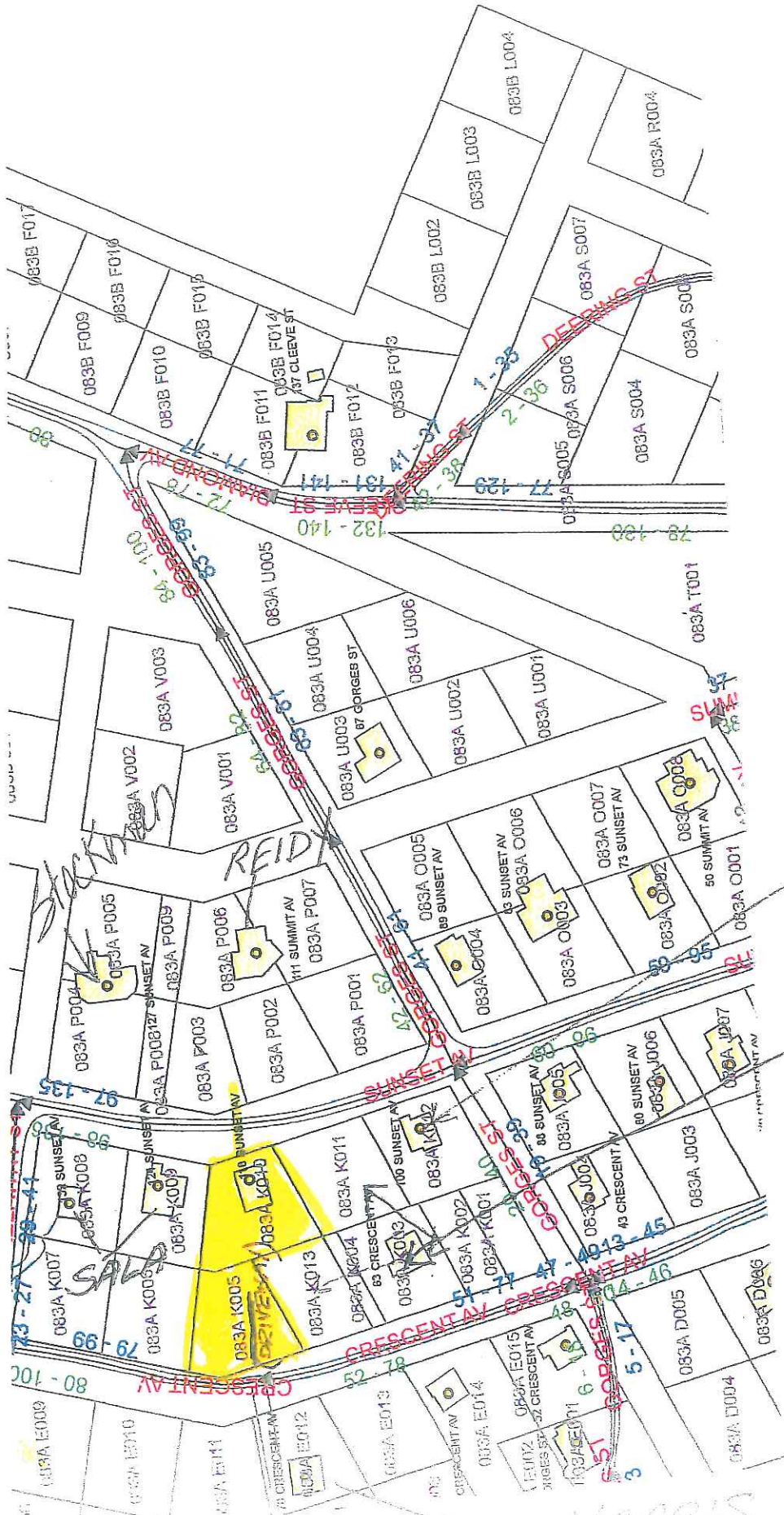
2-B-2



IMG\_0153  
VIEW FROM  
BACK DOOR OF  
HOUSE (118 SUNSET)  
AVE.

Weber Property  
DINOSAUR ENTERPRISES, LLC





DIDRICKSEN

LAUGHLIN  
(083A K003, 083A P001, 083A P002)

THIS AREA OF  
GREAT DIAMOND  
IS RESIDENTIAL.

HARRIS

PROPOSED ZONING TEXT AMENDMENT  
Dinosaur Enterprises Ltd.  
118 Sunset Avenue, Great Diamond Island

RECOMMENDED, that the Zoning Map of the City of Portland, as amended and on file with the Planning Department, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, be amended to reflect a conditional rezoning, as follows:

WHEREAS, Dinosaur Enterprises Ltd and its owner, Ted Weber, has been continuously delivering and dispensing fuel products from its site at 118 Sunset Avenue (Tax Map 83A-K-5-10), Great Diamond Island, Portland, ME since 1988; and

WHEREAS, the current zoning of the Dinosaur site is IR-1 and IR-2 (the site being bisected by a zone line); and

WHEREAS, the current zoning does not textually permit the sale or dispensing of fuel products from this site; and

WHEREAS, Dinosaur serves a verifiable need for the City, residents and guests on Great Diamond Island; and

WHEREAS, Dinosaur has operated from this site since 1988 without incident or conflict with the neighboring properties; and

WHEREAS, Dinosaur's business practices are in compliance with applicable regulatory standards and are fully insured;

NOW, THEREFORE, in consideration of the rezoning of the Property, Dinosaur Enterprises Ltd contracts to be bound by the following terms and conditions:

- The rezoning shall terminate if Dinosaur or the immediate Weber family discontinue the business operation for at least 12 months.
- The rezoning shall terminate if Dinosaur or the immediate Weber family transfer the business or assets of the current business to unrelated third parties.
- The rezoning shall terminate at any time the current business is transferred off the current Sunset Avenue location.
- The business of Dinosaur shall be limited to the current uses, both in type and scope, such that impacts upon surrounding properties, if any, shall not be expanded.

[July 2013 Revision:

Redate

Reflect Planning Board Workshop comments regarding succession

Reflect recommendations from SPCC Plan]

CONDITIONAL ZONE AGREEMENT

RE:

DINOSAUR ENTERPRISES LTD.

AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2013~~2~~, by DINOSAUR ENTERPRISES LTD., a Maine corporation with a place of business in Portland, Maine ("Applicant"), and its successors and assigns and Elizabeth A. Weber ("Owner"), the owner of the property where the Applicant operates its fuel business.

W I T N E S S E T H

WHEREAS, the Applicant operates its business on land owned by Owner containing approximately 21,643 square feet and shown on the Portland Tax Map as 83A, Block K, Lots 5 and 10, and more particularly described in that warranty deed recorded in Book 10389, Page 179 (the "Property");

WHEREAS, the Applicant and its president, Ted Weber, have been continuously delivering and dispensing fuel products from the Property since 1988; and

WHEREAS, there are no structures on the Property dedicated to the fuel delivery business, and the only equipment relating thereto are two fuel delivery trucks and a ~~"gasoline trailer"~~ DOT-approved mobile gasoline tank and pump mounted on Applicant's truck, which move on and off the Property; and

WHEREAS, the current zoning of the Dinosaur site is IR-2 (the Property being bisected by a zone line); and

WHEREAS, the current zoning does not textually permit the parking of two fuel delivery trucks ~~or gasoline trailer~~ or the sale or dispensing of fuel products from the Property; and

WHEREAS, Dinosaur provides an essential utility service and serves a verifiable need for the neighbors, City, residents and guests on Great Diamond Island; and

WHEREAS, Dinosaur has operated from the Property since 1988; and

WHEREAS, Dinosaur's business is fully insured;

WHEREAS, the Applicant has requested a rezoning of the Property in order to permit the long-standing and limited business use of the Property; and

WHEREAS, the Portland Planning Board has determined this rezoning meets an essential need for Great Diamond Island and the customers of the Applicant, and is consistent with the Comprehensive Plan; and

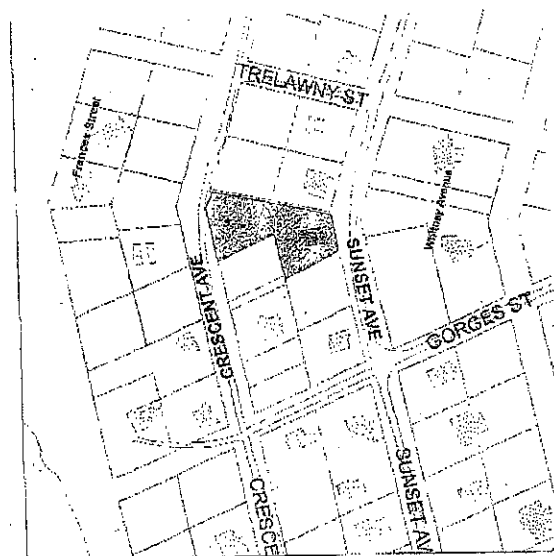
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however to certain conditions contained in this Agreement; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the existing and unique location of the proposal, its consistency with the Comprehensive Plan and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

Whereas, the Portland City Council has on \_\_\_\_\_, 2013~~2~~ approved this Agreement in its entirety, by City Council Order No. \_\_\_\_\_, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Applicant and Owner covenant and agree as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the Property conditional IR-2, subject to the conditions contained below.



