

90-A-A-1, 2+5
Peaks Island
512 Island Ave.
Peaks Isl. Fuel
~~Keith Ivers~~

874-8699

Effective August 18, 2010



Level I – Site Alteration Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level I: Site Alteration site plan.

Level I: Site Alteration Development includes:

- Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.
- Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.
- The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet.
- The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.
- A site alteration in which vehicle access is proposed from more than one (1) street;

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

<p>Planning Division Fourth Floor, City Hall 389 Congress Street (207) 874-8721</p>	<p>Office Hours Monday thru Friday 8:00 a.m. – 4:30 p.m.</p>
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PROJECT NAME: PEAKS ISLAND FUEL

PROPOSED DEVELOPMENT ADDRESS:
512 ISLAND AVE, PEAKS ISLAND, ME 04108

PROJECT DESCRIPTION:
UTILIZE COMMERCIAL PROPERTY FOR PARKING OF DELIVERY AND SERVICE TRUCKS, FILL IN SITE AND ADD TWO DRIVEWAYS


CHART/BLOCK/LOT: MAP 90, BLOCK AA, LOTS 1, 2 AND 5

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: KEITH IVERS Business Name, if applicable: PEAKS ISLAND FUEL Address: BOX Q City/State: PEAKS ISLAND, ME Zip Code: 04108	Applicant Contact Information Work # 207-749-5700 Home# 207-749-5700 Cell # 207-749-5700 Fax# 207-766-2969 e-mail: VAS92@AOL.COM
Owner – (if different from Applicant) Name: Address: City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Address: City/State : Zip Code:	Agent/Representative Contact information Work # Cell # e-mail:
Billing Information Name: KEITH IVERS Address: BOX Q City/State: PEAKS ISLAND, ME Zip Code: 04108	Billing Information Work # 207-749-5700 Cell # Fax# 207-766-2969 e-mail: VAS92@AOL.COM

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Site Plan review only, a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 5 - - 2011
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Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

PROJECT DATA

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

Total Site Area	39093 total 22310 COMMERCIAL sq. ft.
Proposed Total Disturbed Area of the Site	4200-4500 sq. ft.
IMPERVIOUS SURFACE AREA	
• Proposed Total Paved Area / GRAVEL	4200 sq. ft.
• Existing Total Impervious Area	0 sq. ft.
• Proposed Total Impervious Area	4200 sq. ft.
• Proposed Impervious Net Change	4200 sq. ft.
PARKING SPACES	
• Existing Number of Parking Spaces	0
• Proposed Number of Parking Spaces	7
TOTAL Number of Parking Spaces	7

General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Completed application form.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Application fees.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Written description of project.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Evidence of right, title and interest.
<input type="checkbox"/>	<input type="checkbox"/>	1	Copies of required state and/or federal permits.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Written assessment of zoning.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Evidence of financial and technical capacity.

Site Plans and Boundary Survey Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input type="checkbox"/>	<input type="checkbox"/>	1	Site Plan including the following:
<input type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Existing structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone)
<input type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, utility connections, roadway improvements).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Identification of and proposed protection measures for any significant natural features on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code.
<input type="checkbox"/>	<input type="checkbox"/> NA		▪ Details of proposed pier rehabilitation (Shoreland areas only).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Existing utilities.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Existing and proposed grading and contours.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Proposed stormwater management and erosion controls.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Total area and limits of proposed land disturbance.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Existing vegetation to be preserved and proposed site landscaping.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Existing and proposed easements or public or private rights of way.

Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards
 - 1, 2, and 4.
- (b) Environmental quality standards
 - 1. and 3.
- (c) Public infrastructure and community safety standards.
 - 1.
- (d) Site design standards
 - 5, 6, 8 and 9.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

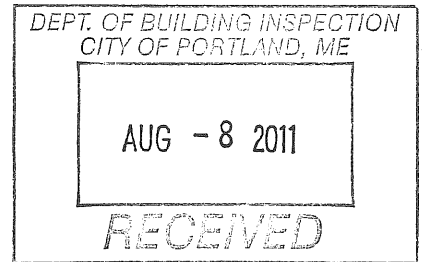
1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
7. Hydrant locations

track

LAW OFFICES OF DAVID A. LOURIE
189 Spurwink Avenue
Cape Elizabeth ME 04107
and
97 India Street, Portland ME 04101
(207) 799-4922 * fax 221-1688
david@lourielaw.com

~~Advance copy via e-mail~~ *David A. Lourie*
August 7, 2011

Marge Schmuckal, Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101



Re: Prohibited Use - Keith Ivers - Peaks Island Fuel CBL:112-H-1

Dear Marge:

I am following up on our brief discussion last week concerning the Ivers proposal to store seven (7) trucks carrying fuel on property in the Island Business (I-B) district. I have since been retained by abutters and neighbors who oppose this use at this location. I am limiting this letter to the threshold issue of consistency of the proposed use with the zoning restrictions applicable to the location.

Since discussing the project with you, I reviewed the site plan file at the planning office. In reviewing your memo (identifying various zoning sections applicable to the site planning issues) I noted the absence of any discussion as to whether the fuel truck storage use (a fuel truck terminal) was permitted in the I-B zone. Perhaps this was intentional, as you indicated that you had not made any zoning determinations when we spoke, and it is not yet clear exactly what kinds of fuel are involved, and what activities "accessory to" the storage of the trucks are contemplated. Hopefully, Mr. Ivers will make these uses clear in subsequent submissions if that is necessary for you to make a decision as to whether the fuel truck storage activity qualifies as "off-street parking" or not. I am writing to briefly raise the zoning "use" issue at this time, as my clients feel strongly that a fuel truck terminal was not intended as a permitted use in the I-B Zone. Looking at the ordinance as a whole,¹ I believe them to be correct, and that an early decision on

¹ If this change of use is approved, the City must condition its approval upon storage only, and should expressly prohibit related activities presently occurring at Mr. Ivers' various locations. (I

Marge Schmuckal, Zoning Administrator

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this critical issue would be beneficial to all concerned.

The first point to be considered is that the proposed truck storage activity is almost certainly comprehended within the defined term "truck terminal" in §14-47 of the Ordinance. If the proposal were to establish this use in an industrial zone, I am certain that it would be allowed as a truck terminal. The same treatment must apply where the use is proposed in an I-B zone. Since that activity is within a defined use category, and that category is not listed as a permitted or conditional use in the I-B district, it is prohibited in that district. This result would be consistent with the Ordinance as a whole, which clearly relegates truck terminals to the city's industrial zones, which this is not, and with other provisions and case law discussed below.

There is no definition of "parking," or of "off-street parking," in the definition section of the Portland Zoning Ordinance. The only definition of "off-street parking" appearing in the Ordinance is in Division 20. This definition is NOT supportive of a fuel truck terminal being "off-street parking." "Off-street parking" is described as consisting of "open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual.² The only standards that I could find in the Manual were standards for the parking of passenger vehicles. I did not find any standards for parking spaces that were designed for the types of vehicles proposed to be stored on the property by Mr. Ivers.

Moreover, there is a definition of "truck terminal" in §14-47. The Zoning Administrator, the ZBA, and any reviewing court must interpret each of these words, in the context of the Ordinance as a whole, and in a manner which furthers the stated purposes of the ordinance - the protection of the public welfare, health, and safety. The use described by Mr. Ivers must be found to be within the definition of "truck terminal" under the rules of statutory construction.

understand that this has included the dispensing of propane, the washing of vehicles, and other activities relating to the maintenance of the trucks and a fuel business.)

² "DIVISION 20. OFF-STREET PARKING. **Sec. 14-331. Defined.** Off-street parking, either by means of open-air spaces or by garage spaces which meet the standards set forth in the City of Portland Technical Manual, as hereafter amended, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses in any zone."

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Perhaps the most telling point *against* the proposed use (the storage of commercial vehicles for delivery of fuel off premises) being permitted as “off-street parking” is the fact that all other parking required or permitted under the ordinance is for the service, benefit, or convenience to the property where the parking occurs. Here the fuel trucks are *stored* rather than *parked*, since there is no use nexus between the placement of the trucks and the property upon which they will be placed. Your attention is directed to St. Louis County v. Taggart, 866 S.W.2d 181, 184 (Mo.App. E.D. 1993), which distinguishes between the storage of defendants' dump trucks (used in their gravel hauling business for delivery of goods and services to other locations), and the parking of vehicles for the purpose of serving the lot upon which the vehicles are parked. (This fundamental difference caused the Court to conclude *as a matter of law*, that the parking of such trucks could not be a use which served to further the successful utilization of the primary residential use. As a result, the storage of the vehicles was not an accessory use within the county's zoning ordinance.³) Although the issue here may not be whether the use is an accessory use, the distinction between *parking* to serve the premises upon which the parking occurs, and the storage of fuel trucks to serve *other* premises on Peaks Island is a crucial distinction in determining whether the placement of fuel trucks is *parking* or *storage*. If the placement is *storage* of vehicles for use elsewhere, rather than for use on the premises, the placement of the trucks cannot qualify as the “off-street parking” listed as a permitted use in the I-B zoning district. A copy of the Decision in St. Louis County v. Taggart is submitted herewith.

It is evident that the drafters of the Portland Zoning Ordinance intended the provisions concerning “off-street parking” to apply to the parking of passenger and other vehicles of persons frequenting the premises. It is unlikely that the Council intended “off-street parking” to authorize the use of property for the storage of trucks serving *other* properties. Nearly all of the provisions of the zoning ordinance referring to off-street parking are written as *requirements* that owners provide off-street parking for personal vehicles resulting from the use of the property

³ Accord, 83 Am. Jur. 2d Zoning and Planning §170, also citing City of Cuyahoga Falls v. Kobulnicky, 2002 Ohio 3742 (Ohio.App.9.Dist.Summit.Co,2002) (involving a box truck); and Wolfe v. Board of Zoning Appeals of Fairfax County, 260 Va. 7, 532 S.E.2d 621 (2000) (involving a dump truck, roll-off vehicle, stake body truck, and flatbed trailer).

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where the parking is to appear. The absence of any conditional use requirement regulating “off-street parking” of truck parking as a principal use outside of the industrial zones reinforces the conclusion that the parking or storage of such trucks serving other properties (under the rubric of “off-street parking”) was neither contemplated nor intended. This conclusion is reinforced by recent regulations requiring bicycle parking on the same basis as passenger vehicles. See, Section 14-332.3 (“In all zones where off-street motor vehicle parking is required, minimum off-street bicycle parking requirements shall be provided and maintained . . .”) This provision, and the Ordinance as a whole, consistently shows that the Council thought it was dealing with the parking off-street of vehicles customarily used by the general population to visit the property where the parking occurs. (Trucks delivering goods to a property are dealt with under the “Vehicle Loading” provisions of Division 21.) There is no support in the Ordinance for the conclusion that the Council intended to allow the storage of trucks delivering goods to *other* premises where it allowed or required off-street parking. The very idea that all motor vehicles licensed by the State of Maine, regardless of type, size, weight, number can be placed on any property where “off-street parking” is permitted, including I-B zones is absurd. The Council could not reasonably have intended to make the storage of trucks to *always* be an appropriate activity in the I-B district, especially in light of the fragile environment of Portland’s islands documented in the Gerber Report on groundwater resources that formed the basis for the rezoning of the Portland Islands.

Maine zoning decisions concerning comparable land uses, such as gasoline stations, provide guidance in dealing with the claim of that a fuel truck terminal is permitted in the I-B zone as “off-street parking.” These cases hold that uses specifically defined, regulated, or prohibited in other districts in a zoning ordinance cannot be allowed as an unregulated use in a different zone.

“When a term of a zoning ordinance is ambiguous or uncertain, the court should construe that term reasonably “with regard both to the objects sought to be obtained and to the general structure of the ordinance as a whole . . . It is through consideration of the whole ordinance that the legislative intent can be ascertained . . . Our examination of the Bangor zoning ordinance convinces us that the sale of gasoline was not intended as a permitted use in a C-1 zone. The ordinance is

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highly restrictive in its treatment of gasoline service stations, permitting them only as special exceptions in the heavier C-2, C-3 and C-4 commercial zones, when the applicant can demonstrate, among other things, that the health, safety, welfare and property values of the neighborhood will not be affected. Since many of the same dangers necessitating restrictions on gasoline service stations are inherent in the self-service sale of gasoline, it would be unreasonable to conclude that the sale of gasoline was intended either as the primary business of, or as a use accessory to, a grocery/superette. Otherwise, a use considered undesirable for many reasons even in heavy commercial zones would be permitted without restriction in a neighborhood commercial zone.” See, Singal v. City of Bangor, 440 A.2d 1048 (Me. 1982)⁴

The activity proposed necessarily involves the storage of fuel as well as the trucks it which it is stored and carried. The storage and dispensing of fuel is a heavily regulated business. Under the Portland Zoning Ordinance it usually occurs within the definition of “[major or minor] auto service stations” in §14-47, or at marine terminals, and is a permitted use only where expressly listed as a permitted or conditional use. Thus, both the discussion in *Singal* of the volatile nature of such storage, as well as of the overall scheme of the ordinance are precisely on point.

Moreover, the activity proposed by Mr. Ivers fits within the definition of “truck terminal” in §14-47⁵, as it includes the storage of trucks. Since this activity is clearly within the “truck terminal” use defined by the Ordinance, it is permitted only where that use is listed as a permitted use. It is not listed as “permitted” in the I-B zone. A use specifically defined by a zoning ordinance, and not listed as a permitted use in a certain zoning district cannot be found to be permitted under a *different* use listed in that district, whether as an accessory use, or as “off-street parking.” See, Cumberland Farms, Inc. v. Town of Scarborough, 1997 ME 11, 688 A.2d 914, 915. (Affirming the denial of gasoline sales as “accessory” to sales of other retail goods at Cumberland Farm’s convenience store where the zoning ordinance expressly permitted gasoline

⁴ *Singal* was overruled only on grounds of standing in Norris Family Associates, LLC v. Town of Phippsburg, 2005 ME 102, 879 A.2d 1007. The holdings quoted above are still valid.

⁵ “A building and premises devoted to handling and temporary warehousing of goods, **which may include** facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and **storage of trucks** or tractor-trailer combinations.” (Emphasis added.)

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filling stations in *other* districts as a conditional use, and provided that “Any use not specifically allowed . . . shall be considered prohibited . . .,” in language nearly identical to that found in nearly every Portland zoning district regulation. The combination of the two provisions was held fatal, even though most convenience stores now sell gas as an accessory activity.) As in *Singal*, the *Cumberland Farms* Court cited the familiar rule that individual provisions must be interpreted in harmony with the overall scheme of a zoning ordinance, and to aid in the purpose of zoning to protect the public health, safety, and welfare.

The use characteristics and dangers inherent in storing fuel trucks are not comparable to the characteristics and dangers in the parking of passenger vehicles. Even if no fuel is ever dispensed, ignited, or discharged on the premises, the various risks inherent in fuel truck storage far exceed the risk to the public in parking the kind of motor vehicles usually associated with “off-street parking” of vehicles frequenting a property, whether to service a permitted or conditionally permitted residential or commercial use. It is therefore unlikely that the City Council intended to permit storage of fuel trucks in the I-B zone as an *unconditional* right. The risk to the fragile environment of Peaks Island, particularly for an area located on the edge of the shoreland zone, is too great to assume that the Council intended to allow a use relegated to industrial zones on the mainland as a “permitted use” in the I-B zoning district merely because fuel trucks are motor vehicles capable of being parked off of the city-owned street.

Any interpretation of the undefined term “off-street parking” allowing a fuel truck terminal (serving other properties on Peaks Island) would literally have Mr. Ivers driving his seven (7) trucks through an unintended loophole in the Zoning Ordinance to the detriment of public health, safety and welfare, which are among its stated purposes.

In closing, I urge you to promptly rule that the proposed use for fuel truck storage is not “off-street parking,” and that it is not a permitted use in the I-B zoning district. An early determination on the threshold zoning issue will avoid further unnecessary staff time on a proposal that cannot be approved. It will also avoid further expense to Mr. Ivers, and to the neighborhood opponents that I represent. Mr. Ivers can then concentrate his efforts on finding a conforming location for his project, or to engage in the political process (of petitioning for a zone

Marge Schmuckal, Zoning Administrator

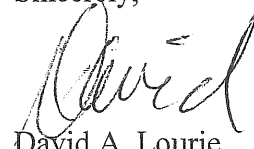
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change to conform the Ordinance to his proposed use), if he intends to pursue the project at this location.

Please advise if you have any questions concerning the above.

Sincerely,

David A. Lourie

attachment

cc: clients

ST. LOUIS COUNTY, Missouri,
Plaintiff/Appellant,

v.

Alma Johnson TAGGERT and Michael
Taggert, Defendants/Respondents.

No. 63894.

Missouri Court of Appeals,
Eastern District,
Division One.

Dec. 7, 1993.

County sued to enjoin property owners from conduct allegedly prohibited by zoning ordinance. The Circuit Court, St. Louis County, Melvyn W. Wiesman, J., directed verdict in favor of defendants, and county appealed. The Court of Appeals, Reinhard, J., held that parking of dump trucks used in property owners' gravel hauling business on property which was zoned residential was not impliedly permitted, as use accessory to the primarily residential use of property.

Reversed and remanded.

1. Zoning and Planning ¶231

Determination of what uses are permitted under zoning ordinance must be made based on wording of particular ordinance and context in which it occurs.

2. Statutes ¶181(1)

Basic rule of statutory construction is to seek intention of legislators and, if possible, to effectuate that intention.

3. Statutes ¶181(2), 188, 206

Legislative intent must be ascertained by giving words of statute an ordinary, plain and natural meaning, by considering entire act and its purposes, and by seeking to avoid unjust, absurd, unreasonable or oppressive result.

4. Zoning and Planning ¶232

Zoning ordinances, being in derogation of common-law property rights, are to be strictly construed in favor of property owner and against zoning authority.

5. Zoning and Planning ¶233

When term in zoning ordinance is susceptible of more than one interpretation, court is to give weight to that interpretation which, while still within confines of term, is the least restrictive upon rights of property owner to use land as he or she wishes.

6. Zoning and Planning ¶605

Interpretation placed on zoning ordinance by body in charge of its enactment and application is entitled to great weight.

7. Zoning and Planning ¶271

Permissive zoning ordinance is drawn to specify those uses which are permitted for particular district, and any use which is not expressly permitted in given zone or district is thereby excluded from it.

8. Zoning and Planning ¶271

Permitted uses may be explicitly expressed in zoning ordinance, or may belong to a group of uses in generically expressed categories.

9. Zoning and Planning ¶301

In determining whether proposed use is permissible as accessory or incidental to primary use, court must make its decision based on particular zoning ordinance at issue and context in which it occurs.

10. Zoning and Planning ¶304.1

Parking of dump trucks used in property owners' gravel hauling business on property which was zoned residential was not impliedly permitted, as use accessory to the primary residential use of property; accordingly, where such use was not expressly permitted under permissive zoning ordinance, it had to be deemed prohibited.