118 Sunset Avenue, Great Diamond Island  
Conditional Rezone

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing IR-1 and IR-2 zones.

2. Permitted uses:

- a. All of the permitted uses allowed in the IR-2 zone; and
- b. Parking on the Property of two (2) fuel trucks and one (1) fuel trailer used truck fitted with a DOT-approved mobile gasoline tank and pump or such fixed tank as may be permitted by the State Fire Marshal in the Applicant's fuel business; and
- c. Dispensing and sale of fuel from the Property.

3. The conditions of this Rezoning shall be:

- a. This rezoning shall terminate if the Applicant or ~~the immediate Weber family~~ its successor discontinue the fuel business operation for at least twelve (12) consecutive months.
- b. ~~The rezoning shall terminate if Applicant or the immediate Weber family transfer the business or assets of the current business to unrelated third parties.~~
- e.b. The rezoning shall terminate at any time the Applicant's business is permanently moved off the Property.
- d.c. The business of the Applicant on the Property shall be limited to the current use of the Property (i.e., the parking of two (2) fuel trucks and a trailer-truck fitted with a DOT-approved mobile gasoline tank and pump or such fixed tank as may be permitted by the State Fire Marshal for the Applicant's fuel business), both in type and scope, such that impacts upon surrounding properties, if any, shall not be expanded.

4. All equipment including, but not limited to the two (2) fuel trucks and ~~dispensing trailer-vehicle equipped with approved mobile gasoline tank and pump~~ shall be located/stored on the Property not within the abutting street or other property. In addition, all dispensing of fuel shall be performed on the Property except for fuel truck deliveries to customer properties.

5. The Applicant shall obtain and submit documentation to the City of all necessary City (including, if necessary, site plan approval), State (including, but not limited to, State Fire Marshal's approval) and Federal approvals, licenses and/or permits necessary to address the operation of its fuel business on the Property including, but not limited to, fuel storage and dispensing operations on the Property. Such documentation shall also include all submitted applications to these agencies. In addition, an Oil Spill Prevention, Control and Countermeasure (SPCC) Plan, including all revisions and/or amendments, shall be submitted to the City for

review and approval by the Planning Authority. A copy of all SPCC Plan inspection and testing records shall also be made available to the Planning Authority upon request.

6. In the event of a breach by the Applicant, Owner or their successors or assigns of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the IR-2 zone requirements in place before the execution of this Agreement.

7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Applicant and Owner, any entity affiliated with the Applicant and Owner, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Applicant or Owner shall record a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

8. This Conditional Rezoning Agreement may be enforced by the City pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A M.R.S.A. § 4452 and the Portland City Code.

9. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

10. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS:

DINOSAUR ENTERPRISES LTD.

\_\_\_\_\_

By:

\_\_\_\_\_  
William E. Weber, President

WITNESS:

| \_\_\_\_\_

By:

\_\_\_\_\_  
Elizabeth A. Weber, Owner



STATE OF MAINE

CUMBERLAND, ss.

\_\_\_\_\_, 2013~~2~~

Personally appeared before me the above-named William E. Weber, in his capacity as President of DINOSAUR ENTERPRISES LTD., and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

STATE OF MAINE

CUMBERLAND, ss.

\_\_\_\_\_, 2013~~2~~

Personally appeared before me the above-named Elizabeth A. Weber, in her capacity as Owner of the Property, and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

Great Diamond Island has had a fuel business on island owned by a resident since the late 1800's. Dinosaur Enterprises, LTD for the past 25years has been supplying fuel oil, kerosene, & gasoline as well as providing service & maintenance around the clock to the island communities of Little Diamond, Great Diamond, & Diamond Cove.

Dinosaur Enterprises has 2 Fuel Delivery trucks ~ 1 2400 gallon Aluminum tank & 1 3000 gallon Aluminum tank as well as a 300 gallon gasoline trailer which holds a maximum capacity of 225 gallons. The oil trucks are standard heating oil delivery trucks and the gas trailer is a double walled UL approved tank mounted on a trailer with a pump, meter and dispensing hose. The oil trucks are parked at this location when not in service making a delivery and the gasoline trailer is parked at this location as well & is used primarily to fill 1-5 gallon gasoline jugs for lawn mowers & golf carts which is the primary means of transportation on the island. All equipment have secondary containment. Drip pans, absorbents, & fire extinguishers are provided & on equipment. We have engaged Scott Collins of St Germain-Collins Environmental Consulting Group, 846 Main St., Suite 3, Westbrook, Maine to implement an SPCC plan. Woodward & Curran stated in their memo that we must be equipped with secondary containment. The information provided is outdated & false. We have enclosed a copy of the EPA New SPCC Rule for Non-Transportation Tanker Truck Secondary Containment amended Rule 40 CFR 112.6 effective January 14, 2010. We have also enclosed a copy of our permit application filed for the Storage, Use, & Handling of Hazardous Materials, and Flammable & Combustible Material. The memo from Woodward & Curran also states the gasoline trailer requires secondary containment and appropriate appurtenant devices. Our gasoline trailer meets these requirements as stated above. The gasoline trailer is a Double walled UL approved tank with level gauge, audible high level alarm, shut-off valve as well as absorbents & a fire extinguisher.

It is important to note that due to the cost of fuel that we deliver 90-95% of the fuel in the trucks on the day we receive it, therefore the trucks parked in the driveway have minimum fuel stored in them. Having a gasoline trailer is an advantage for fire & safety reasons meaning in the event of an emergency we're able to move it out of harm's way. We have never had an accident and/or spill nor have we been cited for any violation. We have been inspected by the DEP, City of Portland Fire Dept., & the State Fire Marshall's Office. We carry a \$1million dollar insurance policy with a \$3 million dollar rider. The equipment at least once a year goes to the mainland for inspection & maintenance as well as we have a mechanic who we hire to come to the island for repairs.

Our largest consumer here on Great Diamond Island is the City of Portland. We supply fuel to the City fire trucks, City Ambulance, City Forestry Unit, City Public Works vehicles, emergency generators as well as heating fuel to the FireBarn which houses emergency vehicles & equipment under cover.



Dinosaur Enterprises
Great Diamond Island
P.O. Box 4804
Portland, ME 04112-4804
207-766-5061

January 18, 2010

FOR: MEMA Regular, Wholesale, and Associate members
FROM: Jamie Py, President and CEO
SUBJECT: New SPCC Amendment for Parked Trucks Containing Product Effective January 14, 2010.

EXECUTIVE SUMMARY - A new SPCC exemption from sized secondary containment requirements for cargo tank vehicles and transports containing product and parked overnight is available beginning January 14, 2010. The exemption eliminates costly sized secondary containment requirements such as dikes, berms, diversionary structures, catchment basins and oil water separators for applicable truck parking areas. Instead, these parking areas must comply with SPCC general secondary containment which may be met using other methods of containment such as absorbents or drip pans to contain releases from parked cargo tank vehicles and trucks.

IMPORTANT! Many Association Executives and marketers are receiving advertising flyers from vendors claiming that drip pans are "required" for compliance. This is not true. While drip pans are one method of compliance with general secondary containment requirements, there are other compliance alternatives that may be less costly such as using absorbents. The SPCC regulations do not require one method of general secondary containment over another. Whether absorbents or drip pans or some other containment method is used for compliance is a decision for individual marketers to make after consulting with their SPCC professional engineer.