Donald Jay Cohen, Asst. County Counselor, St. Louis County, Clayton, for plaintiff/appellant.

Aaron Stuart Dubin, Vines, Ross, Kraner & Rubin, P.C., Clayton, for defendants/respondents.

REINHARD, Judge.

This is an action to enforce St. Louis County's zoning ordinance. Plaintiff sought to

enjoin defendants from conduct alleged to be prohibited in a district zoned "Residential R-4". Plaintiff filed a four count petition alleging defendants had violated the county zoning ordinance by: (I) parking and/or storing commercial vehicles on the residential property; (II) storing commercial equipment and supplies on their property; (III) failing to keep their property free of litter; and (IV) using unpaved areas of their land for parking. The trial court directed verdicts in defendants' favor on counts I, III and IV, and entered judgment for plaintiff on count II. Plaintiff appeals the court's ruling on count I only. We reverse, and remand with instructions.

Defendants own and reside on property in St. Louis County zoned "Residential R-4". Don Dickey, a "Zoning and Minimum Housing Inspector" with the County, testified that he conducted three inspections of defendants' residence. Each time, Dickey saw, *inter alia*, one or two diesel tandem dump trucks parked on defendants' residential land. One truck was maroon and the other blue, and each bore the logo "Taggart Hauling". Dickey testified that on one occasion, Michael Taggart told him the trucks were used for hauling gravel.

This case involves a separate county enforcement action from our previous holding involving these parties. See *St. Louis County v. Taggart*, 809 S.W.2d 476 (Mo.App.1991). There, plaintiff sought to enjoin the defendants from storing commercial vehicles on their residential property. The trial court found no evidence that the commercial vehicles were being stored, and refused to allow plaintiff, at the close of the its case, to amend its petition to allege improper "parking" instead of improper "storing".¹ We affirmed, holding, *inter alia*, that plaintiff was not entitled to amend its petition in order to conform to evidence that the vehicles had been parked, rather than stored, in violation of the zoning ordinance. The instant case, as noted, involves a separate enforcement action and evidence gathered postdates the previous action.

1. There is a legal distinction between storage and parking: parking connotes transience, while storage denotes a certain degree of permanency.

The issue in this case is whether defendants' parking of their dump trucks is an accessory use within the County's zoning ordinance. The trial court concluded that there was no evidence that the trucks were being used other than for transportation, and that such parking was permissible because the zoning ordinance did not "bar[] the parking of commercial vehicles on the premises." Plaintiff asserts the trial court misconstrued the zoning ordinance. We agree.

[1-6] The principles of construction we use in interpreting a zoning regulation are as follows:

- (1) The determination of what uses are permitted under a zoning ordinance must be made on the basis of the wording of a particular ordinance and the context in which it occurs;
- (2) The basic rule of statutory construction is to seek the intention of the legislators and, if possible, to effectuate that intention;
- (3) Legislative intent must be ascertained by giving the word an ordinary, plain and natural meaning, by considering the entire act and its purposes and by seeking to avoid an unjust, absurd, unreasonable or oppressive result;
- (4) Zoning ordinances, being in derogation of common law property rights, are to be strictly construed in favor of the property owner against the zoning authority;
- (5) Where a term in a zoning ordinance is susceptible of more than one interpretation, the courts are to give weight to the interpretation that, while still within the confines of the term, is least restrictive upon the rights of the property owner to use his land as he wishes;
- (6) The interpretation placed upon a zoning ordinance by the body in charge of its enactment and application is entitled to great weight.

Cunningham v. Bd. of Alderman of Overland, 691 S.W.2d 464, 467-68 (Mo.App.1985).

St. Louis County v. Taggart, 809 S.W.2d 476, 478 (Mo.App.1991).

The zoning ordinance in the instant case is an example of permissive zoning. *See, e.g., St. Charles County v. McPeak*, 730 S.W.2d 611, 612 (Mo.App.1987). It provides: "[t]he use and development of land and structures within any zoning district are limited to those developments set forth in those sections of this Chapter applicable to such district." § 1003.050.²

[7, 8] A permissive zoning ordinance is drawn to show those uses which are permitted for a particular district, and any use which is not expressly permitted in a given zone or district is thereby excluded from it. *State ex rel. Barnett v. Sappington*, 266 S.W.2d 774, 777 (Mo.App.1954). Permitted uses may be explicitly expressed or may belong to a group of uses in generically expressed categories. *State ex rel. St. Charles County v. Samuelson*, 730 S.W.2d 607, 609 (Mo.App.1987). Section 1003.117.2 identifies ten permitted land uses in a "Residential R-4" district: (1) Churches; (2) Day care homes; (3) Single family dwellings; (4) Home occupations; (5) Libraries; (6) Local public facilities; (7) Parks, parkways and playgrounds; (8) Police and fire stations; (9) Schools; and (10) Schools on tracts of land of at least five acres. Defendants concede that commercial vehicle parking is not expressly permitted in the ordinance but contend that such use is accessory to the residential use.

[9] In determining whether use is accessory or incidental to a primary use, the decision must be made on the basis of the particular zoning ordinance and the context in which it occurs. *Schaefer v. Neumann*, 561 S.W.2d 416, 424 (Mo.App.1978). Section 1003.117.4 governs accessory uses in districts zoned "Residential R-4". It provides, in relevant part:

Subject to compliance with the procedures of this section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a rea-

sonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use.... (Emphasis added).

[10] Plaintiff states that "[n]owhere in [St. Louis County's zoning ordinance] is parking and/or storing commercial vehicles [in R-4 residential districts] approved." Thus, plaintiff argues, as St. Louis County is a permissive zoning jurisdiction, such an activity must be deemed prohibited. Defendants rely on the absence of an express provision relating to parking as a permitted use in § 1003.117.2, reasoning that all parking is an accessory land use. Thus, they assert, given the vagueness of the regulation, accessory use of the property in regard to parking must be broadly construed in favor of the land owner.

We note that though parking is not specifically listed among the permissible uses in an R-4 district, its permissibility can be easily implied in the R-4 zoning scheme from § 1003.117.8, which states: "Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 Off-Street Parking and Loading Requirements."

We have found no Missouri case on this point. However, there is substantial authority from non-Missouri sources that the parking of vehicles such as those owned by defendants here is not accessory to the primary residential use of property. "The parking of a commercial vehicle on residential property, including the driveway of a home, is not a permissible accessory use,..." 101A C.J.S. Zoning and Land Planning § 150, p. 469 (1979). In *Potts v. City of Hugo*, 416 N.W.2d 465 (Minn.App.1987), Arthur Potts brought a declaratory judgment action seeking a determination, *inter alia*, of whether the parking and zoning ordinances of the City of Hugo prohibited Gene and Lisa Sampson from parking their semi-truck and trailer at their home. The Sampsons owned a home in a subdivision in an agriculturally zoned district of the City of Hugo. Subdivision restrictive

2. All ordinance citations are SLCRO (1991) un-

less otherwise noted.

covenants limited the Sampsons' use of the property to single family residential use. One of the "permitted principal uses" in the agriculturally zoned district was "single family dwelling." *Id.* at 468.³ The issue was whether the parking of the truck and trailer, used in the Sampsons' business was a permissible accessory use to the principal residential use. *Id.* at 467.

The regulations for the agricultural district in *Hugo* listed a number of specific accessory uses, none of which applied to the Sampsons. The trial court found that such parking was a "compatible, non-listed" accessory use. *Id.* at 468. The ordinance defined an accessory use as a "use subordinate to the main use of land or of a building on a lot and customarily incidental thereto." *Id.*

In reversing, the appellate court found that such parking was not accessory to the residential use, stating:

Because the restrictive covenants permit the Sampsons to use their land only for single-family residential purposes and they actually use their land for that purpose, any permitted accessory use must necessarily be "customarily incidental" to that use. *We hold, as a matter of law, that parking a semi-truck and trailer is not customarily incidental to a residential use.* (Emphasis added). *See Galliford v. Commonwealth*, 60 Pa.Comm. 175, 179, 430 A.2d 1222, 1224 (1981) (14,500 pound, commercially registered truck is not accessory to a residential use; it is commercial in nature).

Id. at 468. *See also Northvale v. Blundo*, 85 N.J.Super. 56, 203 A.2d 721 (1964) (parking of commercial panel truck not an accessory use).

We are persuaded by the above cited authority. Moreover, as previously noted, the determination of whether a use is accessory depends primarily upon the language of the ordinance. The ordinance here is quite restrictive in defining accessory use. It sets out, in conjunctive, several prerequisites for an accessory use, including a requirement that the use "serve[] only to further the successful utilization of the primary use."

3. All citations to the City of Hugo's zoning ordi-

§ 1003.117.4. (Emphasis added). The parking of defendants' dump trucks used in their gravel hauling business can hardly be said to meet this criteria. We hold, as a matter of law, that the parking of such trucks is not a use which "serves only" to further the successful utilization of the primary residential use, and therefore is not an accessory use within the County's zoning ordinance.

We reverse and remand this cause and direct the trial court to enter an order enjoining defendants' from parking the dump trucks in question on their residential property.

CRANDALL, P.J., and CRIST, J., concur.



STATE of Missouri, ex inf., Kerry ROWDEN, Prosecuting Attorney ex rel. CITY OF OSAGE BEACH, Missouri, Relators-Respondents,

v.

PURPORTED VILLAGE OF KAISER, Missouri, et al., Respondents-Appellants.

No. WD 47683.

Missouri Court of Appeals,
Western District.

Dec. 7, 1993.

Prosecuting attorney of county filed petition in quo warranto seeking to have declared void an order of county commission which purported to incorporate village. The Circuit Court of Miller County, Mary A. Dickerson, J., declared purported incorporation void, and purported village appealed. The Court of Appeals, Turnage, C.J., held that those desiring to incorporate village had to follow procedure applicable when area to nance will be omitted.

Eric Giles - Re: Fwd: FYI: Level I Site Alteration application for 512 Island Avenue, Peaks Island

From: Barbara Barhydt
To: Giles, Eric
Date: 6/30/2011 12:41 PM
Subject: Re: Fwd: FYI: Level I Site Alteration application for 512 Island Avenue, Peaks Island

>>> Barbara Barhydt Thursday, June 30, 2011 12:41 PM >>>

Good afternoon:

Thank you for your comments and I will forward your e-mail to the staff members who are reviewing this project.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> Stevenson Monica <monicas@maine.rr.com> Thursday, June 30, 2011 11:11 AM
>>>

We concur with the comments sent to you below by Elizabeth Stout. Please keep us informed.

Monica Stevenson and John Freeman
548 Island Avenue

Begin forwarded message:

From: elizabeth stout <betsybb1@earthlink.net>
Date: June 29, 2011 2:11:11 PM EDT
To: Stevenson Monica <monicas@maine.rr.com>
Subject: Re: FYI: Level I Site Alteration application for 512 Island Avenue, Peaks Island
Reply-To: elizabeth stout <betsybb1@earthlink.net>

I am writing to express my concern about the application to create a 4200sq.ft. gravel parking lot for the purpose of parking oil trucks. I believe that it is inappropriate for several reasons but two raise the most concern for me. To begin, while the zoning may allow for commercial activities, it has been many years since there were any commercial enterprises conducted in that neighborhood. In other words, what is on the books does not accurately reflect what is on the ground and how it is used. My biggest concern is environmental. Being so close to the water it seems to me the chance of run-off or worse, a spill of some sort could damage the area and affect its use. I believe that the proposed lot is also quite low and often wet increasing the opportunity

for the oil to contaminate. In addition, there is a beach between the proposed lot and the ocean that many use as well as a large number of people accessing the water through TEIA down a very narrow and unimproved road. That road is often clogged with bikers and walkers. It is difficult at best to imagine an oil truck maneuvering in and out of a parking lot with all of the activity that takes place on that little road. I hope that the application will be denied.

Elizabeth Stout
549 Island Ave.
Peaks Island, ME 04108.

Eric Giles - FW: City out tomorrow

From: "Fred O'Keefe" <fokeefe@fsog-llc.com>
To: "Eric Giles" <EGILES@portlandmaine.gov>
Date: 6/30/2011 3:55 PM
Subject: FW: City out tomorrow

Eric,

I was asked to forward this email to you regarding the Type 1 adjustment before the planning committee. 512 Island Avenue.

Fred O'Keefe

From: ron delucia [mailto:rondelucia@gmail.com]
Sent: Thursday, June 30, 2011 3:31 PM
To: fokeefe@fsog-llc.com
Subject: Re: City out tomorrow

Fred, Please give this to the City Rep.

You can represent me if you wish

I intend to immediately apply for a reduction in real estate tax if they allow the driveway and trucks. Everyone should do so. It is obvious that all our houses will decrease in value and the City should be aware that fuel trucks in a residential neighborhood are unacceptable and costly to the City. Also, how can a City that is so in tune to the environment allow fuel trucks anywhere near the ocean? What will the EPA have to say?
This can't stand

Ronald F De Lucia
499 Island Ave

Eric Giles - Site Alteration 512 Island Ave Peaks Is

From: Jean Gulliver <jeangulliver1@gmail.com>
To: <bab@portlandmaine.gov>, <egiles@portlandmaine.gov>, <nmm@portlandmaine....>
Date: 6/30/2011 8:49 AM
Subject: Site Alteration 512 Island Ave Peaks Is
CC: Dominick Scipio <domscipio@hotmail.com>, Mary O'Hagan <maryohagan110@gm...

Important Notice from City of Portland
RE: 512 Island Avenue, Peaks Island

To residents and property owners:

A Level I: Site Alteration application was submitted to the Portland Planning Division by Keith Ivers for a 4200 sq .ft. gravel parking area to serve as the parking area for his fuel oil trucks (7 vehicles) at 512 Island Avenue, Peaks Island.

In Accordance with the Portland Land Use Ordinance, notices of receipt of a Level I Application must be sent to neighbors. This application will be reviewed administratively by City Staff.

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you have any questions or wish to submit comments, contact Barbara Barhydt, Development Review Services Manager, at 874-8699 or bab@portlandmaine.gov

Another contact, in the planning office, is Eric Giles: egiles@portlandme.gov

To the City of Portland,

I am writing in reference to the above notice on behalf of the Board and members of Trefethen Evergreen Improvement Association. We would like to express our deep concern about the proposed Site Alteration Proposal.

We are concerned about three specific issues and hazards.

1. Traffic. Trefethen Avenue is a small, quiet lane with very little vehicle traffic but a great deal of bike, walking and golf cart activity. We have children passing and repassing all day, all summer, this is not a place to introduce trucks.
2. Environment. The lot in questions is low and wet and very near the ocean into which it drains. We are very concerned about commercial gas and oil trucks being parked and washed in this location and sending pollution into Casco Bay.
3. Residential Area. Despite the artifact of the old commercial zone this is a residential area and has been for decades. Introducing a commercial use would damage the use and value of all area owners.

We would like the opportunity to speak directly with the city about these issues and our concerns. We would also like to know what legal recourse we have for an open hearing on this proposed change of use. Please contact us with the requested information. Also we have heard that city officials are

planning a site visit tomorrow June 30 could you please confirm the time of this visit.

I look forward to hearing from you today. Jean Gulliver, Chair TEIA 756 5905

Eric Giles - Re: Level I Site Alteration application for 512 Island Avenue, Peaks Island

From: Barbara Barhydt
To: jamacleod@comcast.net
Date: 6/29/2011 8:46 AM
Subject: Re: Level I Site Alteration application for 512 Island Avenue, Peaks Island
CC: Giles, Eric

Hello Mr. MacLeod:

Thank you for your comments and I will forward your comments to Erick Giles, the planner assigned to the project. We have just begun our review of this proposal and will take your comments into consideration.

Thank you again,

Barbara

*oil truck 2-3
2000
Propane → 1
2900*

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov >>> "John MacLeod" <jamacleod@comcast.net> Tuesday, June 28, 2011 5:29 PM >>>
Ms. Barbara Barhydt
Development Review Services Manager
City of Portland

Dear Ms. Barhydt:

I am writing to express my deep concern over the proposed 4,200 SF gravel parking area referenced in the Site Alteration Application for 512 Island Avenue. While zoned for dual use, the area for half a mile in every direction is entirely residential in nature. Not since Webber's store closed down in my childhood had there been any commercial activity nearby.

Far more appropriate and normal for this type of project (a parking lot for fuel storage and trucking) would be in the area of Upper A St, in the center of the island near the transfer station, near the old utility substation or "down front" in the commercial zone roughly bounded by the library, through Welch Street and up and around to Greenwood Gardens.

While I'm sure the property owner (not Mr. Ivers) would love to generate more revenue from her property at 512 Island Avenue, this seems like a highly inappropriate way to do so.

A home retail business, small store, studios, etc. would be disruptive enough, but the noise, smell and increased truck traffic, risk of environmental pollution or fire/explosion from fuel storage trucks in a neighborhood filled with homes and biking children is beyond the pale. And the damage to the property values and proportionate decrease in the property tax base of neighboring homes should be of some concern to property owners and city officials alike.

I thank you and your colleagues in City Government for your consideration, and urge you strongly you deny this application.

Very sincerely,

John A. MacLeod

539 Island Avenue

Peaks Island, ME. 04108

207-766-0099

207-766-2010

John MacLeod, Trumpet Performance & Instruction

Principal Trumpet, Portsmouth Symphony Orchestra

Sent on the Now Network™ from my Sprint® BlackBerry

Eric Giles - Fwd: 512 Island Ave., Peaks Island Level 1 Alteration

From: Barbara Barhydt
To: Giles, Eric
Date: 6/29/2011 8:47 AM
Subject: Fwd: 512 Island Ave., Peaks Island Level 1 Alteration

>>> <fokeefe@fsog-llc.com> Tuesday, June 28, 2011 2:16 PM >>>
Dear Ms. Barhydt,

In today's mail I received a notice for a Level 1 adjustment for 512 Island Ave. to create a 4200 sq.ft parking area to serve as a parking lot for oil and propane fuel trucks.

If you would be so kind as to give me proper guidance to formally object to this adjustment to a primarily resident neighborhood composed mostly of year round residents I would greatly appreciate it. Our concern is chiefly the amount of highly explosive material that will be stored on this property. Where it will be stored and what fire and safety precautions are required by the owners should this application be approved. This is extremely important since the fire department is located minimally a miles distance from the proposed property adjustment. God forbid there ever be an explosion or fire it could be a disaster.

There are quite a few year round families with children as well as the TEIA tennis, boating and club facility that are extremely close to this property which should also raise concerns.

Would you also let me know what the City time-line is for making your decision.

My number is 766-2300. I reside a 268 Pleasant Ave.

Thank you for your assistance relating to this matter.