The U.S. EPA's amendment to federal SPCC regulations that eliminates sized secondary containment requirements for cargo tank vehicles containing product and parked overnight takes effect on January 14, 2010. The amendment provides significant regulatory relief for petroleum marketers who will no longer be required to park cargo tank vehicles containing product within a secondary containment structure (i.e. dykes, berms, diversionary structures, catchment basins and oil water separators etc.). The EPA SPCC regulations do not specifically require cargo tank vehicles and transports be parked within sized secondary containment structures. However, an agency regulatory interpretation determined that parked cargo tanks containing product were no different from "temporary" storage tanks, and, therefore subject to onerous and expensive sized secondary containment requirements.

SPCC sized secondary containment requires secondary containment sufficient to hold a catastrophic release from the single largest compartment of a cargo tank vehicle or transport. Over the past several years, the EPA began to enforce this little known interpretation more aggressively. To avoid thousands of dollars in new compliance costs, PMAA and NEPI convinced the EPA to change the sized secondary containment requirements for parked trucks such that berms, dykes, diversionary structures, catchment basins and oil water separators would not be necessary for cargo tank vehicles and transports. Instead, the amendment requires these vehicles to comply with general secondary containment requirements. General secondary containment may be met using absorbents and/or drip pans to contain a release of a few gallons from a leaky valve or hose rather than a catastrophic release from the single largest compartment of the cargo tank.

Yesterday was the effective date for the SPCC parked truck amendments. Petroleum marketers should confer with their professional engineer to update and incorporate the new general secondary containment requirements into

Parked cargo tank trucks and transports containing more than a residue of loading oil are no longer required to meet "leak" secondary containment requirements under the SPCC regulations. Instead, parked trucks containing product must meet "general" SPCC secondary containment requirements. This means that secondary containment for parked trucks containing product does not have to include response plans for a "catastrophic" release, but only the "most likely" release.

The "most likely" release from a parked cargo tank vehicle or transport under the SPCC amendment is a few gallons of product from a leaky valve or hose.

The EPA agrees that the use of drip pans under structures satisfy "general" secondary containment requirements for parked trucks containing product. No basins, ditches, diversionary structures, catchment basins or oil water separators are necessary.

The general secondary containment requirements apply anywhere a cargo tank truck or transport containing product is parked at the end of the delivery day -- including parking lots, garages and at bulk plants. An SPCC plan is required for all of these areas even if there is no above ground storage (or underground storage exceeding 42,000 gallons) on site other than the trucks, though these plans would be very simple as compared with a plan for a bulk plant.

The general secondary containment requirement does not apply to parked trucks that do not contain product.

More information can be downloaded at <http://www.epa.gov/OEM/content/spcc/index.htm> or contact PMAA Regulatory Counsel Mark E. Morgan at [MEMORGAN@PMAA.ORG](mailto:MEMORGAN@PMAA.ORG) or (407) 364-6787.

New SPCC Rule Lessens Requirements for  
Non-Transportation Tanker Truck Secondary Containment

EPA amended Rule 40 CFR 112.6 effective January 14, 2010, lessening secondary containment requirements for non-transportation-related tanker trucks. By EPA's definition, a "non-transportation tanker truck" is "a truck that makes petroleum deliveries during the day in intrastate or interstate commerce and then returns to the facility with product remaining in the tank and parked over night", or that which is "used to store (for short periods of time) and transport fuel, crude oil, condensate, non-petroleum, or other oils for transfer to or from bulk storage containers (i.e., a truck used to refill oil-filled equipment at an electrical substation or a pump truck at an oil production facility)".

The old version of the rule subjected tanker trucks used for transfer of petroleum products around a facility or from a central location to re-filling sites to SPCC requirements, including secondary containment requirements. For example, if a heating oil truck makes its deliveries within or away from a facility, returns to the facility, and parks overnight with a partly filled fuel tank, it was previously subject to the secondary requirements of the SPCC rule if it fell under the provisions of 40 CR 112. However, if the truck's fuel storage tank contains no oil when it is parked at the facility, other than any residual oil present in an emptied vehicle, it would be regulated only by DOT.

In summary, if your facility is subject to the requirements of 40 CFR 112, and you have non-transportation-related vehicles used at the facility or for off-site transport of fuel, crude oil, condensate, non-petroleum, or other oils to or from bulk storage containers:

- You only have to provide general (active) secondary containment measures (absorbents, pads, drip pan) for the trucks that are partially or completely filled with product when they are parked and not in use;
- Your response plan does not have to take into account a "catastrophic" release from the truck (the volume of the single-largest compartment of the vehicle), but rather the "most likely" release (the volume of fluids released from a leaky valve or hose);
- The general secondary containment requirement does not apply to parked vehicles that do not contain product.

Finally, an SPCC Plan is required at a facility if a tanker truck or transport truck is parked at the end of a delivery or transport day, even if the facility is not subject to the requirements of 40 CFR 112 related to total aboveground storage of petroleum. This plan would be very simple, and may be prepared using the template for Tier I and II Qualified facilities provided in Appendix G of 40 CFR 112.

SBI/PPD \_\_\_\_\_  
Fire Dept. \_\_\_\_\_  
Zoning \_\_\_\_\_  
(Only Required if New Business)  
Taxes \_\_\_\_\_  
CBL \_\_\_\_\_

Office of the City Clerk  
389 Congress Street  
Portland, ME 04101  
(207) 874-8557

App. Fee: New \$35.00 Renew \$25.00  
See Other Side for  
Complete Fee Schedule  
Total Due: \$ 195.00  
Make Check Payable To:  
CITY OF PORTLAND  
CK# 3324

Application for the Storage, Use, or Handling of  
Hazardous Materials, and Flammable or Combustible Materials  
(License EXPIRES annually on June 30)

Please check one: (Corporation/ LLC/ Non-profit org ) (Sole Proprietor ) (Partnership )

For renewal applicants: Has there been any change in ownership in the last 12 months? Yes  No

Business Name (d/b/a): Dinosaur Enterprises Ltd. Phone: 766-5673

Location Address: 119 Sunset Ave. Gt Diamond Island ZIP 04109

(If new, what was formerly in this location: Driveway)

Mailing/Billing Address: P.O. Box 4804, Portland, ME ZIP 04112

Contact Person: TED WEBER Phone: 766-5673

Manager of Establishment: U Date of Birth 8/4/36

Owner of Premises (landlord): Elizabeth A. Weber

Address of Premises Owner: 119 Sunset, Great Diamond Is. ZIP 04109

Does the Issuance of this license benefit any City employee(s)? Yes  No

If yes, list name(s) of employee(s) and department(s): Public Works & Fire Dept - Dinosaur fuels City Vehicles on the island - including Ambulance + Fire Engines.

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Portland? Yes  No  If yes, please list business name(s) and location(s) Dinosaur Enterprises

Great Diamond Island - Portland, ME 04109

Is any principal officer/owner under the age of 18? Yes  No

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s): \_\_\_\_\_ Date of Birth \_\_\_\_\_ Residence Zip Code \_\_\_\_\_  
Name of Owner(s): \_\_\_\_\_ Date of Birth \_\_\_\_\_ Residence Zip Code \_\_\_\_\_  
Name of Owner(s): \_\_\_\_\_ Date of Birth \_\_\_\_\_ Residence Zip Code \_\_\_\_\_

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: Dinosaur Enterprises Ltd

Corporation Mailing Address: P.O. Box 4804, Portland, ME ZIP 04112

Contact Person: TED WEBER Phone Number: 766-5673

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name TED WEBER Title OWNER Date of Birth 8/4/36 Residence Zip Code 04109  
Name \_\_\_\_\_ Title \_\_\_\_\_ Date of Birth \_\_\_\_\_ Residence Zip Code \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_ Date of Birth \_\_\_\_\_ Residence Zip Code \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_ Date of Birth \_\_\_\_\_ Residence Zip Code \_\_\_\_\_