Fred O'Keefe
Sent via BlackBerry by AT&T

Eric Giles - Re: Fwd: FYI: Level I Site Alteration application for 512 Island Avenue, Peaks Island

From: Barbara Barhydt
To: Giles, Eric
Date: 6/30/2011 12:41 PM
Subject: Re: Fwd: FYI: Level I Site Alteration application for 512 Island Avenue, Peaks Island

>>> Barbara Barhydt Thursday, June 30, 2011 12:41 PM >>>

Good afternoon:

Thank you for your comments and I will forward your e-mail to the staff members who are reviewing this project.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> Stevenson Monica <monicas@maine.rr.com> Thursday, June 30, 2011 11:11 AM
>>>

We concur with the comments sent to you below by Elizabeth Stout. Please keep us informed.

Monica Stevenson and John Freeman
548 Island Avenue

Begin forwarded message:

From: elizabeth stout <betsybb1@earthlink.net>
Date: June 29, 2011 2:11:11 PM EDT
To: Stevenson Monica <monicas@maine.rr.com>
Subject: Re: FYI: Level I Site Alteration application for 512 Island Avenue, Peaks Island
Reply-To: elizabeth stout <betsybb1@earthlink.net>

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Elizabeth Stout
549 Island Ave.
Peaks Island, ME 04108.

PAUL ERICO
PLUMBING HEATING
ELECTRICAL
58 ELIZABETH ST.
PEAKS ISLAND, MAINE 04108
207-766-2482

cell 207-653-5396

CONTRACTORS INVOICE

WORK PERFORMED AT:

TO:

DATE	YOUR WORK ORDER NO.	OUR BID NO.
------	---------------------	-------------

DESCRIPTION OF WORK PERFORMED

Dear Ms. Barhyde,

This letter is written to express my support for
Kieth Ivers and Peaks Island Fuel Co. regarding
the plans for PIF to operate in the IB zone
located at 512 Island Ave.

Use of the IB zones on Peaks were established
to encourage island business and the success of
those who serve them. Limiting the use of any
IB zone unnecessarily restricts business on the
island, threatens the sustainability of island life
and discourages healthy commerce and competition.

Sincerely, Paul Erico

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of _____

_____ Dollars (\$ _____).

This is a Partial Full invoice due and payable by: _____
Month Day Year

in accordance with our Agreement Proposal No. _____ Dated _____
Month Day Year

Ted Haykal
522 Island Avenue
Peaks Island, ME 04108
(207) 766-4454
July 5, 2011

To: Barbara Barhydt, Development Review Services Manager, Eric Giles, Portland Planning Division
Re: Site alteration application for 512 Island Avenue, Peaks Island, submitted by Keith Ivers

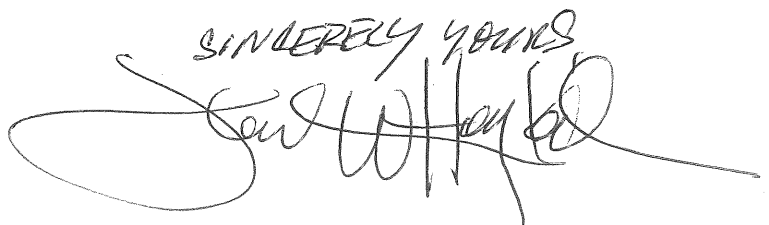
I write to register serious concerns about the proposed development at 512 Island Ave. I own and reside in the home immediately adjacent to the property in question and I urge the Portland Planning Division to deny the application for several crucial reasons.

The proposed use of the property, storage of fuel trucks, is inappropriate to locate right next to a residence. The dangers such a use entails are multiple. There is significant and obvious risk of environmental damage and physical harm to humans from evaporation and potential leakage of petroleum products into the air, land and water (both underground water table and the nearby bay). Air quality will be harmed by the continual emission of petroleum vapors and by the diesel exhaust of the truck fleet to be housed on the premises. There is significant risk of catastrophic harm from a possible explosion or fire involving large quantities of petroleum fuels or their vapors. The proposed use necessarily involves significant and very serious environmental hazards that should justify the denial of the application. The application mentions fuel oil trucks, but I know that Peaks Island Fuel services propane as well, which is a very hazardous and explosive fuel, and would add extra danger to the community and the environment.

The proposed use of this property, apart from its environmental impact, will blight the landscape on the island, whose scenic charm and quaintness are the major reason that tourists and part-time residents are drawn to Peaks Island—and spend their money here to support the local economy. A large and inevitably ugly parking lot for fuel trucks, right next to a tennis club and so close to Casco Bay, is simply not a compatible use of this parcel and should be denied by the planning board in light of the long range consequences of this proposed development. Perhaps it might be more favorable to have the City of Portland rent space by the transfer station, where the dangers to the residents will be less, and the City could benefit from the revenue.

As the owner of a home abutting the proposed development, I am obviously concerned for the negative impact that this project will have on the value of my property. But it seems to me that there are much larger questions at stake here about public safety, environmental protection and sensible long-range planning. I respectfully ask the commission to find against the application in its administrative review, or, if appropriate, to hold a community hearing on the matter so that others affected may be heard.

Thank you for your attention to this matter, and I will appreciate notified of any hearings or action regarding this matter.

SINCERELY YOURS


Ted Haykal
522 Island Avenue
Peaks Island, ME 04108
(207) 766-4454
July 5, 2011

To: Barbara Barhydt, Development Review Services Manager, Eric Giles, Portland Planning Division
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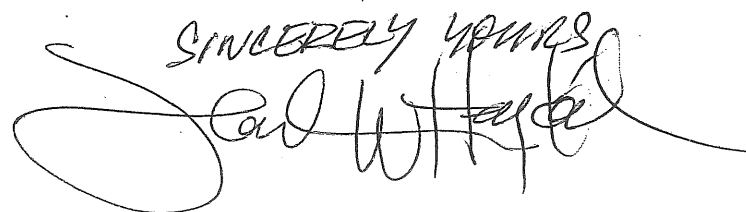
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Peaks Island, ME 04108
(207) 766-4454
July 5, 2011

To: Barbara Barhydt, Development Review Services Manager, Eric Giles, Portland Planning Division
Re: Site alteration application for 512 Island Avenue, Peaks Island, submitted by Keith Ivers

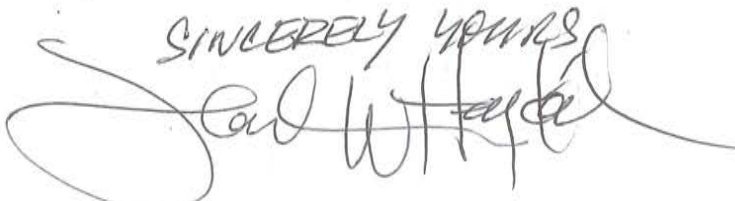
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Thank you for your attention to this matter, and I will appreciate notified of any hearings or action regarding this matter.

SINCERELY YOURS


Eric & Melissa Conrad

152 Brackett Ave • Peaks Island, ME 04108 • Phone: 207-766-9736
E-Mail: mconrad@backshore.net

July 5, 2011

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

Dear Ms. Barhydt:

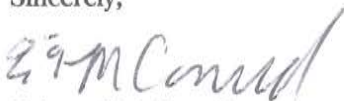
We are writing in support of Peaks Island Fuel. Keith Ivers is an integral part of our community. Our heating system has failed a number of times over the past 10 years: Keith has always been there, in the dead of winter (and once in the middle of the night), to make sure our family had heat.

Peaks Island Fuel supports many organizations on the island: they provide scholarships for camps and always give generously to the fundraising efforts of the Peaks Parent Teacher Organizations. They proudly sponsor the Peaks Island Fuel AA baseball team, which has won the city championship for two years running.

Please allow Peaks Island Fuel to build the parking lot on their commercial property and reduce the cost of fuel to year round islanders. The neighbors who feel the trucks will affect their view and deter from their property are not residents or registered voters: most utilize the island for two months of the year: the two months that the trucks generally do not run.

These part-time visitors are not here in the winter, and may not appreciate the service Peaks Island Fuel provides. They should not be allowed to negatively impact year-round islanders, or the operation of this crucial family owned year-round island business.

Sincerely,



Eric and Melissa Conrad



From: Mike Murray
To: Barbara Barhydt; Eric Giles
CC: Penny St. Louis
Date: 8/8/2011 1:23 PM
Subject: Peaks Island Fuel Letter

Here is a copy of Keith Ivers' letter to the Peaks Island Community:

Dear Customers and Friends,

Peaks Island Fuel has always been dedicated to providing Islanders with choices regarding fuel options; fuel costs continue to spike causing us all concern. This past Winter and in response to consideration as to how we could continue to provide our Customers with the best service possible, I began planning a parking lot for our trucks behind my home. This decision was based upon attempting to ensure we would be able to provide consistent service, while improving safety and containing costs. Currently I pay between \$800 to \$850 monthly for truck site rental. Barge costs and fuel costs are variable. Insurance costs are approximately \$25,000 without including maintenance.

I began this process knowing that this site is Island Business Zoned, would be safe and properly constructed. My family lives here, my roots are here and I have believed in attempting to provide for us all. The engineering and landscaping plans are available for review.

A few weeks ago I began receiving emails and letters objecting to what I am hoping to do. Many were nasty while some were written anonymously. I have been threatened with the potential of multiple lawsuits in order to destroy Peaks Island Fuel financially. Due to misinformation on July 1, 2011 members of TEIA as well as others amassed at my home causing my family to feel threatened and resulted in them leaving our home. I am aware that others have had questions/concerns and felt compelled to let them be known through a variety of channels; unfortunately many of them have chosen not to speak with me directly for clarification or dialogue. I have wished to cause no harm; I am attempting to ensure our success and sustainability as an Island.

Those of you who have lived here for a number of years are aware of the necessity of competition to keep fuel costs as reasonable as possible; Peaks Island Fuel began as a cooperative once Jackson's Service Center closed and only one fuel company existed. It is within that spirit I am asking you for your support. If you have any questions, please call. We are attempting to ensure the viability of Peaks Island Fuel and need to ensure we are able to have as much control as possible to lead us in the years ahead.

Again, this had been thoughtful process ensuring compliance with all necessary regulatory mandates. We understand that change is hard for some; it is necessary to ensure that all are served. We believe and have always believed in Safety, Integrity and Service. Again, if you have questions, call.

To register support please contact: Barbara Barhydt - Development Review Services Manager; Planning Division at bab@portlandmaine.gov or (207) 874-8699.

Thank You,

/s/ Keith D. Ivers, President

From: Barbara Barhydt
To: Giles, Eric
Date: 7/1/2011 7:59 AM
Subject: Fwd: Re: 512 Island Ave. Peaks Island

>>> Barbara Barhydt Friday, July 01, 2011 7:58 AM >>>

Dear Ms. Maclsaac:

Thank you for your comments. This application was received recently and we have just begun the City's review of the project. I will forward your comments to the team of staff members who are reviewing the proposal pursuant to the Portland's site plan ordinance and other regulations.

Erick Giles, Planner, is the person assigned to review this proposal in the Planning Division. He may be contacted at EGILES@portlandmaine.gov.

Thank you for your sharing your concerns and comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> "S & K Maclsaac" <ramseyroost@maine.rr.com> Thursday, June 30, 2011 10:22 PM >>>

Dear Ms. Barhydt,

I have just learned about Keith Ivers' application for a permit to create a parking lot for Peaks Island Fuel vehicles at 512 Island Avenue and wish to convey my deep concerns about his proposal. I am not a near neighbor to that address but I am very much involved in island-wide efforts to preserve the character of our unique island community. I do understand that that address is still zoned for business; however, no business or commercial entity has operated in that area since the 1970s when the seasonal grocery store closed permanently. The building that housed the store is now a private home. With the exception of the Trefethen-Evergreen Improvement Association (a summer recreational facility) the neighborhood surrounding 512 Island Avenue is entirely residential.

I feel that creation of a parking area for fuel trucks in this location is very inappropriate for these reasons: That end of Trefethen Avenue is narrow, poorly maintained, and usually not plowed in the winter. In the warmer months it is crowded with bicycles, walkers, golf carts, and children coming and going to the beach and TEIA. Adding fuel trucks to the mix would compromise the safety of everyone who traverses the road.

The land where the proposed parking lot would be is low and wet. Gray water from washing the trucks and potential fuel leaks could contaminate the ground and seep down to the beach thus creating a health hazard for neighbors and beachgoers.

The presence of parked fuel trucks would certainly decrease the value of homes in the neighborhood with homeowners seeking abatements and the city realizing decreased tax revenues. It would also impact future sales in the neighborhood.

The quiet, peaceful character of the neighborhood is what attracts people to live there. A commercial

parking area would be quite disruptive and negatively impact neighbors' lives and change the cherished character of the area.

Surely there are more appropriate locations where the fuel trucks could be parked. Perhaps Upper A Street or a spot on land owned by Island Bay Services would be more appropriate. Both of those locations are far enough away from residences so as not to disrupt people's lives.

Thank you for listening to my concerns.

Kimberly A. Maclsaac
140 Reed Avenue
Peaks Island

From: Barbara Barhydt
To: b, charles
CC: Giles, Eric
Date: 7/11/2011 9:22 AM
Subject: Re: Peaks Island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> charles b <chale04101@yahoo.com> Thursday, July 07, 2011 10:11 AM
>>>

Barbara Barhydt,

This is a short note to express my opinion on what has become the "Peaks Island Fuel Issue". I feel very strongly that it is vitally important for the year round residents to have a choice on where and from whom to buy their heating fuel. The Island market currently supports fuel vendors, and that is a good thing! Choice is essential in the market place. The "summer only residents" don't buy enough heating fuel to matter. If all the legal requirements, (zoning, EPA, etc.) have been met, I feel Peaks Island Fuel should be allowed to go ahead with their plans. Peaks Island Fuel must not be put in a position that could result in their going out of business, as that would create a monopoly for the Lionel Plante business. The last time they had a monopoly (propane gas), they DOUBLED the price of their propane the very next day that their only competitor went out of business. That is how and why Peaks Island Fuel came into being. A monopoly on heating fuel on Peaks Island would be financially devastating to the year round residents. I have been told that if Peaks Island Fuel is stopped from going forward with its plans regarding the relocation of their trucks, there is a very good possibility that they might go out of business. This MUST NOT happen!!

Thank you for attention and consideration on this matter.

Charles M. Burr

15 Epps Street
Peaks Island, ME.
04108

chale04101@yahoo.com

Eric Giles - Re: Peaks Island Fuels_I support the plan

From: Barbara Barhydt
To: Penalver, Lisa
Date: 8/11/2011 10:03 AM
Subject: Re: Peaks Island Fuels_I support the plan
CC: Giles, Eric

Dear Lisa:

Thank you for your comments regarding the Peaks Island Fuel Project. Mr. Iver's submitted revised plans this week and we have distributed the new information to the various departments for review. We are reviewing the Level I: site alteration application under the standards of Portland's site plan ordinance, which is an administrative review. Under the provisions of the site plan ordinance, an administrative decision may be appealed to the Planning Board for a de nova review (reviewed as if it was a new application).

Thank you again for your comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov >> Lisa Penalver <penart1@alaska.com> Thursday, August 11, 2011 8:40 AM >>>

From:
Lisa Penalver
14 Upper A Street
Peaks Island, Maine 04108
207.766.5077/ cell 207.239.1604

to: Barbara Barhydt
Development Review Services, Manager
Planning Division
City of Portland

Dear Ms. Barhydt,

I want to add my voice to the SUPPORT of Keith Ivers and his plans to use commercial property for his business. He has gone to great lengths to make sure that the parking lot he seeks to build will be done in an environmentally-sound way and landscaped to have a very low impact on the views that the neighbors hold dear.

Beyond the objections of the immediate neighbors, you need to understand that his business fulfills a vital role on our island in offering a competitor to the one other fuel company on the island. I have nothing against the other company, but I believe that competition is essential in offering people a choice and a "check" on ever-rising fuel prices. Furthermore, PI Fuel serves over 800 customers throughout the year, and Keith goes out of his way to make sure that seniors and the disabled have fuel regardless of their ability to pay, often at his own expense

The current parking situation for Peaks Island Fuel has been extremely challenging, if not dangerous. His drivers must regularly navigate through crowds of people coming off and rushing TO the ferry (so far without incident- but it must be harrowing). Parking in the current lot, located beside to the venue for "Regae Sunday" - exposes his vehicles to regular vandalism and damage.

I don't know if there is anything you can do to override the predictable nuisance lawsuits/challenges that have already been threatened. Keith, a hard-working person with a young family, has made it clear that he does not have the resources to defend himself from wealthy neighbors who are offended by having a his business located so close to their luxury homes and country club.

But the land IS zoned for commercial use, and there are precious few such lots... it is ideal for his purposes, as it would be located behind his home and he would be able to make sure his vehicles are safe and operate safely.

This is a good thing for the whole of Peaks Islanders, it is the sort of sustainable business that will keep the year-round community viable and vibrant. I hope you can see past the overstated esthetic objections of a few, mostly summer visitors, and not allow those to scuttle a very thoughtful and logical plan.

With thanks for your work in Planning, both now and over the years,

Sincerely,

Lisa Penalver

--

Lisa Penalver
14 Upper A Street
Peaks Island, Maine 04108
207.766.5077/ cell 207.239.1604

From: Barbara Barhydt
To: Williams, Dotty
CC: Giles, Eric
Date: 8/8/2011 8:17 AM
Subject: Re: Peaks Island fuel

Dear Ms. Williams:

Thank you for your comments regarding Peaks Island Fuel. I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> Dotty Williams <john.dotty@williamsequity.com> Saturday, August 06, 2011 3:04 PM >>>

Dear Ms Barhydt,

I support Keith Ivers and Peaks Island Fuel in it's desire to serve Peaks Island residents in a timely and economical way. Peaks Island Fuel services our camp/cottage, and has made that part of caring for it easy for us. According to the information I have received, Peaks Island Fuel has proposed a parking site to house its trucks in a zoned business area. The information stated that this was in compliance with all regulatory requirements. This business has been threatened with lawsuits and islanders who oppose the parking site actually gathered at the Ivers home in protest. If Peaks Island Fuel is legally compliant, is Portland enforcing the existing zoning to allow this business to survive? Please allow Peaks Island Fuel and Keith Ivers to proceed and continue the excellent and timely service we have been receiving. Please encourage this business. We need Peaks Island Fuel on Peaks Island.

Thank you.

Sincerely Yours,

Dorothy Williams
Echo Lodge
Peaks Island, Maine.