ENVIRONMENTAL CONSULTING GROUP  
**St. Germain • Collins**



**DINOSAUR ENTERPRISES LTD  
OIL SPILL PREVENTION, CONTROL AND COUNTERMEASURE (SPCC) PLAN**

**Truck Parking Facility  
118 Sunset Avenue  
Great Diamond Island, Maine**

**October 2012**

**St. Germain Collins File No.: 3382.1**

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

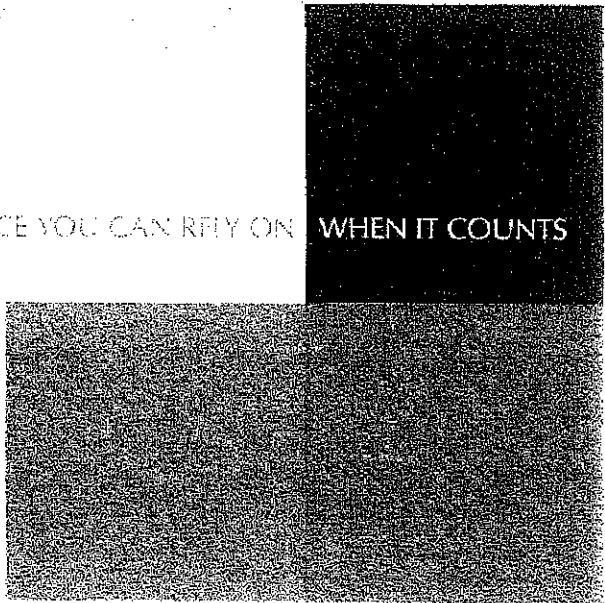


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- A: Documentation of Five-Year Review
- B: Site Location Map and Facility Site Plan
- C: Spill Reporting Form
- D: Inspection Checklists
- E: Certification of Substantial Harm Non-Applicability



**SPCC Plan Review/Amendment Log**

5-Year Plan Reviews

40CFR112.5(b) requires that Dinosaur Enterprises Ltd review this SPCC Plan at least every five years, and document whether the Plan will or will not be amended as a result. Following such a review, Dinosaur Enterprises is required to amend the Plan within 6 months to include more effective spill prevention technology if such technology has been field-proven and will significantly reduce the likelihood of an oil discharge at the facility. A Professional Engineer must certify any technical amendment to the Plan. The amendments must be implemented within 6 months of the Plan amendment. Dinosaur Enterprises' periodic Plan reviews are noted in the log below. The required documentation for whether the Plan will or will not be amended following a review is contained in Attachment A.

Plan Amendments

40CFR112.5(a) requires Dinosaur Enterprises to amend this SPCC Plan within 6 months of a change in facility design, construction, operation or maintenance that materially affects its potential for a discharge. The amendments must be implemented within 6 months of the Plan amendment. A Professional Engineer must certify such Plan amendments. Dinosaur Enterprises' Plan amendments are summarized in the following log.

Date	Comments	Facility Representative
October 2012	Original Plan	Ted Weber

Spill History

Dinosaur Enterprises has not had a discharge of oil in excess of 1,000 gallons or more in one event or two spills of 42 gallons or more in any 12 month period into a navigable waterway or adjoining shore line.

If a spill meeting the above criteria should occur, a written report containing the information required under 40CFR112.4 shall be submitted to the Environmental Protection Agency (EPA) Regional Administrator within 60 days and to the Maine Department of Environmental Protection (MEDEP).

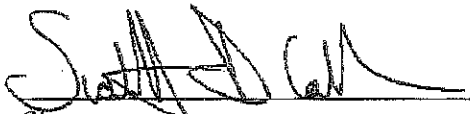


2-F-5

**Professional Engineer's Certification**

The undersigned Registered Professional Engineer is familiar with the requirements of Chapter 40 of the Code of Federal Regulations Part 112 (40CFR112) and examined the Dinosaur Enterprises Facility located at 118 Sunset Avenue in Great Diamond Island, Maine. The undersigned Registered Professional Engineer attests that this Oil Spill Prevention, Control and Countermeasure Plan has been prepared in accordance with good engineering practices including applicable industry standards, and in accordance with the requirements of 40CFR112; that procedures have been established for required inspections and testing; and that the Plan is adequate for the facility.

Engineer's Name and Contact Info: Scott Collins, P.E.  
St.Germain Collins  
846 Main Street, Suite 3  
Westbrook, ME 04092  
Phone: (207) 591-7000

  
Signature

11/06/12      7860/Maine  
Date                      Registration #/State

Stamp or Seal:



**Section 1: Facility Overview – 112.7(a)(3)**

Dinosaur Enterprises' Great Diamond Island Facility (herein referred to as facility) serves as an off-duty/overnight parking area for trucks that may contain petroleum products. The following portable containers may not be empty when parked and are considered mobile oil storage containers, having a capacity of 55 gallons or greater and therefore subject to EPA's Oil SPCC Regulations contained in 40CFR112 of the Code of Federal Regulations:

- One #2 fuel oil delivery truck with a tank capacity of 3,000 gallons (1-1,000 & 1-2,000-gallon compartments);
- One kerosene delivery truck with a tank capacity of 2,400 gallons; and
- One 300-gallon double-wall gasoline tank with a tank mounted battery-powered pump.

The facility does not have any fixed above ground or underground oil storage tanks.

**Identification of Navigable Waters**

The nearest navigable water that could be impacted by a discharge of oil from the facility is Casco Bay, which is located approximately 600 feet west of the facility. Storm water runoff generally flows in a west, southwest direction towards the bay.

Refer to Attachment B for a site plan (Facility Site Plan) that identifies oil storage locations, and for a topographic map (Site Location Map) identifying the location of the facility and the navigable water.

**Section 2: SPCC Conformance/Additional Measures – 112.7(a)(1)**

The facility is in compliance with all applicable regulations required by the SPCC rule. If changes or modifications are made to the facility that would require additional measures, a Professional Engineer will inspect the site and re-certify the Oil SPCC Plan accordingly.

**Section 3: Discharge Discovery, Response and Cleanup – 112.7(a)(3)**

Regarding initial response actions, the facility emergency contacts (listed in the following section) will make the initial discharge assessments and direct any facility response actions. Dinosaur Enterprises personnel are capable of responding to and cleaning up certain small spills and/or leaks. Spill equipment comprising absorbent boom and pads are maintained on the delivery trucks and in a container on the gasoline tank trailer. In the event of a large spill and/or leak, one of Dinosaur Enterprises' emergency contact(s) will contact an off-site response contractor for assistance. The name and phone number of selected organizations are listed in Section 4 of this Plan.

When a spill event takes place, the following actions should be taken in the sequence indicated:

1. For a minor spill that can be immediately contained by Dinosaur Enterprises personnel using on site spill control equipment and materials, the following spill containment and countermeasure procedures should be implemented:
  - a. Immediately upon observing an oil spill, find the source and take any corrective action required to stop the flow, including, as necessary, shutting down any operations that are contributing to the spill or may increase the hazard potential.
  - b. Notify nearby employees (if any) of the spill and the possible hazards.
  - c. Contain the spill through the use of containment devices such as absorbent boom or remove the discharge via use of absorbent pads and/or granular absorbent material.
  - d. Notify Dinosaur Enterprises emergency contact, who will notify the appropriate state and federal agency representatives.
  - e. Proceed quickly with recovery and clean-up measures using absorbent pads and/or granular absorbent material.
  - f. Use the Spill Reporting Form in Attachment C to record the spill information:
  - g. Containment and clean-up activities must continue until the Dinosaur Enterprises emergency contact, and federal and/or state agency representatives agree that clean-up activities may be discontinued.
  
2. For a major spill that cannot be immediately contained by Dinosaur Enterprises personnel using on site spill control equipment and materials, the following spill containment and countermeasure procedures should be implemented:
  - a. Immediately upon observing an oil spill, find the source and take any corrective action required to stop the flow, including, as necessary, shutting down any operations that are contributing to the spill or may increase the hazard potential.
  - b. Notify nearby employees (if any) of the spill and the possible hazards.
  - c. Contain, if possible, the spill and keep discharge from spreading using absorbent booms or pads.
  - d. Notify Dinosaur Enterprises emergency contact, who will notify the off-site response contractor, and the appropriate state and federal agency representatives.
  - e. Use the Spill Reporting Form in Attachment C to record the spill information:

- f. Containment and clean-up activities must continue until the Dinosaur Enterprises emergency contact, and the federal and/or state agency representatives agree that such activities may be discontinued.

Contaminated cleanup materials will be handled and disposed of in accordance with applicable state and federal requirements. Used pads and boom will be disposed as regular solid waste as long as they do not contain free liquids. Petroleum impacted soil, and pads or boom containing free liquids will be disposed by an off-site response contractor (see Section 4).