--

Dotty Williams

From: Barbara Barhydt
To: jed364pi@aol.com
CC: Giles, Eric
Date: 8/4/2011 9:53 AM
Subject: Re: Joyce & Dan- Peaks Island

Dear Joyce and Dan:

Thank you for your comments regarding Peaks Island Fuel. I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> <jed364pi@aol.com> Thursday, August 04, 2011 9:49 AM >>>

Dear Barbara, I am writing in support of Peaks Island Fuel. We need the competition to help keep the fuel costs down. We helped to start Peaks Fuel along with many others so we know how important the Peaks Fuel is to everyone on the Island. Thank you, Joyce & Dan Doane

From: Barbara Barhydt
To: Giles, Eric
Date: 8/3/2011 2:05 PM
Subject: Fwd: Re: Keith Ivers

>>> Barbara Barhydt Wednesday, August 03, 2011 2:05 PM >>>
Dear Ginny:

Thank you for your comments regarding Peaks Island Fuel. I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> ginny.rynning@gmail.com> Wednesday, August 03, 2011 12:42 PM >>>

I would like to inform you that I support Keith Ivers and his plan for parking his trucks by his home

Virginia Rynning
812 Seashore Ave.
Peaks Island, ME
04108

--

GINNY

From: Barbara Barhydt
To: discala, carla
CC: Giles, Eric
Date: 8/3/2011 2:04 PM
Subject: Re: Keith Ivers Project

Dear Carla:

Thank you for your comments regarding Peaks Island Fuel. I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

>>> carla discala <cdiscala_tra@hotmail.com> Wednesday, August 03, 2011 12:31 PM >>>
I am a year-round resident of Peaks Island and I like to register my support for the relocation of the Peaks Fuel trucks.
Carla Di Scala
75 central ave
peaks island, me 04108

From: Barbara Barhydt
To: Kelly, Valerie
CC: Giles, Eric
Date: 8/1/2011 8:15 AM
Subject: Re: Support for Peaks Island Fuel

Good morning Valerie:

Thank you for your comments regarding Peaks Island Fuel. I am adding Erick Giles to this e-mail, as he is the assigned planner for this project.

We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. Once we received the revised plan, it will be distributed to all of the city departments for review under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> Valerie Kelly <kelly@msu.edu> Sunday, July 31, 2011 8:37 PM >>>
Your email address was given to me as someone who is keeping track of input from Peaks Islanders concerning the Peaks Island Fuel plan to purchase property that will enable it to park their trucks in an appropriate manner. I fully support their plan and am sure that they will do everything necessary to minimize the negative impact on the neighborhood...where they also happen to live!

This reminds me of all the commotion raised by homeowners living in the vicinity of the proposed Senior Housing site several years ago...fear mongering about too much noise and traffic, lower property values, etc. The Sr. Center has been there for years and is a welcome addition to the community, with none of the negative impacts ever having come about.

I look forward to hearing that the city supports this request.

Best regards,
Valerie

Valerie A. Kelly
41 Onway Avenue
Peaks Island, ME 04108-1427

207 766 5782

From: Barbara Barhydt
To: drawingdrawings@aol.com
CC: Giles, Eric
Date: 8/1/2011 8:08 AM
Subject: Re: PIF dispute.

Dear Maichael Moore:

Thank you for your comments regarding Peaks Island Fuel. I am adding Erick Giles to this e-mail, as he is the assigned planner for this project.

We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, such as a landscaping plan. h Mr. Ivers and his engineer are working on a revised plan and we expect a revised plan soon. Once the revised plan is received, all of the city departments will continue their review under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov>>> <drawingdrawings@aol.com> Saturday, July 30, 2011 1:24 PM >>>

Dear Barbara Barhydt,

I am writing in response to the letters that both **Keith Ivers** and **Fred O'Keefe** wrote regarding the site that **Peaks Island Fuel** wants to use for parking its trucks.

My wife and I have been summer residents of Peaks for 20 years. We are members of TEIA. We get our fuel oil from PIF. It is in everyone's interest to find a civilized compromise to this problem. On an island this small, businesses have to coexist with residences, and they have to do so in ways that blend in. We like Peaks Island because it is neither too neat nor too messy. It is mostly a nice mix of the middle.

This particular impasse may require the expertise of a landscape

architect who can maintain neutrality, in conjunction with a professional mediator. I believe that the city of Portland should provide both, or, at the very least, provide recommendations for both. We need your help and guidance with this.

My thanks,
Michael G. Moore
428 Island Avenue
207-766-5903

From: Barbara Barhydt
To: Conley, Ann
CC: Giles, Eric
Date: 8/1/2011 8:04 AM
Subject: Re: Peaks Island Fuel--support

Dear Mr. and Mrs. Conley:

Thank you for your comments regarding Peaks Island Fuel. I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> Ann Conley <conleyann405@gmail.com> Saturday, July 30, 2011 7:58 AM
>>>

Dear Ms. Barhydt,

We are writing to express our support, and enthusiasm, for the efforts of Peaks Island Fuel, an important local business and resource for islanders. Keith Ivers, the President of Peaks Island Fuel, is trying--as you know--to find a safe and cost-effective place to park his fuel trucks on the island. He has identified an area on his own property, which is zoned for Island Business, and is being opposed by some islanders who do not appreciate, perhaps, the value of the presence of his business on the island.

We have watched the evolution of the fuel co-op over many years, as they work to provide competition to help keep fuel prices low on the island. Keith is a member of the island community, and as such has continued the provision of free fuel to seniors on the island, through a program called Widows Wood. Without Peaks Island Fuel and Widows Wood, my mother-in-law would not be able to heat her home all winter; my husband's family has lived on the island for four generations. We value the kind of community service and caring provided by Peaks Island Fuel and we have no reservations in supporting Keith's effort to find a reasonable place to park his trucks.

Please consider the above points as you weigh all of the facts in this situation. Many thanks.

Sincerely,

Ann Lovegren Conley and
Harold Martin Conley III

From: Barbara Barhydt
To: Roberts, Chris
CC: Giles, Eric
Date: 7/29/2011 3:41 PM
Subject: Re: parking for trucks

Dear Chris:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> Chris Roberts <croberts2222@yahoo.com> Friday, July 29, 2011 7:12 AM
>>>

Barbara Barhydt

I am writing to express my support for the plans of Peaks Island Fuel to construct a parking lot for the fuel trucks on Island Ave. I have lived on Island Ave for 7 years, and have developed an understanding of traffic flows and road usage on the island.

From any point of view, the worst place for fuel trucks is where they are now, next to the ferry landing, were everyone, and every vehicle seems to transit at least twice a day. However from my point of view, the issue that this proposal raises is not that at all. The issue for me is zoning. If this proposal conforms to zoning ordinances, it should be approved regardless of our individual opinion about it's merits. The real issue is what to do about the zoning ordinance itself.

The zoning ordinance on Peaks Island is in need of a complete overhaul. Many of us on the island believe that in order to maintain a viable year round community, we must revisit this ordinance, and do it soon. Unfortunately Peaks Island is a contentious community, and any such discussion will be painful, and difficult, but it is time to begin.

I hope your office will be helpful to Mr Ivers, and the community as a whole by approving his proposed plan, and help this community work to make realistic changes to the zoning ordinance.

Sincerely,
Chris Roberts
379 Island Ave
Peaks Island me

From: Michael Richards <mosbypeaks@yahoo.com>
To: Barbara Barhydt <BAB@portlandmaine.gov>
CC: Eric Giles <EGILES@portlandmaine.gov>
Date: 7/28/2011 9:25 PM
Subject: Peaks Island Fuel

Thanks Barbara-

Actually the PIC held a well-attended meeting tonight at the community center and Keith explained his site plan and gave everyone a copy. The overwhelming sentiment among attendees was to let Keith go ahead with his plans, and the PIC voted to support it as well.

Ted Hykel said he had wanted for decades to buy that land to preserve his view, and he was upset it was now to house oil trucks. Someone asked Ted if that old broken down bus was still in his yard, and he said no.

I asked Keith if he could do it so as not to spoil Ted's view, and he said he didn't have to, but he could.

I asked Keith if he was as concerned as TEIA is about oil leaks in his own backyard, and he said more so, and the trucks and oil would be safer, as they are more open to vandalism now than they'd be down behind his house. I asked if his truck would end up closer to the water, and he said no, further away.

I asked how many people use the road where he wants to locate his trucks. He didn't know, but I said TEIA says 150 kids and adults daily (during the summer). I asked how many kids and adults go by his current location, and he said a lot, and I said maybe 1000 (and Judy Piawlock said including flocks of kids).

I said I'm surprised those who are concerned about pollution and safety don't insist that he move his trucks to his own lot at his earliest convenience.

Best regards,

Mike Richards

--- On Thu, 7/28/11, Barbara Barhydt <BAB@portlandmaine.gov> wrote:

From: Barbara Barhydt <BAB@portlandmaine.gov>
Subject: Re: Peaks Island Fuel
To: "Michael Richards" <mosbypeaks@yahoo.com>
Cc: "Eric Giles" <EGILES@portlandmaine.gov>
Date: Thursday, July 28, 2011, 9:21 AM

Dear Mr. Richards"

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments. We are maintaining a list of all comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov >>> Michael Richards <mosbypeaks@yahoo.com> Wednesday, July 27, 2011 7:52 PM >>>

Hi, Bab -

Keith Ivers' plan to park fuel trucks in his yard on Peaks is an important matter, and a well-moderated public discussion on Peaks would likely help provide facts, allow questions, and educate islanders and city planners alike. The PIC may be willing to host. If not, perhaps I can help. If so, please let me know.

Best Regards,
Mike Richards
19 Daniel St.
Peaks Island, ME 04108
653-4567

From: Barbara Barhydt
To: Stankowicz, A.D.
CC: Giles, Eric
Date: 7/28/2011 11:15 AM
Subject: Re: Support for Peaks Island Fuel

Dear Mr. Stankowicz:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for off Island Avenue. We do have an application from Mr. Ivers for a parking area within the Island Business Zone and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 2011 11:09 AM >>>
 Ms. Barhydt,
 bab@portlandmaine.gov <>> "A.D. Stankowicz" <blackdogdavey@maine.rr.com> Thursday, July 28,

As a long time Peaks Island resident and a customer of Peaks Island Fuel, I want to register my support of Keith Ivers and Peaks Island Fuel to construct a parking area on Mr. Keith Ivers' property for the Peaks Island Fuel trucks. The space that he is building on is zoned for Island Business and he has a legal right to build a parking area on that property. I think that it would be unjust if that right was denied to him. I believe that all lawsuits to the contrary should be ignored.
 Further, I think that it is essential that there be competition regarding fuel options, and by honoring Mr. Ivers' legal rights, it allows Peaks Island Fuel to be competitive with the other island fuel provider.
 Please register my support and honor the legal rights of Peaks Island Fuel.

Thank you,

Alexander David Stankowicz
 33 Lyndon Avenue
 Peaks Island, ME 04108

From: Barbara Barhydt
To: huston, ellen
CC: Giles, Eric
Date: 7/28/2011 11:12 AM
Subject: Re: peaks island fuel

Dear Ellen:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt

Development Review Services Manager
Planning Division

389 Congress Street 4th Floor
Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

<<>> ellen huston <lhuston@yahoo.com> Wednesday, July 27, 2011 4:57 PM

Dear Ms. Barhydt,

My husband and I would like to voice our support for Keith Ivers (dba Peaks Island Fuel) and the plan for a new parking lot behind his home on Island Avenue. We have done business with Peaks Island Fuel for 12 years and have been 100% satisfied with his service and dependability. It is vital to this community that this business remain in service for many years to come, and his thoughtful long term plan shows a dedication to move towards this goal. Whether certain people like it or not, this property remains commercially zoned. Many on this island feel that their little slice of heaven should not be altered in any shape or form (except when it directly benefits them) but many feel, like I do, that our whole island is a huge slice of heaven and needs to work for the best of the community.

Keith, Danielle and their daughter Lydia are year round residents with deep family ties to this island. They want to raise their family here and run a small business which provides us with an essential service as well as tax revenue to the city of Portland. If the proposal complies with all of the city ordinances then we believe that the permits should be granted. His landscaping plans provide that his trucks will remain disguised lest they destroy the essence of coastal Maine for our summer visitors. We abhor any sort of bullying tactics, which is what he and his family are facing from a select group, and hope that the facts and his plans stand alone.

We thank you for your time and consideration.

Sincerely,

Ellen Huston

Dave Dawson

12 Sterling Street

Peaks Island, ME 04108

From: Barbara Barhydt
To: Childs, Melissa
CC: Giles, Eric
Date: 7/28/2011 9:57 AM
Subject: Re: Peaks Island Fuel

Dear Melissa:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt

Development Review Services Manager
 Planning Division

389 Congress Street 4th Floor
 Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>"Childs, Melissa"<Melissa.Childs@peoples.com> Thursday, July 28, 2011 9:36 AM >>>

Dear Barbara – I am writing as a citizen of Peaks Island and understand that Keith Ivers, for Peaks Island Fuel, has an application underway for a parking lot for his trucks. He has received some negative response but I fully support Keith, his hard work for this Island, and anything that supports that end – including a parking lot. I think it will be wonderful for him to NOT have to pay rent anymore. In this economic climate, people need to cut costs where they can. I fully support him and you can contact me should you have any questions or concerns. Thanks for your time,

Melissa Childs

Senior Financial Services Associate

People's United Bank

33 Island Avenue

Peaks Island, ME 04108

207-766-2960-ph

207-766-2964-f

melissa.childs@peoples.com

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From: Barbara Barhydt
To: Richards, Michael
CC: Giles, Eric
Date: 7/28/2011 9:21 AM
Subject: Re: Peaks Island Fuel

Dear Mr. Richards"

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments. We are maintaining a list of all comments.

Barbara

Barbara Barhydt

Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101

(207) 874-8699
 Fax: (207) 756-8256

bab@portlandmaine.gov>>> Michael Richards <mosbypeaks@yahoo.com> Wednesday, July 27, 2011 7:52 PM >>>

Hi, Bab -

Keith Ivers' plan to park fuel trucks in his yard on Peaks is an important matter, and a well-moderated public discussion on Peaks would likely help provide facts, allow questions, and educate islanders and city planners alike. The PIC may be willing to host. If not, perhaps I can help. If so, please let me know.

Best Regards,

Mike Richards

19 Daniel St.

Peaks Island, ME 04108

653-4567

From: Barbara Barhydt
To: Giles, Eric
Date: 7/28/2011 9:10 AM
Subject: Fwd: Re: Peaks Island Fuel

>>> Barbara Barhydt Thursday, July 28, 2011 9:10 AM >>>

Dear Bruce:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov >>> "Bruce B. Hochman" <bhochman@lambertcoffin.com> Thursday, July 28, 2011 8:52 AM >>>

I am writing to support the efforts of Keith Ivers of Peaks Island Fuel in his efforts to create a parking lot for his vehicles on the island. Keith offers diagnostic work that the other supplier does not provide. Plus, having competition provides for better service and efficiency all around. What he is proposing appears reasonable and necessary for his business.
My wife and I live year round on the island at 61 Island Avenue.

Please do not hesitate to call me if you have any other questions.

Bruce B. Hochman
Bar No. 3017
Lambert Coffin
477 Congress Street 14th Floor
P.O. Box 15215
Portland, ME 04112-5215
(207) 874-4000
(207) 874-4040 (fax)
www.lambertcoffin.com

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Thank you.

Bio (<http://www.lambertcoffin.com/?sid=3&pid=40>) | Map (http://maps.google.com/maps?hl=en&q=47+Congress+Street+Portland+Maine&um=1&ie=UTF-8&sa=X&oi=geocode_result&resnum=1&ct=title)

bhochman@lambertcoffin.com

From: Alex Jaegerman
To: Fred O'Keefe
CC: Barbara Barhydt; Eric Giles
Date: 7/28/2011 8:42 AM
Subject: Re: FW: The Issue of Peaks Island Fuel

Thank you Fred. We appreciate being kept informed of these matters.

Alex.

Alexander Jaegerman, AICP
Planning Division Director
389 Congress Street, Suite 400
Portland, ME 04101

Phone: (207)874-8724

>>> "Fred O'Keefe" <fokeefe@fsog-llc.com> 7/28/2011 8:09 AM >>>

Alex,

I am forwarding you a copy of my letter I have sent out to islanders via island email lists. I feel it is as important that you are aware of the political overtones as well. It will be an issue at this evenings Peaks Island Council meeting.

Fred O'Keefe

From: Fred O'Keefe [mailto:fokeefe@fsog-llc.com]
Sent: Thursday, July 28, 2011 8:04 AM
To: 'CHOPPIN@aol.com'; 'Eisenberg@rwl.com'
Subject: The Issue of Peaks Island Fuel

Chris and Carol, would you please send this out to your list.

Thanks,
Fred O'Keefe

July 28, 2011

Much is being said about the plan of Keith Ivers to establish a fuel truck terminal for Peaks Island Fuel on Island Avenue in the midst of a residential neighborhood. I was just given a copy of a letter that Mr. Ivers sent to his customers and to his friends. Being one of the close-by neighbors, I feel a responsibility to set the record straight on some of the issues being raised:

1. On June 27th, 2011 the City of Portland, in accordance with the Portland Land Use Ordinance, sent all concerned neighbors, a notice of a Level 1: Site Alteration application submitted by Mr. Ivers for a "4,200 sf gavel parking area to serve for his fuel oil trucks at 512 Island Avenue". The notice also stated, "If you have any concerns or wish to submit comments, contact Barbara Barhaydt" the Development Review Services Manager.

Many of the abutting residents and neighbors that would be affected by this site alteration did just that, they contacted Ms. Barhaydt. This was done in writing and by telephone.

Several of us were advised by City Officials that they would be coming to the island to inspect the site on

July 1, 2011. We asked if we could meet with them to find out the process they would be following and gather information about what the plan would be. They agreed and said that they would be in contact with their arrival time.

On July 1st the City Officials advised us what boat they would be on. When they City arrived, a group of approximately 50 concerned neighbors and some islanders from outside the neighborhood met with them on Island Ave. Here are some facts about that meeting:

- At no time did any of those gathered enter onto the property in question.
 - At no time did the group go any further than the property boundary of Ted Haykal's property and Mr. Ivers property while on Island Avenue.
 - At no time did the group become loud or offensive. There was no "mob scene" or "chain of protestors"
 - Questions were asked of the representatives by both neighbors and other islanders present.
 - When the City Officials asked the group if they could continue to inspect the property, the group immediately disbanded and went about their business.
 - There was no reason why Mr. Ivers family should have felt threatened since there was no overt action taken by the group to create any atmosphere of fear, violence, or even disturbing the peace.
- It was not, as Mr. Ivers stated in his letter to his customers and friends, "due to misinformation". TEIA members who live in the neighborhood, neighborhood homeowners and other concerned islanders who live outside the affected neighborhood were present. If we had the information because of our contact with the City, then it was Mr. Ivers responsibility, as the applicant, to know the schedule the City set to evaluate his application.

2. This is also not a year round versus summer resident issue nor is it a question of economic resources. This is a concern of "Property Owners" and the protection of their property values. It is also a question of maintaining a lifestyle to which much has been invested.

What also might be of interest to some is that this neighborhood has many more year round residents than one might have once thought. The one block from Island Avenue to Trefethen to Pleasant to Belvedere has eight year round residents with nine children. This end of the island is rapidly changing and growing numbers of year round residents are now deciding to live at this end of the island. Much reconstruction has been done to improve older homes and a new home is currently under construction.

3. Regarding the alleged threats and harassment that Mr. Ivers stated in his letter that he has received via email and letters. This is a despicable action on the part of anyone who would go to that length to make their point of objection. There is no justification for this now or at any time. I certainly hope that, if this truly is the case, that Mr. Ivers has taken the emails (hopefully with an identifiable URL), the letters and if telephone calls were made, the caller ID number, and made a report to the Police.

Regarding the potential for a lawsuit. Mr. Ivers is making a business decision and as such if there is someone who feels that his decisions warrant a lawsuit, and he or she is willing to pursue it, then Mr. Ivers needs to be prepared, as a businessman, to defend his position.

This is not, and should not, be a personal vendetta against Mr. Ivers or his family. Mr. Ivers elected to make a business decision which, in the minds of many of his neighbors, is going to affect their quality of life and negatively affect property values. Property owners have every right to disagree and challenge his decision when they believe that his decision will adversely and directly affect them.

4. Mr. Ivers stated that he has been considering his business decision to move and store his trucks on this property since last winter. FACT: The first time anyone in the neighborhood heard about his plans was when we received the notification from the City. Neighbors were stunned that he was so insensitive to the neighbor, especially on a small island like Peaks. It would have been prudent for Mr. Ivers when he was in the planning phase to advise the neighborhood what he intended to do. He would have found out then who was adverse to this decision and who supported him. It is not the neighborhood's responsibility

to call him to find out what his plans, it is his.

To this date Mr. Ivers has made no effort to call the neighborhood together and lay out exactly what he has in mind. Does he expect people, who have been surprised by his actions, to sit back and say or do nothing? They are reacting to a business decision and as such Mr. Ivers should be prepared to respond, as a businessman, to this reaction.

It is important to remember that it is only because Mr. Ivers application has been made public that any of us know what he is intending to do.

5. Immediately after the meeting with the City Officials several neighbors got together to see what was the quickest and most appropriate course of action. No one wants to see Peaks Island Fuel go out of business. We concurred that his business is an integral part of the business community and as such, would be a great loss to future business activity on the island. The zoning laws for Peaks Island are antiquated to say the least. They need to be reviewed and changed to support growth, not only those who currently run small island businesses on the island but for future business as well.

It was decided to take the initiative and arrange a meeting with Mr. Ivers and several business people who have had experience with running successful businesses and have dealt with neighborhood and environmental issues. That meeting took place a few weeks ago with Bill Zimmerman, Paul Castle, Jerry Garman, and the Chair of TEIA, Jean Gulliver and Mr. Ivers.

The main focus of the meeting was to:

- Hear directly from Mr. Ivers what his plan for Peaks Island Fuel is.
- Consider other alternatives that might also satisfy his requirements.
- Determine whether Mr. Ivers understands the impact of the Maine DEP and Federal EPA rules (financial and compliance) on the proposal.
- Discuss whether Mr. Ivers understands the potential adverse impact of this business decision on his business.

One of the main recommendations and advice was for Mr. Ivers to call a meeting of the neighborhood and relate his plans directly to the neighborhood. If Mr. Ivers had called such a meeting, we already had plans underway for the Mayor of the City of Portland to attend, to mediate and to search for other possible solutions. This has not been done.

6. In regards to the question of business zoning. Yes, the property is located in the Island Business Zone. **BUT**, and this is key, this property has not been used in any capacity as a business zone for the past thirty (30) some years ever since the Weber store closed. Ted Haykal, who now owns the property directly abutting the property in question, has turned his property into a personal residence. Above everyone, he is the most affected should this be approved. His backyard will literally be a truck terminal parking area.

The questions that the City now has to review are many not the least being, is a fuel truck terminal the proper use of the property according to the current zoning restrictions. Has the neighborhood so changed over a period of many years that allowing this type of business will be detrimental to its property owners?

7. Mr. Ivers must also comply with the EPA and DEP rules, which change constantly. Mr. Ivers is required to compete what is known as a "Spill Prevention Control and Countermeasure (SPCC) Plan" for the State. The property in question directly abuts the Shoreland Zone. Although it is not within the zone by a matter of feet, there is considerable concern about the environmental and safety impact it would have. There is also a runoff stream located approximately 75 feet downhill from the property that could be adversely affected. If there is normal spillage or if there is a serious spill that it will reach the shoreline the consequences could be financially dramatic for his business.

Because Mr. Ivers has applied for a SBA loan to purchase the property, scrutiny by the SBA relative to the federal and state DEP and EPA compliance will be ongoing. Should any environmental law change

Peaks Island Fuel would be mandated to comply.

8. Contact was also made with the Island Institute. Its major concern is the cultural aspects that affect the islands of Casco Bay. It officials agree that the zoning ordinances of Peaks Island (specifically) are antiquated and are willing to work with the island and the City to see what can be done to make it more reasonable and effective for island businesses to conduct their business without adverse effects on their neighbors and neighborhoods. This would require re-zoning areas of the island that would properly allow for businesses to operate.

At present Peaks Island is only zoned Island Residential and Island Business. There are no "commercial" or "industrial" zones on the island.

9. There is also a question of urgency. As we understand it, Mr. Ivers has applied for a SBA loan to purchase the property and has until the end of August to secure a favorable reply from the City. It is unfortunate that any urgency is being applied to this because it forces decisions, on both sides of the fence, to be made and does not allow for a more normal discussion to resolve this issue. This urgency has been created solely by Mr. Ivers. Had he involved neighbors at any earlier point, everyone would have been more informed.

Understandably, Mr. Ivers wants to get this behind him and focus on his business. He wants to purchase the land and, admirably, raise his family in the neighborhood. Unfortunately, this is not a dilemma that can be solved quickly. The question asked by many people is what we will do if the City approves the use of this property as a truck terminal according to the application. Unfortunately the answer is that it will be immediately contested and a full Planning Board Review requested.

Finally, Mr. Ivers' letter is a personal plea for understanding and support. Unfortunately, this is not a personal matter; it is strictly a business decision on his part and the neighborhood is reacting to this. I know of no one who holds any personal grudge or animosity against Mr. Ivers; on the contrary, we are willing to sit down and work with him. But, Mr. Ivers has to want this as well. Apparently, he has not. It is also unfortunate that unsubstantiated gossip and rumors persist by some persons who have other agendas and wish to obscure the truth and create a situation that only furthers discord. Hopefully, this can be worked out to the satisfaction of all concerned, but at this moment there is no evidence that Mr. Ivers is willing to do so.

Fred O'Keefe
268 Pleasant Avenue

From: Barbara Barhydt
To: nobody@earthlink.net
CC: Giles, Eric
Date: 7/28/2011 8:31 AM
Subject: Re: Re: Peaks Island Fuel expansion plans

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <<vinnie100@earthlink.net> Thursday, July 28, 2011 8:13 AM >>>

To control spam, I now allow incoming messages only from senders I have approved beforehand. If you would like to be added to my list of approved senders, please fill out the short request form (see link below). Once I approve you, I will receive your original message in my inbox. You do not need to resend your message. I apologize for this one-time inconvenience.

Click the link below to fill out the request:

<https://webmail.pas.earthlink.net/wam/addme?a=vinnie100@earthlink.net&id=11e0-b913-0a32520e-a400-002128142564>

From: Barbara Barhydt
To: Proulx, Norm
CC: Giles, Eric
Date: 7/28/2011 8:22 AM
Subject: Re: Peaks Island Fuel

Dear Mr. Proulx:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> "Norm Proulx" <norm_proulx@myfairpoint.net> Thursday, July 28, 2011 7:55 AM <>>

Ms. Barhydt: Please add me to your list of supporters of the initiative by Peaks Island Fuel. I have been a customer of theirs for the 22 years I have lived on Peaks Island. They provide valuable competitive oil and propane service to year-round Peaks' residences.

Thanks
 TTFN

Norm
 norm_proulx@myfairpoint.net

From: Barbara Barhydt
To: Blum, Joann
CC: Giles, Eric
Date: 7/28/2011 8:21 AM
Subject: Re: Peaks Island Fuel

Dear Joann:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> Joann Blum <jblum@verizon.net> Thursday, July 28, 2011 7:29 AM <>>

Dear Barbara, Please accept this email in strong support of Keith Ivers and his attempt to keep a competitive propane company on Peaks Island. Years ago there was an attempt by the other company to railroad Peaks island fuel off the island so there would be no competition. That company held on and has provided excellent service to many customers over the years. The clout and power of the other company was obviously growing and it appears that they will only be satisfied if Peaks Island Fuel is driven off the island. Competition is healthy, especially on a small island. I am hoping that you see the need for people like me to have an alternative company that provides a very personal, caring service for many of us.

Joann Blum
 105 Seashore Ave

From: Barbara Barhydt
To: webster, priscilla
CC: Giles, Eric
Date: 7/28/2011 8:18 AM
Subject: Re: Peaks Island Fuel

Dear Ms. Webster:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division

389 Congress Street 4th Floor
 Portland, ME 04101

(207) 874-8699
 Fax: (207) 756-8256

bab@portlandmaine.gov>> priscilla.webster<pgwi.net> Wednesday, July 27, 2011 10:09 PM
 >>>

Dear Ms. Barhydt,

I am writing to you at the the suggestion of Keith Ivers, owner of Peaks Island Fuel.

for those of us who live here; tennis courts are not.
 I am not knowledgeable about City and State ordinances and such, so I leave that to you, but I hope that

Keith has a fair chance to use his property how he wants within the law.

Sincerely,

Priscilla Webster
 29 Centennial Street
 Peaks Island, ME 04108
 766-2166

From: Barbara Barhydt
To: Foster, Christina
CC: Giles, Eric
Date: 7/28/2011 8:17 AM
Subject: Re: Peaks Island Fuel Support

Dear Christina:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt
Development Review Services Manager

Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>> Christina Foster <cmfisc@hotmail.com> Wednesday, July 27, 2011 8:03 PM
>>

Barbara,

I wanted to add my voice to support Peaks Island Fuel in building a parking lot behind Keith Ivers's business zone home. I hope the minority of people voicing complaints about his legal and thoughtful decisions will not effect your granting permission for this building project.

Thank you,

Christina Foster
109 Sargent Road
Peaks Island, ME 04108
207-221-3445

From: Barbara Barhydt
To: Murray, Mike
CC: Giles, Eric
Date: 7/28/2011 8:16 AM
Subject: Fwd: Peaks Island Fuel

Hi Mike:

I have not responded to Mike Richards yet. I do not know him and was not sure how to respond to his offer for assistance. I thought the Peaks Island Council did not want to have a meeting. I think we want to follow our general procedures and not add in other steps, but please give me some background information.

Thank you.

Barbara

>>> Michael Richards <mosbypeaks@yahoo.com> Wednesday, July 27, 2011 7:52 PM >>>

Hi, Bab -

Keith Ivers' plan to park fuel trucks in his yard on Peaks is an important matter, and a well-moderated public discussion on Peaks would likely help provide facts, allow questions, and educate islanders and city planners alike. The PIC may be willing to host. If not, perhaps I can help. If so, please let me know.

Best Regards,
Mike Richards
19 Daniel St.
Peaks Island, ME 04108
653-4567

From: Barbara Barhydt
To: Miner, Cheryl
CC: Giles, Eric
Date: 7/28/2011 8:14 AM
Subject: Re: Support Peaks Island Fuel

Good morning Cheryl:

:
 Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt

Development Review Services Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>> Cheryl Miner <c.nunes.miner@gmail.com> Wednesday, July 27, 2011 7:35 PM >>>

I support Keith Ivers and wish him well in his business. Cheryl Miner

From: Barbara Barhydt
To: Demos, Lavinia
CC: Giles, Eric
Date: 7/28/2011 8:13 AM
Subject: Re: Peaks Island Fuel expansion plans

Dear Lavinia and Stephen:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt

Development Review Services Manager

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Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>> Lavinia Demos <vinnie100@earthlink.net> Wednesday, July 27, 2011 6:26 PM >>>

Dear Barbara Barhydt,

We are writing to express our unqualified support for Peaks Island Fuel, and Keith Ivers in particular, as they attempt to build adequate facilities on what is already commercially zoned property on Peaks Island. They are the kind of business and his, the kind of young family that we want to keep here long term.

We have the utmost admiration for the sound business plan they have devised in order to provide a competitive fuel service for the community. We regard the over-gentrification of our island as a disaster that has already led to an unfortunate increase in taxes and forced many long-time residents to move elsewhere. This recent attempt to prevent the completion of a parking lot for a business that benefits us all is more of the same. We see no good reason that the complainants, many of them only summer residents, cannot coexist safely with this local business.

Lavinia & Stephen Demos
25 Crescent Avenue
Peaks Island

From: Barbara Barhydt
To: Giles, Eric
Date: 7/28/2011 8:13 AM
Subject: Fwd: Re: I support Keith Ivers!

>>> Barbara Barhydt Thursday, July 28, 2011 8:11 AM >>>
Good morning Kellin:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt

Development Review Services Manager

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Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>> Kellin Rapp <kellinrapp@gmail.com> Wednesday, July 27, 2011 5:49 PM
>>>

Please add me to the "petition" in support of him!

Thanks

Kellin

Sent from my iPhone

From: Barbara Barhydt
To: palmerjd@aol.com
CC: Giles, Eric
Date: 7/28/2011 8:10 AM
Subject: Re: Support

Good morning Justin:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt

Development Review Services Manager
 Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>><palmerjd@aol.com> Wednesday, July 27, 2011 5:43 PM >>>

No words can describe how heartfelt and earnest and appreciated is this effort. Maintaining a vibrant, healthy and sustainable community is essential to our livellhood. Please consider this note an emphatic nod of support.

Best,

Justin Palmer

30 R Central.

Sent via BlackBerry by AT&T

From: "Fred O'Keefe" <fokeefe@fsog-llc.com>
To: "Alex Jaegerman" <AQJ@portlandmaine.gov> "Barbara Barhydt" <BAB@portlandmaine.gov>, "Eric Giles" <EGILES@port...>
CC: "Barbara Barhydt" <BAB@portlandmaine.gov>, "Eric Giles" <EGILES@port...>
Date: 7/28/2011 8:09 AM
Subject: FW: The Issue of Peaks Island Fuel

Alex,

I am forwarding you a copy of my letter I have sent out to islanders via island email lists. I feel it is as important that you are aware of the political overtones as well. It will be an issue at this evenings Peaks Island Council meeting.

Fred O'Keefe

From: Fred O'Keefe [mailto:fokeefe@fsog-llc.com]
Sent: Thursday, July 28, 2011 8:04 AM
To: 'CHOPPIN@aol.com'; 'CEisenberg@rwb.com'
Subject: The Issue of Peaks Island Fuel

Chris and Carol, would you please send this out to your list.

Thanks,

Fred O'Keefe

July 28, 2011

Much is being said about the plan of Keith Ivers to establish a fuel truck terminal for Peaks Island Fuel on Island Avenue in the midst of a residential neighborhood. I was just given a copy of a letter that Mr. Ivers sent to his customers and to his friends. Being one of the close-by neighbors, I feel a responsibility to set the record straight on some of the issues being raised:

1. On June 27th, 2011 the City of Portland, in accordance with the Portland Land Use Ordinance, sent all concerned neighbors, a notice of a Level 1: Site Alteration application submitted by Mr. Ivers for a "4,200 sf gavel parking area to serve for his fuel oil trucks at 512 Island Avenue". The notice also stated, "If you have any concerns or wish to submit

comments, contact Barbara Barhaydt" the Development Review Services Manager.

Many of the abutting residents and neighbors that would be affected by this site alteration did just that, they contacted Ms. Barhaydt. This was done in writing and by telephone.

Several of us were advised by City Officials that they would be coming to the island to inspect the site on July 1, 2011. We asked if we could meet with them to find out the process they would be following and gather information about what the plan would be. They agreed and said that they would be in contact with their arrival time.

On July 1st the City Officials advised us what boat they would be on. When they City arrived, a group of approximately 50 concerned neighbors and some islanders from outside the neighborhood met with them on Island Ave. Here are some facts about that meeting:

. At no time did any of those gathered enter onto the property in question.

. At no time did the group go any further than the property boundary of Ted Haykal's property and Mr. Ivers property while on Island Avenue.

. At no time did the group become loud or offensive. There was no "mob scene" or "chain of protestors"

. Questions were asked of the representatives by both neighbors and other islanders present.

. When the City Officials asked the group if they could continue to inspect the property, the group immediately disbanded and went about their business.

. There was no reason why Mr. Ivers family should have felt threatened since there was no overt action taken by the group to create any atmosphere of fear, violence, or even disturbing the peace.

It was not, as Mr. Ivers stated in his letter to his customers and friends, "due to misinformation". TEIA members who live in the neighborhood, neighborhood homeowners and other concerned islanders who live outside the affected neighborhood were present. If we had the information because of our contact with the City, then it was Mr. Ivers responsibility, as the applicant, to know the schedule the City set to evaluate his application.

2. This is also not a year round versus summer resident issue nor is it a question of economic resources. This is a concern of "Property Owners" and the protection of their property values. It is also a question of maintaining a lifestyle to which much has been invested.

What also might be of interest to some is that this neighborhood has many more year round residents than one might have once thought. The one block from Island Avenue to Trefethen to Belvedere has eight year round residents with nine children. This end of the island is rapidly changing and growing numbers of year round residents are now deciding to live at this end of the island. Much reconstruction has been done to improve older homes and a new home is currently under construction.

3. Regarding the alleged threats and harassment that Mr. Ivers stated in his letter that he has received via email and letters. This is a despicable action on the part of anyone who would go to that length to make their point of objection. There is no justification for this now or at any time. I certainly hope that, if this truly is the case, that Mr. Ivers has taken the emails (hopefully with an identifiable URL), the letters and if telephone calls were made, the caller ID number, and made a report to the Police.

Regarding the potential for a lawsuit. Mr. Ivers is making a business decision and as such if there is someone who feels that his decisions warrant a lawsuit, and he or she is willing to pursue it, then Mr. Ivers needs to be prepared, as a businessman, to defend his position.

This is not, and should not, be a personal vendetta against Mr. Ivers or his family. Mr. Ivers elected to make a business decision which, in the minds of many of his neighbors, is going to affect their quality of life and negatively affect property values. Property owners have every right to disagree and challenge his decision when they believe that his decision will adversely and directly affect them.

4. Mr. Ivers stated that he has been considering his business decision to move and store his trucks on this property since last winter. FACT: The first time anyone in the neighborhood heard about his plans was when we received the notification from the City. Neighbors were stunned that he was so insensitive to the neighbor, especially on a small island like Peaks. It would have been prudent for Mr. Ivers when he was in the planning phase to advise the neighborhood what he intended to do. He would have found out then who was adverse to this decision and who supported him. It is not the neighborhood's responsibility to call him to find out what his plans, it is his.

To this date Mr. Ivers has made no effort to call the neighborhood together and lay out exactly what he has in mind. Does he expect people, who have been surprised by his actions, to sit back and say or do nothing? They are reacting to a business decision and as such Mr. Ivers should be prepared to respond, as a businessman, to this reaction.