**Section 4: Discharge Reporting Procedures and Notification List - 112.7(a)(3) & (4)**

Should a release of oil at the facility result in free oil or sheen upon navigable water, the SPCC rule requires that Dinosaur Enterprise personnel collect certain information regarding the release in order to provide for effective communication to federal, state and local agencies. Attachment C contains a Spill Reporting Form that should be filled out prior to reporting such a release to public agencies.

In the event of a spill and/or leakage of oil at the facility, the following individuals and/or agencies should be contacted as indicated:

**For all oil spills, leaks and discharges:**

Dinosaur Enterprises emergency contacts:

Rank	Name	Office Phone	Alternate Phones
Primary	Ted Weber	(207) 766-5673	(207) 766-5061(home)
Alternate	Beth Weber	(207) 766-5673	(207) 766-5061(home)

Maine DEP Oil Spill Hotline: 1-800-482-0777

**For conditions posing a potential fire/safety hazard:**

Fire Department and Police: 911

**For any spills or leaks causing free oil or sheen on navigable water:**

National Response Center: 1-800-424-8802 (within 2 hrs of discovery)

**For spills/leaks requiring an off-site response contractor:**

Clean Harbors Environmental Services, Inc. (South Portland, Maine): 207-799-8111

**Section 5: Fault Analysis - 112.7(b)**

As required by the SPCC rule, this section provides information on possible major failures that could conceivably cause an oil discharge to navigable waters.

Scenario A: Discharge of oil from 3,000-gallon #2 fuel oil delivery truck

Predicted oil flow rate: varies depending on nature of release.  
Predicted total quantity discharged: up to 3,000 gallons possible (total all compartments in one truck).  
Predicted spill pathway: flowing west, southwest toward Casco Bay.

Scenario B: Discharge from 300-gallon gasoline tank

Predicted oil flow rate: varies depending on nature of release.  
Predicted total quantity discharged: up to 300 gallons possible.  
Predicted spill pathway: flowing west, southwest toward Casco Bay.

Section 6: Secondary Containment (Tanks & Piping) – 112.7(c)

300-gallon Gasoline Tank

The 300-gallon gasoline tank is a double-wall tank mounted on a trailer, that is parked other than when it is being filled at the dock. The tank is equipped with a direct reading product level gauge, an audible overfill vent alarm and an interstitial leak monitoring tube. The tank is mounted on a trailer which will protect it from vehicle impact.

Section 7: Inspections, Tests and Records – 112.7(e)

Dinosaur Enterprises' personnel inspect the trucks and tank on a regular basis and in more detail on a monthly basis. A written record of each monthly inspection, including the signature of the inspector, will be kept for at least three years from the date of the inspection.

The 300-gallon gasoline tank is inspected in accordance with Steel Tank Institute (STI) SP001 (July 2006 edition), as follows:

1. Monthly inspections are performed by facility personnel. This is in the form of a visual inspection of the tank, tank appurtances (i.e., level gauge, vent, etc.) and tank containment. A written inspection checklist is completed each month and kept on file for at least three years from the date of the inspection (see Attachment D).
2. Annual inspections are performed by facility personnel. This is in the form of a visual inspection of the tank, tank foundation and supports, tank piping, tank appurtances, overfill protection alarms, and tank containment. A written inspection checklist is completed each year and kept on file for at least three years from the date of the inspection (see Attachment D).
3. Maintenance records of all work requested and/or performed at this facility will be maintained in the maintenance office for a period of three years from the date of the repair.

### Section 8: Personnel Training and Briefings - 112.7(f)

#### Training - 112.7(f)(1)

Facility personnel involved with the direct handling of oil will receive training within one week of employment and at least once annually on the following topics:

- proper operation and maintenance of equipment to prevent discharges;
- emergency procedures in the event of a spill or leak;
- applicable pollution control laws and regulations; and
- the general contents of the SPCC Plan.

#### Responsible Individual for SPCC - 112.7(f)(2)

**Ted Weber** is the primary individual responsible for implementation of the SPCC Plan.

#### Briefings - 112.7(f)(3)

**Ted Weber** or his designee will conduct oil spill prevention briefings for oil-handling personnel on at least an annual basis. The briefings will include a review of any recent oil discharges at the facility and how to prevent re-occurrence, and identification of any current malfunctioning equipment and associated precautionary measures. Training will be documented in a log, which will be maintained at the facility.

### Section 9: Site Security - 112.7(g)

When parked off-duty or overnight, the delivery trucks are locked so that power to the pump is unavailable. Motion sensor lighting is mounted on the house to illuminate the truck parking area, and to deter vandalism.

Power to the pump for the 300-gallon tank is provided by a battery. The tank mounted pump is locked when not in use. Additionally, the fill port on the tank is locked. There are no drain valves present on the tank that would allow a release of oil to the environment.

### Section 10: Conformance with State Requirements - 112.7(j)

The State of Maine currently does not have regulations pertaining specifically to spill prevention and control for aboveground oil storage facilities. In 2002, the Maine Legislature passed a law (38 M.R.S.A. Section 570-K) that gave the Maine Department of Environmental Protection (MEDEP) the authority to oversee compliance with EPA's Oil SPCC regulations for facilities used to market and distribute oil to others, which includes this facility.



Section 11: Facility Drainage - 112.8(b) & 112.8(c)

Drainage Control in Undiked Areas - 112.8(b)(3) & (4)

Any oil releases occurring into undiked areas will be promptly cleaned using on-site spill cleanup supplies.

Surface flow on site is overland toward the southwestern side of the site, and eventually flows into the Casco Bay to the west

Section 12: Bulk Storage Containers - 112.8(c)

Compatible Material and Construction - 112.8(c)(1)

All tanks at the facility are of steel, welded construction, and are currently compatible with their use.

Secondary Containment - 112.8(c)(2)

Secondary containment for the 300-gallon gasoline tank is discussed in Section 6 of this Plan.

Integrity Testing - 112.8(c)(6)

In accordance with 40 CFR 112.8(c)(6), bulk aboveground storage tanks are required to be tested or inspected for integrity on a regular schedule and following material repairs in accordance with industry standards by qualified personnel. Inspection schedules, based on STI SP001 standards, are discussed in Section 7. Also, in accordance with STI SP001 standards, formal certified external tank inspections are performed by a certified inspector on tanks with a capacity greater than 5,000 gallons on a specified schedule or when visual inspections indicate a potential problem with the tank condition. Because no tanks have capacity greater than 5,000 gallons, the tanks will be inspected only for integrity.

Overfill Protection - 112.8(c)(8)

The 300-gallon double-wall tank is equipped with an overfill vent alarm and a product level gauge. Facility personnel use the level gauge on the tank to monitor the amount of oil being added or removed from the tank.

Prompt Equipment Repairs and Oil Removal - 112.8(c)(10)

Any oil leaks from the facility's oil storage tanks, piping, pumps, and related components will be corrected promptly.

Secondary Containment for Portable and Mobile Containers - 112.8(c)(11)

The fuel delivery trucks, which are parked at night at the facility, may contain oil. The trucks are parked inside one of the garage buildings. The most likely release from a parked delivery truck is small quantities of oil (less than 2 gallons) from a leaky valve, pump fitting, meter or hose/nozzle. A drip pan is placed beneath the pump to collect potential oil leaking from pump while the truck is parked. The pan is inspected in the morning, and stored at the facility for future use. Additionally, absorbent pads are used beneath the valves, meter, and hose (along with an additional supply of absorbents on the truck). Nozzles are secondarily contained either in a drip tray or a drip tube.

Secondary containment for the 300-gallon double-wall gasoline tank is discussed in Section 6 of this Plan.

Any other portable or mobile oil storage containers brought on-site will be equipped with secondary containment or will be placed in a location that provides secondary containment.

Section 13: Non-applicable Provisions

The following provisions of the SPCC rule do not apply to the facility.

- Contingency Planning - 112.7(d): facility will comply with containment provisions.
- Redundancy for Continuous Treatment Units - 112.8(b)(5): no such equipment present.
- Buried Metallic Storage Tanks - 112.8(c)(4) & (5): no such tanks are present.
- Internal #2 Fuel Coils - 112.8(c)(7): no #2 fuel coils in the tanks are present.
- Master Flow and Drain Valves - 112.7(g)(2): no drain valves are present.
- Out-of-Service Piping - 112.7(g)(4) & 112.8(d)(2): no out-of-service piping present.
- Tank Truck Loading/Unloading - 112.7(h): no tank truck loading racks/unloading area are present.
- Drainage from Diked Areas - 112.8(b)(1) & (2) & 112.8(c)(3): no diked areas are present.
- Effluent Treatment Facilities - 112.8(c)(9): none exist at the facility.
- Corrosion Protection for Buried Piping - 112.8(d)(1): no underground product piping present.
- Pipe Supports - 112.8(d)(3), (4) and (5): no above ground piping is present.
- Oil Pump Starter Controls - 112.7(g)(3): no oil pump starter controls are present.

**ATTACHMENT A**

**Documentation of Five-Year Review**

**Documentation of Five-Year Review**

I have completed review and evaluation of the SPCC Plan for the Dinosaur Enterprises facility, located on Great Diamond Island, Maine on \_\_\_\_\_ and will / will not amend the Plan as a result.

Signature: \_\_\_\_\_

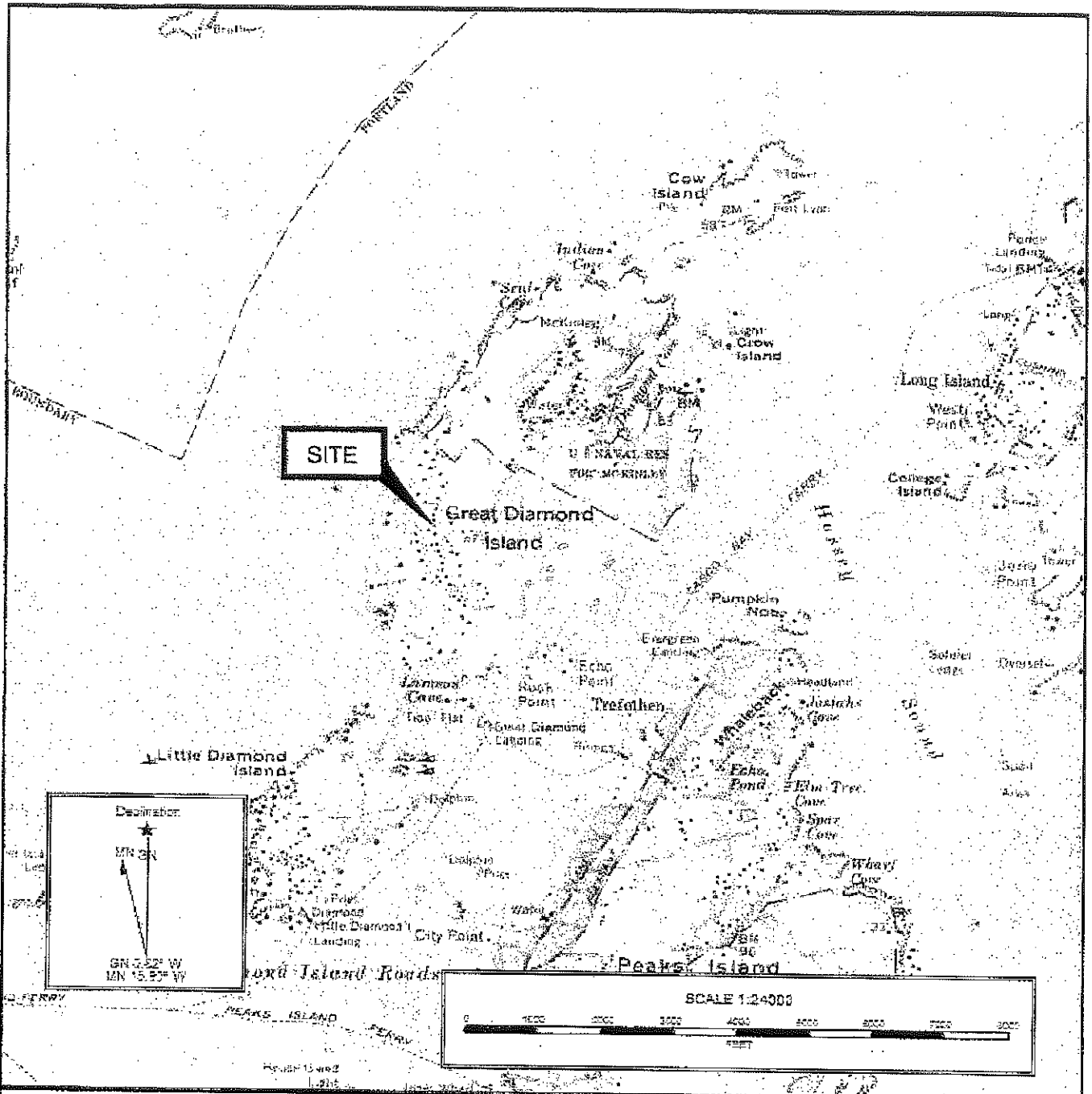
Date: \_\_\_\_\_

Name and Title (please type or print): \_\_\_\_\_

2-F-15

**ATTACHMENT B**

**Site Location Map  
Facility Site Plan**



REFERENCE:  
USGS TOPOGRAPHIC MAP

**SITE LOCATION MAP**  
DINOSAUR ENTERPRISES LTD.  
118 SUNSET AVENUE  
GREAT DIAMOND ISLAND, MAINE

DINOSAUR ENTERPRISES LTD.  
PO BOX 04804  
PORTLAND, MAINE 04112

ENVIRONMENTAL CONSULTING GROUP  
**St. Germain & Collins**

**FIGURE 1**

DATE: 10/12/12

SCALE: SEE ABOVE

FILE: 33821-F (p. 1) Site Location Map

848 MAIN ST., SUITE 3 WESTBROOK, MAINE 04092 TEL: 207-591-7000 WWW.STGERMAINCOLLINS.COM



REFERENCE:  
GOOGLE EARTH 2012

--- APPROXIMATE SITE BOUNDARY



**SITE PLAN**

DINOSAUR ENTERPRISES LTD.  
118 SUNSET AVENUE  
GREAT DIAMOND ISLAND, MAINE

DINOSAUR ENTERPRISES LTD.  
PO BOX 04304  
PORTLAND, ME 04112

ENVIRONMENTAL CONSULTING GROUP  
**St.Germain & Collins**

**FIGURE**  
2

DATE: 5/27/2012

SCALE: SEE ABOVE

FILE #482 1 - Fig 2 Site Plan

546 MAIN ST., SUITE 8 WESTBROOK, MAINE 04092 TEL: 207-581-7000 WWW.STGERMAINCOLLINS.COM

2-F-18

**ATTACHMENT C**  
**Spill Reporting Form**



**Spill Reporting Form**  
**Dinosaur Enterprises - Great Diamond Island, Maine**

In the event of an oil spill emergency, use this form to gather basic information concerning the oil discharge so that you can effectively communicate key information to spill responders, public safety personnel, etc.

Name of Facility: \_\_\_\_\_

Location Address where discharge occurred: \_\_\_\_\_

Phone number at discharge location: \_\_\_\_\_

Date and time of discharge: \_\_\_\_\_

Type of material discharged: \_\_\_\_\_

Estimated volume of material discharged: \_\_\_\_\_

Amount that has entered storm drains: \_\_\_\_\_

Source and cause of discharge: \_\_\_\_\_

Identify all media affected: \_\_\_\_\_

Identify damage or injuries caused: \_\_\_\_\_

Actions being used to stop/mitigate the discharge: \_\_\_\_\_

Will evacuation of people be needed? \_\_\_\_\_

Which agencies have already been contacted? \_\_\_\_\_

2-F-20

**ATTACHMENT D**  
**Inspection Checklists**

**APPENDIX D-1  
MONTHLY ABOVEGROUND TANK INSPECTION CHECKLIST  
DINOSAUR ENTERPRISES  
GREAT DIAMOND ISLAND, MAINE**

FACILITY: \_\_\_\_\_

INSPECTOR'S SIGNATURE: \_\_\_\_\_

INSPECTOR'S TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

The aboveground tank inspection checklist shall be completed on a monthly basis and be retained with the SPCC Plan for at least 3 years.