It is important to remember that it is only because Mr. Ivers application has been made public that any of us know what he is intending to do.

5. Immediately after the meeting with the City Officials several

neighbors got together to see what was the quickest and most appropriate

course of action. No one wants to see Peaks Island Fuel go out of business.

We concurred that his business is an integral part of the business community

and as such, would be a great loss to future business activity on the

island. The zoning laws for Peaks Island are antiquated to say the least.

They need to be reviewed and changed to support growth, not only those who

currently run small island businesses on the island but for future business

as well.

It was decided to take the initiative and arrange a meeting with Mr. Ivers

and several business people who have had experience with running successful

businesses and have dealt with neighborhood and environmental issues. That

meeting took place a few weeks ago with Bill Zimmerman, Paul Castle, Jerry

Garman, and the Chair of TEIA, Jean Gulliver and Mr. Ivers.

The main focus of the meeting was to:

• Hear directly from Mr. Ivers what his plan for Peaks Island Fuel

is.

• Consider other alternatives that might also satisfy his

requirements.

• Determine whether Mr. Ivers understands the impact of the Maine

DEP and Federal EPA rules (financial and compliance) on the proposal.

• Discuss whether Mr. Ivers understands the potential adverse impact

of this business decision on his business.

One of the main recommendations and advice was for Mr. Ivers to call a

meeting of the neighborhood and relate his plans directly to the

neighborhood. If Mr. Ivers had called such a meeting, we already had plans

underway for the Mayor of the City of Portland to attend, to mediate and to

search for other possible solutions. This has not been done.

6. In regards to the question of business zoning. Yes, the property is located in the Island Business Zone. BUT, and this is key, this property has not been used in any capacity as a business zone for the past thirty (30) some years ever since the Weber store closed. Ted Haykal, who now owns the property directly abutting the property in question, has turned his property into a personal residence. Above everyone, he is the most affected should this be approved. His backyard will literally be a truck terminal parking area.

The questions that the City now has to review are many not the least being, is a fuel truck terminal the proper use of the property according to the current zoning restrictions. Has the neighborhood so changed over a period of many years that allowing this type of business will be detrimental to its property owners?

7. Mr. Ivers must also comply with the EPA and DEP rules, which change constantly. Mr. Ivers is required to compete what is known as a "Spill Prevention Control and Countermeasure (SPCC) Plan" for the State. The property in question directly abuts the Shoreland Zone. Although it is not within the zone by a matter of feet, there is considerable concern about the environmental and safety impact it would have. There is also a runoff stream located approximately 75 feet downhill from the property that could be adversely affected. If there is normal spillage or if there is a serious spill that it will reach the shoreline the consequences could be financially dramatic for his business.

Because Mr. Ivers has applied for a SBA loan to purchase the property, scrutiny by the SBA relative to the federal and state DEP and EPA compliance will be ongoing. Should any environmental law change Peaks Island Fuel would be mandated to comply.

8. Contact was also made with the Island Institute. Its major concern is the cultural aspects that affect the islands of Casco Bay. It officials agree that the zoning ordinances of Peaks Island (specifically) are antiquated and are willing to work with the island and the City to see what can be done to make it more reasonable and effective for island businesses to conduct their business without adverse effects on their neighbors and neighborhoods. This would require re-zoning areas of the island that would properly allow for businesses to operate.

At present Peaks Island is only zoned "Island Residential and Island Business. There are no "commercial" or "industrial" zones on the island.

9. There is also a question of urgency. As we understand it, Mr. Ivers has applied for a SBA loan to purchase the property and has until the end of August to secure a favorable reply from the City. It is unfortunate that any urgency is being applied to this because it forces decisions, on both sides of the fence, to be made and does not allow for a more normal discussion to resolve this issue. This urgency has been created solely by Mr. Ivers. Had he involved neighbors at any earlier point, everyone would have been more informed.

Understandably, Mr. Ivers wants to get this behind him and focus on his business. He wants to purchase the land and, admirably, raise his family in the neighborhood. Unfortunately, this is not a dilemma that can be solved quickly. The question asked by many people is what we will do if the City approves the use of this property as a truck terminal according to the application. Unfortunately the answer is that it will be immediately contested and a full Planning Board Review requested.

Finally, Mr. Ivers' letter is a personal plea for understanding and support. Unfortunately, this is not a personal matter; it is strictly a business decision on his part and the neighborhood is reacting to this. I know of no one who holds any personal grudge or animosity against Mr. Ivers; on the contrary, we are willing to sit down and work with him. But, Mr. Ives has to want this as well. Apparently, he has not.

It is also unfortunate that unsubstantiated gossip and rumors persist by some persons who have other agendas and wish to obscure the truth and create a situation that only furthers discord.

Hopefully, this can be worked out to the satisfaction of all concerned, but at this moment there is no evidence that Mr. Ivers is willing to do so.

Fred O'Keefe

268 Pleasant Avenue

From: Barbara Barhydt
To: Desmond, Jay
CC: Giles, Eric
Date: 7/27/2011 11:36 AM
Subject: Re: Peaks Island Fuel Parking Lot

Dear Mr. Desmond:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
Barbara

Barbara Barhydt

Development Review Services Manager
Planning Division

389 Congress Street 4th Floor
Portland, ME 04101

(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>> Jay Desmond <jayd@maine.rr.com> Wednesday, July 27, 2011 9:15 AM
>>

Dear Barbara Barhydt,

I, Jay Desmond, a lifelong resident of Peaks Island would like to register my support of Kith Ivers' plans for a parking area on his property on Island Avenue, Peaks Island to support his business Peaks Island Fuel. It is essential to the viability of Peaks Island Fuel that this project be allowed to be constructed. I am sure you are aware of the necessity of maintaining competition in the heating fuel business in order to enable sustainable life on Peaks Island and certainly the other Islands of Casco Bay which this fuel company serves. Please see that this project receives no harassment from the City of Portland and is allowed to proceed promptly.

Thank you for your attention to this important matter.

Sincerely,

Jay Desmond

William J. Desmond

Telephone: (207) 766-2088

Email jayd@maine.rr.com

33 Seashore Ave.
Peaks Island, ME 04108

From: Barbara Barhydt
To: Astarita, Art
CC: Giles, Eric
Date: 7/26/2011 5:49 PM
Subject: Re: Peaks Island Fuel Support

Dear Mr. Astarita:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt

Development Review Services Manager
 Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>>"Art Astarita"<restech@maine.rr.com> Tuesday, July 26, 2011 5:30 PM
 >>>

Ms Barhydt,

I have been a full-time resident and homeowner on Peaks Island for 17 years. Peaks Island Fuel (PIF) has serviced our home for that whole time with stellar performance. I know Keith and his family; we both live on the same end of the island. Peaks Island Fuel provides very valuable services to this island and a prevents a LPG and Heating Oil monopoly.

I am troubled to hear that PIF company is being forced to legally defend their proposal to site trucks on Keith's land. My discussions with Keith reveal that PIF has Maine DEP approval and the site is Business Zoned. Therefore, I cannot understand why is Peaks Island Fuel having to be dragged into such legal shenanigans?

The Company is having to spend down reserve funds for legal fees the company cannot afford. At a minimum, such actions could result in higher prices that many of PIF customers cannot afford. Worst case, PIF will dissolve leaving us all with one option for heating and gas purchase along with cleaning services. Since Peaks Island Fuel began as a cooperative, there has been many bogus actions against the company. I hope this is not an attempt to force the company out of business for the monetary gain of others.

I totally support Peaks Island Fuel and I hope you will arrive at the same conclusion. I also wish that you will recommend that all legal fees encumbered by Peaks Island Fuel be paid by the those who have brought forth these unjustified law suits.

Thank you,

Arthur Astarita

51 Woods Road
 Peaks Island, ME. 04108
 207.766.5997 Home

207.232.3388 Cell
207.766.0940 Fax

From: Barbara Barhydt
To: Blatt, Jerri
CC: Giles, Eric
Date: 7/26/2011 5:47 PM
Subject: Re: support for Peaks Island Fuel

Dear Jerri and Robert:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area within the Island Business Zone off Island Avenue. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.
 Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> Jerri Blatt <jerriblatt@gmail.com> Tuesday, July 26, 2011 5:07 PM >>>
 Dear Ms. Barhydt:

We are writing to voice our support for the new parking facility that Peaks Island Fuel has planned on Island Ave. We believe they have, in good faith and thoughtfully, planned a feasibly economic plan to maintain the operation of their business. And it is very important to Peaks Island residents that there continues to be competition regarding the purchasing of fuel oil, propane, and the servicing of heating equipment. It is distressing to me that a group (of predominantly summer residents) is threatening Peaks Island Fuel's attempt to better service islanders.

We have lived on Peaks Island, year round for 20 years and have been customers of both fuel companies on the island. We have witnessed many changes - both in development and the socio-economic make up of the population on Peaks. We live across the street from the site of which was originally the "City Barn" where Public Works was headquartered before the transfer station built) and is now the site of Senior Housing and Health Center. Would we prefer something more scenic? Of course. But more importantly, we see the value of these facilities to our community. The opposition to the new parking plans of Peaks Island Fuel is a "not in my backyard" effort and we feel that this group's intention is not in the best interest of all of the residents of Peaks Island.

We applaud Peaks Island Fuel in trying to remain a viable company in these challenging economic times and providing islanders with a choice of heating companies. If you find them in compliance with all necessary regulatory mandates, we fully encourage you to favor their parking plans.

Sincerely,

Jerri Blatt & Robert Van Der Steenhoven
 122 Central Ave.

766-5942

Peaks Island, ME

From: Barbara Barhydt
To: Eaton, Eric
CC: Giles, Eric
Date: 7/26/2011 2:06 PM
Subject: Re: Support for Keith Ivers and Peaks Island Fuel's new parking

Good afternoon Eric:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area in the Island Business Zone. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov >>> Eric Eaton <eric@deliberate-design.com> Tuesday, July 26, 2011 1:58 PM
>>>
Dear Ms. Barhydt,

I am writing to express my support for Keith Ivers and Peaks Island Fuel's (PIF) effort to establish a new parking location for his trucks, on his property, in a commercial zone. The success and ease of operation for Keith and PIF is important to the health of Peaks Island. Without PIF, there would be no market force keeping fuel costs in check. Not only that, but Keith is an exceptionally honest, fair and helpful business owner, as well as well regarded member of our community with ties, past and present, to the island. Anything that impedes his operation will have a negative impact on the island for many reasons.

It is my understanding that a small, yet vocal group of people are seeking to interfere with Keith's plans to park his trucks on his land which is in a commercial zone. As a Peaks Island Councilor, I have been privy to many islanders' input on this issue and I can assure you, most islanders favor Keith's plans.

It troubles me to see a small group of people bent on interfering with one of the island most important small businesses run by one of our trusted neighbors. Keith is well within his rights as a land owner in a commercial zone. Peaks Island is part of Portland's working waterfront, and PIF is a critical part of working families existence here. Please don't allow the narrow opinions of a small minority thwart the reasonable and legal efforts of one of Peak's few small business and young, working families. Please allow Keith to go forward with his plans with a little interference and lag time as possible.

Sincerely, Eric Eaton
210 Brackett Ave, Peaks Island, Maine.

From: Barbara Barhydt
To: Hafner, Susan
CC: Giles, Eric
Date: 7/26/2011 12:32 PM
Subject: Re: Peaks Island Fuel

Good afternoon Susan:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for this project. We do have an application from Mr. Ivers for a parking area in the Island Business Zone. We have requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again for your comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov <>>>

Dear Barbara:

I am writing concerning the issue about Keith Ivers' plan to develop a parking area for his trucks behind his home. Today's letter from Keith was the first I had heard of this issue, and frankly I cannot see what the issue is. Keith is a concerned citizen of Peaks Island, and I have NEVER had occasion to question his judgment on issues concerning my energy needs nor issues concerning his business. My husband, who passed away last year, knew Keith and his family well, and he admired his business sense as well as his sensitivities toward island life and island environment health. I feel very badly that Keith's family was accosted at their home; frankly, I am ashamed that islanders would choose to act that way. Likewise, as we so often see in our society today, people love to carp behind the scenes and stir up trouble but are not willing to meet face to face.

I totally support Keith's decision and plan. It makes sense, and it certainly is pro-active in this high cost energy environment. I live on a fixed income and appreciate this well-planned attempt to economize who is trying to support his family as well as continue his family's participation in the business of this island. If people have issues, let them study the plans with Keith. I hope this parking development will be approved and will happen soon.

Sincerely,

Susan N. Hafner
139 Central Avenue

Peaks Island, ME 04108

From: Barbara Barhydt
To: Thompson, Otis
CC: Giles, Eric
Date: 7/26/2011 8:21 AM
Subject: Re: Peaks Island Fuels

Good morning Mr. and Mrs. Otis:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this project application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you.
Barbara

Barbara Barhydt

Development Review Services Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov >>> Otis Thompson <otis.c.thompson@gmail.com> Monday, July 25, 2011 6:15 PM >>>

Dear Ms. Barhydt,

My wife and I are long time residents of Peaks Island.

We support Keith Ivers, President of Peaks Island Fuel, application for the use of his home property for the parking of the company's fuel trucks. We are confident that Mr. Ivers will take the necessary steps to assure that this use of his property will be safe and appropriate.

Sincerely,

A. Mavourneen Thompson

Otis C. Thompson

From: Barbara Barhydt
To: sinki, ron
CC: Giles, Eric
Date: 7/26/2011 8:20 AM
Subject: Re: Peaks Island Fuel

Good morning Ron:

Thank you for your comments and I am adding Eric Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this project application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> ron sinki <ron.sinki@gmail.com> Monday, July 25, 2011 5:44 PM >>>

As a business owner and home owner I am not surprised by the uproar of TEIA concerning Peaks Island Fuel wanting to use island zoned business land for their business. The attitude of not in my neighborhood is appalling. Don't be pressured by these people. They will be the first to complain if we lose PIF and the island would be tyoo close to members of TEIA.

Ron Sinki!

From: Barbara Barhydt
To: radis, sandi
CC: Giles, Eric
Date: 7/26/2011 8:19 AM
Subject: Re: Support for Peaks Island Fuel

Good morning Sandi:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this project application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you,
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> sandi radis <sradis@live.com> Monday, July 25, 2011 5:39 PM <>>

I would like to add my support for Mr Ivers to park his trucks near his home. TEIA is only open about 9 weeks a year and they should not be able to prevent a business the year rounders need from improving his parking. It is not that big a deal! Please call us if you need more information. Sandra K Radis 207 766 5915.

From: Barbara Barhydt
To: kelly, scott
CC: Giles, Eric
Date: 7/25/2011 1:55 PM
Subject: Re: peaks island fuel - letter of support

Hello Scott:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov <>> scott kelly <scottkellystudio@gmail.com> Monday, July 25, 2011 1:31 PM

dear ms. barhydt -

this letter is in unconditional support of the proposed parking lot for peaks island fuel. mr. Ivers is a trusted and respected local businessman who, as far as I can tell, has every right to implement his plan, despite the objections of some members of the peaks island community. it seems ridiculous that a few people - some of whom seem possessed of the idea that they speak for peaks island, while I can assure you that they do not - could constitute such a time-consuming and potentially ruinous impediment to prevent Mr. Ivers from securing the safety and security of his business. the actions of these people are, not to put too fine a point on it, self-serving and nothing more than entitlement and greed run amok.

thus, I urge you to consider his plan carefully, and that you grant him approval without delay, thereby ensuring that a local business who serves peaks island can continue to do so without further hindrance or delay.

thank you.

sincerely,

scott kelly

From: Barbara Barhydt
To: Montanese, Kathleen
CC: Giles, Eric
Date: 7/25/2011 1:22 PM
Subject: Re: Peak Island Fuel

Good morning Kathleen:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you.
Barbara

Barbara Barhydt
Development Review Services Manager

Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101

(207) 874-8699
 Fax: (207) 756-8256

bab@portlandmaine.gov>>> Kathleen Montanese <ksmpeaks@yahoo.com> Monday, July 25, 2011 12:50 PM >>>

Dear Ms. Barhydt: In regard to the proposed parking lot for Peaks Island Fuel. As the proposed site is within a business zone I am not sure what the problem is but I wish to express my support for this location. It is absolutely vital to the year round residents of Peaks that we maintain two fuel companies and the current proposal is necessary for the future of Peaks Island Fuel. Thank you for your attention. Kathleen Montanese, 50 Oak Ave., Peaks Island

From: Barbara Barhydt
To: Kelley, gall t.
CC: Giles, Eric
Date: 7/25/2011 8:56 AM
Subject: Re: Peaks Island Fuel lot

Good morning Gail:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov >>> "gail t. kelly" <gtkot@hotmail.com> Monday, July 25, 2011 8:42 AM >>>

I am writing to you in support of Keith Ivers' plans for the parking space for his fuel trucks. Keith is a hard working islander with a young family. His business supports year round island living and he is very generous with the community. I understand his plans meet all compliance mandates and I am sure he will do his best to maintain the visual landscape to that area. Please register my support of his plan.

Thank you,

Gail Trefethern-Kelley
 16 Sterling Street
 Peaks Island, Maine 04108
 207.756.9000

From: Barbara Barhydt
To: cparker@maine.rr.com
CC: Giles, Eric
Date: 7/25/2011 8:53 AM
Subject: Re: support for peaks island fuel

Good morning:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>>cparker@maine.rr.com> Monday, July 25, 2011 8:09 AM >>>
I am a peaks island year round resident for 30 years. I deal with both fuel companies. I feel unless you own the property and the necessary laws are in compliance, you have no rights to make it difficult for a business to improve or function. Peaks Island fuel is a small necessary business here on Peaks and has a very hard working president, Keith Ivers. He does not deserve to be harrassed nor does his family deserve to live in fear by so called Peaks Island concerned residents.

From: Barbara Barhydt
To: Picos, Isla
CC: Giles, Eric
Date: 7/25/2011 8:39 AM
Subject: Re: Peaks Island Fuel's plans

Good morning Kay and Gene:

:
Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you again.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov <<>> "Isla Picos" <islapicos@maine.rr.com> Sunday, July 24, 2011 1:17 PM >>>
77 Torrington Avenue
Peaks Island, Maine 04108
July 24, 2011

to: Barbara Barhydt
Development Review Services, Manager
Planning Division
City of Portland

Dear Ms. Barhydt,

My husband and I would like to register our SUPPORT for Keith Ivers and Peaks Island Fuel, as Keith seeks to build a parking lot for the fuel trucks behind his home.

We are confident that it will be done legally and according to specifications. Over time, landscaping will block public view of the trucks, feelings will calm down, and life will go on.

In our nearly thirty years on Peaks, we have seen tempers rise over issues such as the sewage treatment plant, the transfer station, sewer extensions, and the affordable housing/health center complex. And those were just the big ones. Eventually reason won out over emotion and the whole island is benefiting from the results. I trust that such will be the case for Peaks Island Fuel's plans, too.