<b>Tank #:</b>	1
<b>Location:</b>	Southwest of House
<b>Contents:</b>	300 Gal. Gasoline
<b>TANK CONTAINMENT:</b>	
Water in primary tank, secondary containment, interstice, or spill container?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No
Debris or fire hazard in containment?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No
Containment egress pathways clear and gates/doors operable?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
<b>LEAK DETECTION:</b>	
Visible signs of leakage around the tank, concrete pad, containment, or ground?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No
<b>TANK ATTACHMENTS AND APPURTANCES:</b>	
Tank liquid level gauge readable and in good condition?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Tank openings properly sealed?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
<b>GENERAL HOUSEKEEPING:</b>	
Fire extinguisher nearby?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Spill equipment nearby?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
<b>PORTABLE CONTAINERS:</b>	
Portable containers in designated storage area?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Container distorting, buckling, denting, or bulging?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No

COMMENTS / REPAIRS / MAINTENANCE: \_\_\_\_\_

(\*) DESIGNATES AN ITEM IN A NON-CONFORMING STATUS, COMMENT ON NEEDED REPAIR OR MAINTENANCE TO ADDRESS PROBLEM

**APPENDIX D-2  
ANNUAL ABOVEGROUND TANK INSPECTION CHECKLIST  
DINOSAUR ENTERPRISES  
GREAT DIAMOND ISLAND, MAINE**

FACILITY: \_\_\_\_\_

INSPECTOR'S SIGNATURE: \_\_\_\_\_

INSPECTOR'S TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

The aboveground tank inspection checklist shall be completed on an annual basis and be retained with the SPCC Plan for at least 3 years.

<b>Tank #:</b>	1
<b>Location:</b>	Southwest of House
<b>Contents:</b>	300 Gal. Gasoline
<b>TANK CONTAINMENT:</b>	
Containment structure in satisfactory condition?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Drainage pipes/valves fit for continued service?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
<b>TANK FOUNDATION AND SUPPORTS:</b>	
Evidence of tank settlement or foundation washout?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No
Cracking or spalling of concrete pad or ring wall?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No
Tank supports in satisfactory condition?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Grounding strap secured and in good condition?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Water able to drain away from tank?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
<b>TANK EXTERNAL COATING:</b>	
Evidence of paint failure?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No
<b>TANK SHELL/HEADS:</b>	
Noticable shell/head distortions, buckling, denting or bulging?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No
Evidence of shell/head corrosion or cracking?	<input type="checkbox"/> Yes* <input type="checkbox"/> N/A <input type="checkbox"/> No
<b>VENTING:</b>	
Vents free of obstructions?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Emergency vent operable? Lift as required?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
<b>LEVEL AND OVERFILL PREVENTION INSTRUMENTATION OF SHOP-FABRICATED TANKS:</b>	
Tank liquid level sensing device tested to ensure proper operation?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Tank liquid level sensing device operate as required?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Overfill prevention devices in proper working condition?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
<b>ELECTRICAL EQUIPMENT:</b>	
Tank grounding lines in good condition?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*
Electrical wiring for control boxes/lights in good condition?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No*

COMMENTS / REPAIRS / MAINTENANCE: \_\_\_\_\_

(\*) DESIGNATES AN ITEM IN A NON-CONFORMING STATUS. COMMENT ON NEEDED REPAIR OR MAINTENANCE TO ADDRESS PROBLEM.

**ATTACHMENT E**

**Certification of Substantial Harm Non-Applicability**

**Certification of the Applicability of the Substantial Harm Criteria**

Facility Name: Dinosaur Enterprises  
Facility Address: 118 Sunset Avenue, Great Diamond Island, Maine

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?

Yes \_\_\_\_\_ No \_\_\_\_\_ X \_\_\_\_\_

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?

Yes \_\_\_\_\_ No \_\_\_\_\_ X \_\_\_\_\_

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments?

Yes \_\_\_\_\_ No \_\_\_\_\_ X \_\_\_\_\_

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance such that a discharge from the facility would shut down a public drinking water intake?

Yes \_\_\_\_\_ No \_\_\_\_\_ X \_\_\_\_\_

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

Yes \_\_\_\_\_ No \_\_\_\_\_ X \_\_\_\_\_

**Certification**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature TEJ Weber Date 11-08-12

Name and Title (please type or print) TEJ (W.E.) Weber - OWNER

ATT 2-6

**Rick Knowland - Dinosaur Enterprises- Great Diamond Island [DWM-Client.FID201604]**

**From:** "Ronald N. Ward" <RWard@dwmlaw.com>  
**To:** 'Rick Knowland' <RWK@portlandmaine.gov>  
**Date:** 9/20/2012 3:30 PM  
**Subject:** Dinosaur Enterprises- Great Diamond Island [DWM-Client.FID201604]  
**CC:** 'Alex Jaegerman' <AQJ@portlandmaine.gov>, 'Barbara Barhydt' <BAB@portlan...>  
**Attachments:** 16185-1\_2012092014054690251.pdf; Scan 8.pdf; Dinosaur.pdf; Scan 6.pdf

Rick- thanks for taking the time to meet with the Ted Weber and get a good grasp on what this application truly entails. I think that the scope and impact of what his application really entails is much easier grasped by taking a look at his operation.

We have some application matters that have not been fully determined, but we should be prepared for the introductory workshop on Monday the 24<sup>th</sup> at 3:30. I had it on my calendar for Tuesday, but understand that has been changed.

Ted has given me a check for another \$2000 for the application fee to supplement his prior \$1000 payment with the original application. Unless I'm told differently, I'll send to Barbara B.

The primary issue is the Memo from Woodard Curran. That's an odd document in the sense that it doesn't seem to be based upon the actual operation. Rather, it seems to muse about what regulations might come into play. You've now seen it and know what a minor operation this is. The Webers have just sent you and me the actual regulations (see attached) and the citations to why the W/C possibilities don't apply, particularly "secondary containment". They apparently will have more authority for you by Monday, all aimed at showing their licensing and compliance is current.

Happy to provide zoning text, but would like to discuss with you first to make sure the first draft meets all of your requirements. I'm generally around. If I don't hear from you by mid-day tomorrow, I'll send along what I think you need for consideration on Monday. Same offer regarding loose ends to the others on this email.

Thanks- Ron

**DrummondWoodsum**

**Ronald N. Ward** | Attorney

84 Marginal Way, Suite 600, Portland, Maine 04101-2480

voice (207) 772-1941 ext. 503 • fax (207) 772-3627 • (800) 727-1941

[RWard@dwmlaw.com](mailto:RWard@dwmlaw.com) | [www.dwmlaw.com](http://www.dwmlaw.com)

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**Rick Knowland - Dinosaur****ATT 2-4**

---

**From:** "Ronald N. Ward" <RWard@dwmlaw.com>  
**To:** 'Rick Knowland' <RWK@portlandmaine.gov>  
**Date:** 6/28/2013 3:57 PM  
**Subject:** Dinosaur

---

Rick- Beth has called to confirm that they've scheduled the Neighborhood Meeting for this upcoming Monday. They've asked me to attend, largely to assure the meeting runs in an organized, respectful manner. I'll do what I can.

With respect to the Planning Board hearing on 7/9, there are some things which are slightly inconsistent in the Public Notice, which I assume derives most of its facts from the Oct 2012 St. Germain- Collins SPCC report. The most significant is the use of the tank truck on- site, referenced in the Notice, has been discontinued in favor of an auxiliary (compliant) tank mounted directly on Ted's pick-up. You'll see that referenced in the SPCC, and Ted believes he has now physically resolved that issue.

I note that the City's redraft of the Conditional Zone Agreement does not pick up some of the Planning Board's suggestions from the Workshop. I think it felt the new zoning should not necessarily expire if Ted no longer involved, for example, on the theory that this site has served an important function on GDI for many years and continues to be relied upon. That also seems consistent with the apparent thought that Portland's islands should provide for this type of service, and that the zoning help facilitate that. I'm happy to take a crack at another draft to pick up these points if you think it would be useful to the Planning Board. I can have that, and anything else you want, in your hands on Tuesday.

Apologies for the late Friday afternoon missive. We're all incredibly busy these days- Ron

**Drummond**Woodsum

**Ronald N. Ward** | Attorney

84 Marginal Way, Suite 600, Portland, Maine 04101-2480

voice (207) 772-1941 ext. 503 • fax (207) 772-3627 • (800) 727-1941

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*For purposes of compliance with Internal Revenue Service requirements, we inform you that any Federal tax advice contained in this communication (including any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (including any attachment).*



Neighborhood Meeting Certification

I, Ted Weber, Dinosaur Enterprises LTD hereby certify that a neighborhood meeting was held on July 1, 2013 at 160 Sunset Avenue, Great Diamond Island at 6:30pm.

I also certify that on June 24, 2013, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Office (jmy@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,

 7/3/13

Attached to this certificatio are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting Minutes

DINOSAUR ENTERPRISES,LTD

June 24, 2013

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a proposed conditional zone for a fuel distribution service located at 118 Sunset Avenue on Great Diamond Island. The proposal would allow an existing fuel distribution business to continue its operations.

Meeting Location: 160 Sunset Avenue, Great Diamond Island

Meeting Date: July 1, 2013

Meeting Time: 6:30PM

(The City code requires that property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone changes) of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.)

If you have any questions, please call 207-766-5673

Sincerely,



Ted & Betsy Weber

Note:

Under Section 14-32(C) and 14-524c of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within 30 days of submitting a preliminary application or 21 days of submitting a final site plan application, if a preliminary plans was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to [bab@portlandmaine.gov](mailto:bab@portlandmaine.gov)

DINOSAUR ENTERPRISES, LTD.  
 Conditional Zone Amendment  
 Neighborhood Meeting on Great Diamond Island  
 July 1, 2013

<u>NAME</u>	<u>TELEPHONE</u>	<u>ADDRESS</u>
Karen Tucker	207-4156712	100 SUNSET / 27 AVE/GDI / WILLIS ST. GDI
MARK DIDRIKSEN	973-625-9361	100 SUNSET / 95 ERIE AVE ROCKAWAY NJ 07866
Chris Hayes	321-1905	
Peter Sala	766-5637	124 Sunset Ave GDI
Bill Robituk	766-2000	2 Spring Ave
John Condon	329-5061	100 Sunset Ave GDI
Martha Frager	766-2949	136 Crescent Ave GDI
Hilary + Jim Riedy	766-3075	111 Sunset Ave GDI
Jim + Colleen Groot	766-3327	195 Sunset Ave. GDI
Joe VanWhy	766-3079	98 SEAL Cove Diamond Cove, ME
KYLE PETERSON	766-3079	98 SEAL Cove LANS DC
Walter Vaccar	766-2825	8 McKinley Ct. Diamond Cove GDI
Martha Vaccar	766-2825	8 McKinley Ct. Diamond Cove, GDI
DAVID F. Kenly	766-0004	11 McKinley Ct. Diamond Cove, GDI
Paul Harris	766-5779	68 Crescent Ave (184 Longfellow St.)
Anne Weber	766-3398	73 Diamond Ave GDI 04112
Thomas Mass	766-5799	59 Moon Garden Way Dic. Cove.
Richard Ingraham	766-2342	138 ERIE CENT RD.

DINOSAUR ENTERPRISES, LTD.  
Conditional Zone Amendment  
Neighborhood Meeting on Great Diamond Island  
July 1, 2013

<u>NAME</u>	<u>TELEPHONE</u>	<u>ADDRESS</u>
Lyn Sala	301-346-8857	124 and 137 Sunset Ave, Grt Diamond
KATE SALA	810-667-1221	124 Sunset Ave " "
JANET INGRAHAM	766-2342	138 CRESCENT AVE
Susan Sala	766-5637	124 Sunset Ave, GT. Diamond
Elizabeth A. Weber	766-5061	118 Sunset Ave GDI
W. Schafer Bean	766-2107	154 McKinley Ct Diamond Cove
Paul Gleason	766-2607	89 Sunset Ave
Charles Stockman	766-2541	127 Sunset Ave
NAN + Stockman		127 Sunset Ave
Nancy Gleason		89 Sunset Ave
Ethel Bean	766-2107	154 McKinley Ct Diamond Cove
Nancy Jacquelyn Kewly	766-0004	30A Diamond Cove

Minutes of Neighborhood Meeting  
Great Diamond Island  
Meeting held in John Condon's garage on 7/01/2013.

Meeting called to order by Ron Ward, Attorney for Dinosaur Enterprises at 6:35 pm.

Ron Ward acting as mediator:  
This is the Neighborhood meeting, intended to be informational. Next steps: Planning Board meeting on 7/9/2013; City Council meeting - date tbd.

Sign up sheet is required and becomes part of permanent record of the meeting.

Summary of process to-date

- Webers' petitioned city last year to get conditional zone for continuation of Dinosaur enterprise to operate existing current business
- Went to planning board workshop
- Had site analyzed
- St. Germain & Collins did environmental study and issued a report.

Ted Weber said:

Environmental Engineer said oil tanks do not have to be on concrete pads or have fence around them. They need fire extinguishers and oil pads (which they have). Ted said chances are leaks are minimal - any issues are usually with the pump, not the tank.

St. Germain & Collins proposed a federally approved 110 gal. gas tank on a pick-up truck.

How to refill a fuel tank in the middle of the island is a problem.

State Fire Marshall suggested this alternative. There is a Federally approved tank that goes on back of pick up. (Beth Weber noted they are common, construction companies used in Portland). Updated SPCC plan includes this tank - latest version April 2013. Anyone is welcome to stop by Ted's to review these plans.

Beth is licensed technician. Trucks will deliver Kerosene and Oil. Gas would be on pick up truck.

Question and Answer portion

Ann Webber asked if the Webers would have to buy another pick up to support this portable tank. Ted said no – already on existing truck.

Tom Moss asked why there was 121,000 sq ft to be zoned. Ted responded that you need to park the trucks in the driveway and you have to zone the whole property.

Mike Harris - asked in the terms what is meant by immediate Weber family. Ted responded that the definition includes Ted, Betsy and their children. Ted said “there is no change in the way we operate today. “ There would be no change to structure, equipment.

Ted explained what an Oil pad is -- (absorbs antifreeze, gas, not water).

Beth said Dinosaur tries to send trucks off island twice a year to be serviced. Meters are calibrated. If there is a problem with a truck, they get a mechanic. City has the service records.

Betsy Weber stated they have no intention of doing propane ever.

Ann Webber recalled last meeting, it sounded like there were more permits to be obtained.

Ted Weber stated all permits have been received except the one from the local Fire department, which will only be issued after ruling on zoning... they have a Portland business license, are members of the Maine Oil Dealers Association and New England Dealers Association... a licensed corporation in the State of ME. Ted reiterated that they have all required licenses and permits, except for fire department permit, which would be issued after zoning approval.

Ted reviewed insurance -- \$1million insurance and \$3 million rider for accident and spills -- \$4 million total. (Beth noted this was more than required).

Bill Robitizek commented on insurance, confirming it was -- \$1million insurance and \$3 million rider for accident and spills -- \$4 million total.

Betsy Weber added they have been in business for 25 years without any accidents.

Schafer Bean – asked if the gas tank was smaller on the pick up truck. Ted responded yes, it is about 1/3 the size. (100 gallon tank on truck vs. 300 tank on trailer). Schafer inquired if old tank will be sold. Ted said yes.

Nancy Gleason ask if there be system to reserve oil and gas since there will be less with new tank. Ted replied that they need to make sure the tank is filled more often. Barge goes to Peaks twice a week in season.

Nancy Gleason asked if there are permits and plans available for review. Ted said they are available at the Webers for review and at the Planning Board. Ron added that the packets will go out on Friday.

Ann Webber – is the Planning Meeting open for public comment. Ron said people from the public can have 3 minutes to speak.

Mark Didriksen asked what is the overall process. Ron responded that there is

- Workshop
- Planning board hearing (vote)
- recommend goes to city council to accept or reject

Meeting adjourned at 7 p.m.

ATT 2-J-1

Rick Knowland - 100 gal gas tank mounted in Dinosaur truck

**From:** Elizabeth Weber <woowoo\_s@yahoo.com>  
**To:** Beth Weber <Dinosaunterprises@yahoo.com>, <RWK@portlandmaine.gov>, <rw...>  
**Date:** 7/3/2013 5:23 AM  
**Subject:** 100 gal gas tank mounted in Dinosaur truck





2-5-2



2-5-3



2-J-4