With thanks for your work in Planning, both now and over the years,

Sincerely,

Kay and Gene Taylor

From: Barbara Barhydt
To: Soley, Jak
CC: Giles, Eric
Date: 7/25/2011 8:37 AM
Subject: Re: Peaks Is. Fuel application

Good morning Jak:

Thank you for your comments and I am adding Erick Giles to this e-mail, as he is the assigned planner for this project. We requested additional information regarding this application, which Mr. Ivers and his engineer are working on now. We expect a revised plan soon and all of the city departments will review the revised plans under Portland's site plan standards.

Thank you.

Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov >>> "Jak Soley" <jsoley@eastbrowncow.com> Saturday, July 23, 2011 7:00 PM

Dear Barbara,

I understand that you are reviewing Keith Ivers' planning application for the construction of a commercial fuel oil parking area on his property in the Island Business Zone.

I have been a customer of Peaks Island Fuel for all 17 years that Peaks has been my year round residence. During much of that period, Keith was in the employ of the company and more recently, its owner. He has delivered fuel to my home on countless occasions and has been the sole service tech for my furnace. I have always been impressed at the professionalism with which he has carried out his work and his attention to safety issues. I have never found Keith to be unreasonable and in fact have relied on his good judgment to my great benefit.

As Peaks islanders deal with the many financial challenges that make it difficult to afford island life, certainly maintaining the limited competition for energy supply is a crucial issue. I am particularly concerned about any further fiscal burden that Peaks Island Fuel must endure in order to be viable.

I would like to offer my complete support for Keith's application as it adheres to the current zoning for the proposed site.

Thank you,

Jack Soley
 766-3333 (H)

From: Barbara Barhydt
To: Giles, Eric; Jaegerman, Alex; St. Louis, Penny
Date: 7/14/2011 9:50 AM
Subject: Fwd: Fuel Companies on Peaks Island

>>> Danielle West-Chuhita (Danielle West-Chuhita) Thursday, July 14, 2011 9:45 AM >>>
fy!

>>> Gary Wood 7/14/2011 9:43 AM >>>

fy!
>>> Chris Hoppin <choppin@aol.com> 7/13/2011 5:54 PM >>>

One of our two island-owned fuel companies - Peaks Island Fuel - needs community help to store their seven trucks in an appropriate location.

This issue arose five years ago and has re-surfaced with a property variation

use request at the owner's home, which is in an old business zone near the TEIA Club.

I am writing the Mayor, our District One Councilor, Peaks Island Councilors,

and City Staff members with a simple request: Can we make the necessary arrangements to establish a secure parking area

for the vehicles of both island-owned fuel companies in the area of the City's Peaks Island Transfer Station?
Thank you,
Chris

C.J. Hoppin, Lt.Col., USAFR Ret. Same Date of Rank -

Grads at the top and bottom from West Point, Annapolis and the Air Force Academy Details at www.cjhoppin.com
Peaks Island, ME 04108
207 766 2593
choppin@aol.com

From: Barbara Barhydt
To: Burnette, M J
CC: Giles, Eric
Date: 7/14/2011 9:39 AM
Subject: Re: Peaks Island Fuel / 516 Island Avenue, Peaks Island

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of conducting an administrative review of the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> M J Burnette <mj.burnette@yahoo.com> Wednesday, July 13, 2011 9:26 PM <>>
 Dear Ms. Barhydt,

I am writing in support of Peaks Island Fuel's request for permitting of a parking area for their trucks at 516 Island Avenue.

This location would be much better than the current location on lower Welch Street, the busiest traffic and pedestrian area year round, as it is right at the ferry landing.

The Island Avenue location is in a less densely populated area in both summer and winter.

The TEIA members who are opposing this are overlooking that the trucks run more in the winter an only occasionally in the summer. And in the winter, the population is significantly lower out here.

Lastly, most people who are at the TEIA club house are looking towards the water and not towards Island Avenue. Certainly, some additional bushes or evergreens would help to block the "offensive" view towards Island Avenue.

We need Peaks Island Fuel to keep fuel costs in line. Kindly support their request.

From: Michael Richards <mosbypeaks@yahoo.com>
To: <BAB@portlandmaine.gov>
CC: <EGILES@portlandmaine.gov>
Date: 7/13/2011 7:34 PM
Subject: Peaks Island Fuel Project

Hi,

I respectfully disagree with my good friend Rob. TEIA includes many year-round islanders like me and is understandably opposed to sitting fuel trucks in its dooryard. In the summer, 100 Peaks Island kids a day come down the same road the fuel truck would. Given the poor visability coming in and out of that street, with its poor repair and with Ted's house and trees right there, it's a safety issue. Why incur that risk? I suggest PIF use CMP's former generation lot. It's more visible and central -- and safer.

Mike Richards
19 Daniel Street
Peaks Island, ME 04108
653-4567

----- Forwarded Message -----
From: Barbara Barhydt <BAB@portlandmaine.gov>
To: Rob Tiffany <robtppeaks@yahoo.com>
CC: Eric Giles <EGILES@portlandmaine.gov>
Sent: Wednesday, July 13, 2011 4:09 PM
Subject: Re: Peaks Island Fuel Project

Good afternoon:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of conducting an administrative review of the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt

Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov >>>

>>> Rob Tiffany <robtpeaks@yahoo.com> Wednesday, July 13, 2011 9:38 AM

Barbara, I am concerned for the future of Peaks Island Fuel. It is my understanding they have requested permission to complete a project in a business zoned area of the island that conforms to all existing city standards. This project needs to move forward. Peaks Island year round residents depend on two currently existing fuel companies for their winter heat. If we lose one of those companies, fuel costs will most certainly increase. This is an issue of island living costs. The individuals opposing this project are here for 10-12 weeks in the summer at most. They should definitely not be allowed to halt this project so badly needed by the island. Move this project forward.

Rob Tiffany
38 Centennial Street
Peaks Island, ME 04108

From: Barbara Barhydt
To: Tiffany, Rob
CC: Giles, Eric
Date: 7/13/2011 4:09 PM
Subject: Re: Peaks Island Fuel Project

Good afternoon:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of conducting an administrative review of the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt

Development Review Services Manager
Planning Division

389 Congress Street 4th Floor
Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>> Rob Tiffany <robtpeaks@yahoo.com> Wednesday, July 13, 2011 9:38 AM
 >>>

I am concerned for the future of Peaks Island Fuel. It is my understanding they have requested permission to complete a project in a business zoned area of the island that conforms to all existing city standards. This project needs to move forward. Peaks Island year round residents depend on two currently existing fuel companies for their winter heat. If we lose one of those companies, fuel costs will most certainly increase. This is an issue of island living costs. The individuals opposing this project are here for 10-12 weeks in the summer at most. They should definitely not be allowed to halt this project so badly needed by the island. Move this project forward.

Rob Tiffany
 38 Centennial Street
 Peaks Island, ME 04108

From: Barbara Barhydt
To: Chuck, Jeanne and Giles, Eric
CC: 7/12/2011 8:50 AM
Date: Re: 512 Island Avenue Peaks Island
Subject:

Hello:

This application is a Level I application, which is reviewed administratively. It does not require review by the Planning Board. The administrative staff are reviewing the application based upon the standards of the site plan ordinance.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov <>> "Jeanne and Chuck" <cmeuse1@maine.rr.com > Tuesday, July 12, 2011 8:03 AM <<<

Thank you very much. Do you know if a hearing is scheduled regarding this matter?
Jeanne Meuse

----- Original Message -----

From: Barbara Barhydt (mailto:BAB@portlandmaine.gov)
To: Jeanne and Chuck (mailto:cmeuse1@maine.rr.com)
CC: Eric Giles (mailto:EGILES@portlandmaine.gov)
Sent: Monday, July 11, 2011 10:09 AM
Subject: Re: 512 Island Avenue Peaks Island

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699

Fax: (207) 756-8256
bab@portlandmaine.gov>>"Jeanne and Chuck"<cmouse1@maine.rr.com> Sunday, July 10, 2011 9:40 PM >>>
Dear Ms. Barhydt:

We are writing to voice our concerns regarding the proposed application for a license for a parking lot for propane and oil trucks at 512 Island Ave. Peaks Island. The landscape of the proposed site is directly behind our property. Drainage flows down and through our land and onto the beach. We are worried that pollutants or spillage from vehicles will contaminate our property and that of the beach.

Other concerns are that this will create heavy traffic, noise, and safety issues. There are many children who bike and walk that area as well as golf cart traffic.

There has not been a business in this area for 40 years and it was a grocery store not a fuel business. Propane is a very volatile substance and oil is an environmental hazard and has no place in a busy residential area.

Thank you for taking these concerns into consideration while you make your decision.

Sincerely,

Jeanne and Chuck Meuse
11 Trefethen Ave.
Peaks Island, Me 04108

From: Barbara Barhydt
To: Chuck, Jeanne and Giles, Eric
CC: Giles, Eric
Date: 7/11/2011 10:09 AM
Subject: Re: 512 Island Avenue Peaks Island

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> "Jeanne and Chuck" <cmeuse1@maine.rr.com> Sunday, July 10, 2011 9:40 PM <>>

Dear Ms. Barhydt:

We are writing to voice our concerns regarding the proposed application for a parking lot for propane and oil trucks at 512 Island Ave. Peaks Island. The landscape of the proposed site is directly behind our property. Drainage flows down and through our land and onto the beach. We are worried that pollutants or spillage from vehicles will contaminate our property and that of the beach. Other concerns are that this will create heavy traffic, noise, and safety issues. There are many children who bike and walk that area as well as golf cart traffic. There has not been a business in this area for 40 years and it was a grocery store not a fuel business. Propane is a very volatile substance and oil is an environmental hazard and has no place in a busy residential area.

Thank you for taking these concerns into consideration while you make your decision.

Sincerely,

Jeanne and Chuck Meuse
 11 Trefethen Ave.
 Peaks Island, Me 04108

From: Barbara Barhydt
To: Robbins, Carla
CC: Giles, Eric
Date: 7/11/2011 10:08 AM
Subject: Re: Peaks Island

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt

Development Review Services Manager
Planning Division

389 Congress Street 4th Floor
Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>>"Carla Robbins"<carlarobbins@myfairpoint.net> Sunday, July 10, 2011 2:18 PM >>>

Hello,

I am a year round resident of Peaks Island. I have just heard some disturbing news about Peaks Island Fuel and Trefethen and was told I should write you. To begin, Peaks needs two fuel companies for competition and man power. To lose either of the companies, would seriously impact everyone in the winter. Unfortunately, fuel companies require trucks to deliver fuel. It is my understanding that PIF has spent considerable time and money to have plans drawn up to make an attractive parking area for the trucks. The club members at Trefethen refuse to look at the plans or discuss any compromise. This club is only open for four months a year, most of its members are only here in the summer, and the building is oriented toward the water, not the proposed parking space, what is their problem. The club has the where with all to create endless law suits until PIF can no longer stay in business. Who, in their right mind, would want to destroy a young family over a few trucks hidden behind a fence or shrubs. Please let PIF construct the space it needs on this property. The club members need to sit down, work out a solution like adults.

Thank you for your time. Please feel free to pass this on to Trefethen, I could not find an e-mail address.

Carla Robbins

From: Barbara Barhydt
To: Katharine
CC: Giles, Eric
Date: 7/11/2011 10:03 AM
Subject: Re: Support Peaks Island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
Development Review Services Manager

Planning Division
389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>> Katharine <katharine.hall@gmail.com> Saturday, July 09, 2011 8:25 PM

>>>

Good evening,

I am an island resident at 54 Spruce Street, Peaks Island and I am writing to voice support for the proposed parking lot at 516 Island Avenue. It is important to the island community that Peaks Island Fuel has a safe an covenant parking location. Thank you, Katharine

Sent from my iPhone

From: Barbara Barhydt
To: mbebebe@aol.com
CC: Giles, Eric
Date: 7/11/2011 9:57 AM
Subject: Re: 512 Island Avenue Peaks Island Parking Lot Application

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
 Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> mbebebe@aol.com > Friday, July 08, 2011 1:59 PM >>>
 Barbara Barhydt, Development Review Services Manager

Reference Application: 512 Island Avenue, Peaks Island. Level 1:
 Site Alteration application submitted by Keith Ivers for a 4,200 sq. ft. gravel parking area to serve as the parking area for his fuel trucks.

My wife and I have owned property on Peaks Island in the Trefethen area for over 33 years. My wife was raised on Peaks Island and attended the Peaks Island elementary school. She used to buy candy and ice cream at Webber's Store which was long ago converted by Ted Haykal to a private residence and is adjacent to the 512 Island Avenue property. While visiting the island years ago, I also remember frequenting Webber's Store. During summers, we have raised our 2 daughters on Peaks Island and now we are walking our grandsons down to the Trefethen Evergreen Improvement Association Club (TEIA) for their tennis and day camp.

We strongly object to the above referenced application for the following reasons:

After the Hotels, boarding houses and Trefethen Ferry Landing ceased to exist decades ago on this part of Peaks Island, there has been no commercial traffic originating in this area, only service vehicles coming from the commercial district at the other end of the island near the current Ferry Landing, store, restaurant, gas and marina businesses. Most customers walked to and from Webber's Store. There was no parking lot for the store for cars or other vehicles. Now the Trefethen area is a well established residential section of Peaks Island. In our collective memory, this part of Peaks Island has never been used as a base for commercial use, only for residential and that is what makes it so special. During the summer months when the TEIA Club is operating, the roads in this area are full of children and adults walking and bicycling and introducing heavy truck and equipment traffic which this proposed parking lot with bring to these roads defies logic and safety. As land use changes over time, so does zoning. Why is it reasonable to permanently introduce large commercial trucks and equipment into an area that has long ago evolved into a quiet residential zone, particularly when there are other parcels of land on this island where a 4,200 sf. commercial truck/equipment parking lot could be located away from the higher density residential housing that currently exists in and around 512 Island Avenue?

Respectfully submitted by:

Michael and Nancy Beebe
582 Island Avenue
Peaks Island, Maine 04108

From: Barbara Barhydt
To: Peretti, Frank L.
CC: Giles, Eric
Date: 7/11/2011 9:30 AM
Subject: Re: Re; Islander support for Peaks Island Fuel

Good morning:

Thank you for your comments and phone message. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>> "Frank L. Peretti" <fperetti@maine.rr.com> Friday, July 08, 2011 9:34 AM <>>

Dear Barbara Barhydt.

Please note that my Wife and I support Peaks Island Fuel application to legally park their fuel delivery trucks on their property in a business zone. In addition, Peaks Island Fuel, by engaging an architect to properly fit their proposal into the general scheme of the area, shows their receptiveness to the neighborhood. Additionally, they provide a valuable community service to the overall Island community (please note that I am not a customer of Peaks Island Fuel).

Thank you.

Frank & Peggie Peretti
 16 Oak Lawn Rd,
 Peaks Island, ME 04108

From: Barbara Barhydt
To: Hanley, Susan
CC: Giles, Eric
Date: 7/11/2011 9:27 AM
Subject: Re: Peaks Island Fuel parking area

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt

Development Review Services Manager
Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>"Susan Hanley"<susan@peaksislandfiberartscamp.com> Thursday, July 07, 2011 11:37 AM >>>

Hello Barbara -

I am writing to ask you to please allow Peaks Island Fuel to install a legally conforming parking area for their fuel delivery vehicles.

I have been a Peaks Island resident for over 20 years and have witnessed the consistent erosion of year-round islanders' needs, sacrificed at the altar of summer residents' complaints about preserving the picturesque nature of their summer homes. These people only live here for three months of the year and they should not dictate how life on Peaks Island is conducted.

Summer residents do not heat their homes in the winter, and they seem to forget that those of us who live here year-round DO! They also seem to forget that islanders need to make a living and Peaks Island Fuel owner, Keith Ivers, provides local islanders with jobs as well as fuel oil. He is a good community citizen who does not deserve the wrath or ire of the summer residents. He is only trying to make a living and he needs the parking lot in order to keep oil prices low for island residents.

Please let me know where you stand on this issue and how I can offer further support for Peaks Island Fuel.

Thank you,
Susan

Susan Hanley

Peaks Island Fiber Arts Camp

207.332.2443

susan@peaksislandfiberartscamp.com

Check out our website: www.peaksislandfiberartscamp.com

From: Barbara Barhydt
To: Giles, Eric
Date: 7/11/2011 9:25 AM
Subject: Fwd: Planning Department subject: Peaks Island Fuel

>>> Maryel Doyon Thursday, July 07, 2011 4:17 PM >>>
Hello Mike & Penny

Wasn't sure who to send this one too.

Maryel Doyon
Web Master
mcd@portlandmaine.gov
207-756-8232

<<< <rwalsh1@maine.rr.com> 7/7/2011 9:47 AM >>>

I am writing in support of the Peaks Island Fuel's request for a site alteration to park their trucks on Island Avenue.
As a year round resident, we are customers of Peaks Island Fuel. I am sure there are people who need their services year round, but we primarily call them during the fall and winter months. It is during those months that it is very quiet on the Island Avenue area of the island.
I do not live close to the property but do live on the front of the island. I see this site ideal because it will remove another business from the already congested area of the island, down front. People are pleased to have more than one fuel business on Peaks Island, it keeps a strong competition and produces local jobs. As a customer, I have seen Peaks Island Fuel as a prompt, reliable, conscientious business, who I believe would be a responsible and attentive neighbor if this site alteration is allowed.
Thank you for your time and consideration into this matter.
Rose Ann Walsh
28 Epps Street
Peaks Island ME 04108

From: Barbara Barhydt
To: LJKLynch@aol.com
CC: Giles, Eric
Date: 7/11/2011 9:13 AM
Subject: Re: (no subject)

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <<<LJKLynch@aol.com >>> Wednesday, July 06, 2011 8:07 PM >>>

I support Peaks island Fuel being able to park their trucks in the proposed location. Please grant them the opportunity to continue to do business for the viability of this community.

They are viable entity on Peaks and in the light of rising fuel cost we need their to be a competitive edge, with only one fuel company we are held captive by the competition

Sincerely Lisa Lynch
 PIFuel and LPA customer

From: Barbara Barhydt
To: Dalgan, Phil
CC: Giles, Eric
Date: 7/11/2011 9:12 AM
Subject: Re: Peaks Island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.
 Thank you.

Barbara

Barbara Barhydt

Development Review Services Manager
 Planning Division

389 Congress Street 4th Floor
 Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

PM >>>

bab@portlandmaine.gov>>> "Phil Dalgan" <pdalgan@maine.rr.com> Wednesday, July 06, 2011 7:48

Dear Barbara,

Please lend an ear to the year round Peaks Islanders who value Peaks Island Fuel not only for it's service but also the employees of the company and their contribution to Island life.
 It's essential we have competing fuel companies on the Island as experience has shown prices will rise if we are reduced to one supplier.

It's my understanding that they have a legal conforming area to park their fuel delivery vehicles. It's crazy that the wishes of a few summer residents should take any precedence over year round residents who rely on winter fuel.

Thanks for listening,

Phil Dalgan

Peaks 15 years.

From: "Fred O'Keefe" <fokeefe@fsog-llc.com>
To: AQJ@portlandmaine.gov
 EGILLES@portlandmaine.gov; BAB@portlandmaine.gov
CC: 7/11/2011 9:04 AM
Date: Reference: Level 1: Site Alteration Development Application, 516 Island Avenue, Peaks
 Island, ME.
Subject:

July 10, 2011

Mr. Alexander Q. Jaegerman, AICO

Director, Planning & Development Department

Planning Division

City of Portland

389 Congress Street

Portland, ME 04101-3509

Reference: Level 1: Site Alteration Development Application, 516 Island
 Avenue, Peaks Island, ME.

Dear Mr. Jaegerman,

It was a pleasure to meet you and your staff when you visited the above site
 for your inspection.

As I wrote to you in my email I have been appointed as central contact and
 am therefore writing to you with several items for your consideration during
 your evaluation of this application.

Rather than reiterate many of the items already brought to your attention I
 would like to focus on a few that we feel are relevant and would appreciate
 you considering.

1. According to the application completed by Mr. Ivers he states:
 "Utilize Commercial Property for Parking of Delivery and Service Trucks,
 Fill in site and add two driveways:

The property in question is according to the zoning map classified as I-B
 Island Business Zone and not as "Commercial Property." The Land Use Codes
 defines several different types of property - Residential, Business,
 Industrial and Urban Commercial. It appears that Peaks is broken into two
 zones, Residential and Business both defined Article III, Division 7.1, 7.2,

7.3 and Division 12.1.

2. Mr. Ivers also refers to Delivery and Service Trucks.

There is nothing that we can see in the I-B Island Business Zone codes that allows for the specific parking of fuel (oil and/or propane) or any other type of fuel, i.e. kerosene. The only definition in Section 47 of the Code that seems to apply is as follows:

Truck terminal: A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations.

Mr. Ivers has requested approval to establish a parking lot for his fuel trucks. We believe that he uses the house on the premises as part of his business operations and frequently parks trucks on Island Avenue in front. The proposed storage of his trucks holding fuel for delivery fits within this definition of a truck terminal and is not permitted in this zone. It is not the type "off street parking" that is contemplated in Section 14-223 (f). Any use not expressly permitted in Sections 14-223 and 224 is prohibited under Section 225.

Another issue of concern is whether or not the proposed use is consistent with the City's comprehensive plan. In addition to zoning ordinances, the zoning has to be consistent with the comprehensive plan. We have not been able to research such a plan, but request your department to determine whether this type of activity is inconsistent with other uses in the area.

3. Another issue is whether Portland has considers uses on land adjacent to the shoreland zone. The property in question borders the shoreland zone so closely that there may be a reason to be concerned about any adverse impacts that may emanate from the applicant's property such as leakage, spills, or otherwise.

How does this conform to any rules of the Maine Department of Environmental Resources? Are they aware of this project and do they have input?

4. Regarding environmental issues: There does not appear to be any plan provided by Mr. Avers to how he plans to avoid any sort of spillage whether it comes from his trucks stored with fuel oil by rain or whether it comes from an accidental spill of some other sort.

Mr. Ivers in his letter "To whom it may concern" which describes the proposed project for 516 Island Avenue states, " Culverts will be put into place at each location were there would be a possibility for water to catch so it can continue on its natural path";

The flow of any runoff, as you must have observed, is towards the shoreline. You must have also observed the runoff stream located approx. 75-100 feet south of the proposed parking area.

Again, there does not appear to be any environmental plan that addresses these or any other environmental issue required by city, state or federal laws.

5. One issue that is of most concern to the residents of the affected area is the proposed "business" use of this property is inconsistent with other existing uses in the neighborhood - residential and the TEIA Club. We note that the island business district in this area is in effect an isolated zone in an otherwise residential area that was rooted in the former existence of the Webber's Store. That use terminated in the 1970's and the property has been residential since then.

The presence of a fuel truck storage facility in the area will forever change the character of the neighborhood and detract from its rural island setting. Major renovations have been undertaken by several of the homeowners, as well as by TEIA, to conform to a rural island setting without the presence of any business activities other than home occupations. The immediate effect of property devaluation and high insurance premiums is a real fear. Without question, the presence of a hazardous business in the neighborhood will substantially reduce property values and negatively impact the neighbors, both financially and in the quality of their lives - noise, smells and safety. It is difficult enough to get reasonable insurance for island property in light of all the recent flooding tragedies. Many insurance companies are presently not insuring any island or shoreline properties with 2,000 feet of tidal waters according to a State Farm representative. It seems inconceivable that the City would approve such a use that would be so incompatible with the neighborhood use and so adversely affects the neighbors. It would contrary to good planning and the expectations of residents in the area.

8. Safety is a recurring fear among neighborhood residents and the members of TEIA. Island Avenue and the access road to TEIA are narrow and the visibility is limited at the intersection. Two cars can barely pass each other. Bike, golf cart and pedestrian traffic aggravate the situation. Big trucks operating in the area require wide turning radiuses and will place other vehicles and pedestrians at risk. The road leading to TEIA would have to be enlarged, but even that would not relieve the risk. It is a tight congested area and totally incompatible with large truck traffic. We ask you to study this concern carefully and assess the likelihood of accident or injury resulting from the proposed use.

Possible solutions to this and future issues of this nature:

1. The City of Portland addresses the issues of creating an industrial or commercial zone within the center of the island, away from residents.
2. It is also our understand that property owners in the center of the island now storing commercial vehicles have expressed interest in speaking with Mr. Ivers.

The parking of commercial, business and industrial vehicles of any sort has been, and is, an island problem for many years. It would appear to us that now is the perfect time to address this issue and avoid not only business and financial issues for business owners like Mr. Ivers, for those that will come in the future.

Obviously our intentions are clear; our neighborhood does not want to see this application approved.

Thank you for your consideration of these issues. We hope you will consider them during your review of this application and we await your decision.

Sincerely yours,

Fred O'Keefe

From: Barbara Barhydt
To: Seredin, Tanya
CC: Giles, Eric
Date: 7/11/2011 9:02 AM
Subject: Re: Peaks Island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 10:57 AM >>> bab@portlandmaine.gov >>> "Tanya Seredin" <tseredin@mohrseredin.com> Wednesday, July 06, 2011
 Dear Barbara,

I have been a year round resident of Peaks Island for over 25 years, and I am a customer of Peaks Island Fuel's competitor, Lionel Plante Associates. However, I believe that it is essential to have two heating oil companies on the island to help keep the fuel costs down. I'm sure that you are aware that the cost of oil for heating is much more on the island than it is on the mainland in Portland, so I believe that keeping two companies on the island helps to keep the costs as low as possible. I remember how the price of fuel was helped immensely when Peaks Island Fuel was started several years ago, and I would hate to see what would happen if they aren't able to continue serving the island.

We do everything we can on the island to help our neighbors who need it, including fundraising a dollar at a time for fuel assistance. Even a few cents a gallon makes a difference, and competition is key to keeping those costs down.

I am not quite sure what the detailed issues are, but if Peaks Island Fuel is able to find a place to park their vehicles that conforms to the city's requirements, I hope that the City's planning staff can help make that happen.

Thanks,

Tanya Seredin

Tatyanna Seredin
 Mohr & Seredin, Landscape Architects, Inc.
 18 Pleasant Street,
 Portland, Maine 04101
 (207) 871-0003

From: Barbara Barhydt
To: Conrad, Melissa
CC: Giles, Eric
Date: 7/11/2011 9:01 AM
Subject: Re: In Support of Peaks Island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
Development Review Services Manager

Planning Division
389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>> Melissa Conrad <mconrad@backshore.net> Wednesday, July 06, 2011 10:39 AM >>>

Please see the attached letter and photo. These will also follow by mail.

Thanks,

Eric & Melissa Conrad

From: Barbara Barhydt
To: MacIsaac, Joanne
CC: Giles, Eric
Date: 7/11/2011 8:46 AM
Subject: Re: 512 Island Ave

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
 Barbara

Barbara Barhydt

Development Review Services Manager
 Planning Division

389 Congress Street 4th Floor
 Portland, ME 04101

(207) 874-8699
 Fax: (207) 756-8256

bab@portlandmaine.gov>>"MacIsaac, Joanne"<JMacIsaac@trjpb.com> Tuesday, July 05, 2011 6:12 PM >>

Dear Barbara
 I have been away so my response may be late but not because I am not interested or very concerned about this application.

I have been a seasonal resident of Peaks Island for 54 years and have lived through many developments and changes to the island character. I am very much against this request for a parking area for fuel trucks reasons which I will state below:

1. while the actual site may be zoned as "commercial" that would be a holdover from the past - I believe this area transitioned from commercial activity to residential over 30 years ago when the Webber Store closed.

2. If commercial activity is allowed it should support the neighborhood
 3. This specific function (parking) is not **location sensitive for the success of his business** - locating it elsewhere (away from a residential area) would not provide a hardship for the owner and would not increase nor decrease his business.

4. The proposed location seems to only to serve for the convenience of the owner of the fuel company and not the neighborhood and would likely decrease the valuation of the property and increase insurance premiums in the immediate area providing a hardship for the residents.

5. The area in question is not only in the middle of a residential neighborhood but also serves as the gate way to the TEIA property which is a center of activity for children. The creation of a fuel truck parking lot does not seem to be a compatible nor a safe neighbor. I personally have witness children riding down the hill - full steam ahead through the intersection and down to the clubhouse and while this is currently a safety risk - with fuel truck traffic I would assume the risk has now been increased dramatically.

6. There are other appropriate options for the storage of fuel trucks - adjacent to city land in the center of the island where there are multiple access points. Since the applicant does not currently own the proposed site it would not provide a financial hardship to look at another location.

Thank you for your consideration
 Joanne MacIsaac

www.trjungbrannen.com

t 617.502.3514
f 617.502.3401

22 Boston Wharf Road
Boston, Massachusetts 02210

TRÖ Jungbrannen
Celebrating a Century of Inspired Design

From: Barbara Barhydt
To: Kendall, Deborah
CC: Giles, Eric
Date: 7/11/2011 8:37 AM
Subject: Re: Peaks island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt

Development Review Services Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>> Deborah Kendall <ndallk@gmail.com> Tuesday, July 05, 2011 11:40 AM
>>>

I am a long term satisfied customer of Peaks Island Fuel.

I ask that you allow Peaks Island Fuel to install a legal, conforming area to park fuel delivery vehicles on Island Avenue.

A fuel company delivers oil and provides service year round by appointment and in emergencies. I wish to keep home heating fuel costs competitive on Peaks.

TEIA is a summer facility open a number of weeks per season.

Please add my name to the list of Peaks Island Fuel supporters.

DeborahKendall

668 Seashore Ave.

207.766.0034

ndallk@gmail.com

From: Barbara Barhydt
To: gerard, sidney
CC: Giles, Eric
Date: 7/11/2011 8:35 AM
Subject: Re: Peaks Island Fuel Parking

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

>>>"sidney gerard"<s.gerard@tpk.net> Tuesday, July 05, 2011 10:57 AM >>>

Ms. Barhydt:

My name, Sidney Gerard, I am a year round resident and registered on Peaks Island. I fully support Peaks Island Fuel developing a parking area for their delivery vehicles. This effort is necessary to insure that the fuel needs of all Islanders are satisfied.

My address is 51 Prince Avenue, Peaks Island 04108. My telephone number is 207-766-5854. If you need additional information please feel to write or call me.

Sidney Gerard
Peaks Island Concerned Resident

From: Barbara Barhydt
To: rwalsh1@maine.rr.com
CC: Giles, Eric
Date: 7/11/2011 8:34 AM
Subject: Re: Peaks Island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt

Development Review Services Manager
Planning Division

389 Congress Street 4th Floor
Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov <<rwalsh1@maine.rr.com> Tuesday, July 05, 2011 10:49 AM >>>

I am writing in support of the Peaks Island Fuel's request for a site alteration to park their trucks on Island Avenue.

As a year round resident we are customers of Peaks Island Fuel. I am sure there are people who need their services year round, but we primarily call them during the fall and winter months.

It is during those months that it is very quiet on the Island Avenue area of the island.

I do not live close to the property but do live on the front of the island. I see this site ideal because it will

remove another business from the already congested area of the island, down front.

People are pleased to have more than one fuel business on Peaks Island, it keeps a strong competition

and produces local jobs. As a customer, I have seen Peaks Island Fuel as a prompt, reliable,

conscientious business, who I believe would be a responsible and attentive neighbor if this site alteration

is allowed.

Thank you for your time and consideration into this matter.

Rose Ann Walsh

28 Epps Street

Peaks Island ME 04108

From: Barbara Barhydt
To: gerard, jane
CC: Giles, Eric
Date: 7/11/2011 8:32 AM
Subject: Re: Peaks Island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt

Development Review Services Manager
Planning Division

389 Congress Street 4th Floor
Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>"jane gerard"<jane gerard@maine.rr.com> Tuesday, July 05, 2011 9:50 AM
 >>>

As a registered voting year round resident of Peaks Island, I am writing in SUPPORT of Peaks Island Fuel being allow to construct an area to park their fuel delivery vehicles on the land presently proposed by the owner of the company.

Jane A. Gerard

51 Prince Avenue

Peaks Island, ME 04108

From: Barbara Barhydt
To: jplawlock@aol.com
CC: Giles, Eric
Date: 7/11/2011 8:29 AM
Subject: Re: support for PI Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov <>><jplawlock@aol.com> Tuesday, July 05, 2011 8:08 AM >>>

Good Morning,

Please give permission to Peaks Island Fuel to relocate their fuel trucks--we need to continue having 2 companies on PI to help keep fuel prices as low as possible.
 The T. club is only open for a few months in summer and those against this project don't even have to buy heating oil for year round.
 We are year round residents and a customer of Peaks Island Fuel.
 Thank you,
 Judy and Stan Plawlock

From: Barbara Barhydt
To: Roberts, Suellen
CC: Giles, Eric
Date: 7/11/2011 8:29 AM
Subject: RE: Peaks Island Fuel

Good morning:

Thank you for your comments. I am forwarding your e-mail to Erick Giles, the planner assigned to review this project. The Planning Office and other departments are in the process of reviewing the application under the City's site plan ordinance standards.

Thank you.
Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov >>> Suellen Roberts <sbwatersedge@earthlink.net> Monday, July 04, 2011 11:49 PM >>>

Dear Barbara Barhydt,

My husband and I are year-round resident on Peaks Island.

Please allow the Peaks Island Fuel Co. to use the designated commercial property they have requested on Peaks Island.

This is very important to the YEAR-ROUND residents of Peaks not the seasonal residents who live here only a few weeks of the year.

Thank you for you consideration of this important issue.

Suellen Roberts

354 Seashore Avenue

Peaks Island ME 04108

sbwatersedge@earthlink.net

766-2161

From: Barbara Barhydt
To: Giles, Eric
Date: 7/11/2011 8:23 AM
Subject: Fwd: in support of conforming use of lot on Peaks Island by Peaks Island Fuel

>>> "Marjorie Phyte" <mphyte@maine.rr.com> Sunday, July 03, 2011 11:50 AM >>>

Dear Ms. Barhydt,
 Many people on Peaks, both summer visitors and year-round islanders talk about the importance of supporting small businesses here on the island. I am a year-round islander, and I express my support in two ways: 1) by purchasing all items on island if they are available here and 2) by supporting the efforts of island businesses

operate successfully.
 Peaks Island Fuel has selected a location on the island and proposes to expand its business in a way that conforms to existing zoning regulations.
 I understand that some islanders, many of whom are summer residents, object to the site because solely they feel it interferes with the perceived summer ambience of houses and a summer club house in the vicinity.

However, the proposed use is both legal and supportive of a business which keeps fuel prices down on this island during the long winters that are particularly difficult for year-round islanders.
 It would be unconscionable if the Planning Division denied Peaks Island Fuel permission to exercise the right to develop in a legal matter the lot in question in a way that is of clear benefit to those who make their permanent homes on Peaks Island and who are residents of the City of Portland.

Sincerely,

Marjorie Phyte
 11 Onway Ave
 Peaks Island, ME

From: Barbara Barhydt
To: Giles, Eric
Date: 7/11/2011 8:19 AM
Subject: Fwd: FW: Peaks Island Fuel Co.

<<>> "Suellen Roberts" <sbwatersedge@earthlink.net> Sunday, July 03, 2011 11:23 AM >>>

Dear Barbara Barhydt,
My husband and I are year-round resident on Peaks Island.
Please allow the Peaks Island Fuel Co. to use the designated
commercial property they have requested on Peaks Island.
This is very important to the year-round residents on the island.
Thank you.

Suellen Roberts
354 Seashore Avenue
Peaks Island ME 04108
sbwatersedge@earthlink.net
766-2161

From: Barbara Barhydt
To: Giles, Eric
Date: 7/1/2011 7:58 AM
Subject: Fwd: 512 Island Ave. Peaks Island

>>> "S & K MacIsaac" <ramseyroost@maine.rr.com> Thursday, June 30, 2011 10:22 PM >>>
Dear Ms. Barhydt,

I have just learned about Keith Ivers' application for a permit to create a parking lot for Peaks Island Fuel vehicles at 512 Island Avenue and wish to convey my deep concerns about his proposal. I am not a near neighbor to that address but I am very much involved in island-wide efforts to preserve the character of our unique island community. I do understand that that address is still zoned for business; however, no business or commercial entity has operated in that area since the 1970s when the seasonal grocery store closed permanently. The building that housed the store is now a private home. With the exception of the Trefethen-Evergreen Improvement Association (a summer recreational facility) the neighborhood surrounding 512 Island Avenue is entirely residential.

I feel that creation of a parking area for fuel trucks in this location is very inappropriate for these reasons: That end of Trefethen Avenue is narrow, poorly maintained, and usually not plowed in the winter. In the warmer months it is crowded with bicycles, walkers, golf carts, and children coming and going to the beach and TEIA. Adding fuel trucks to the mix would compromise the safety of everyone who traverses the road.

The land where the proposed parking lot would be is low and wet. Gray water from washing the trucks and potential fuel leaks could contaminate the ground and seep down to the beach thus creating a health hazard for neighbors and beachgoers. The presence of parked fuel trucks would certainly decrease the value of homes in the neighborhood with homeowners seeking abatements and the city realizing decreased tax revenues. It would also impact future sales in the neighborhood.

The quiet, peaceful character of the neighborhood is what attracts people to live there. A commercial parking area would be quite disruptive and negatively impact neighbors' lives and change the cherished character of the area. Surely there are more appropriate locations where the fuel trucks could be parked. Perhaps Upper A Street or a spot on land owned by Island Bay Services would be more appropriate. Both of those locations are far enough away from residences so as not to disrupt people's lives.

Thank you for listening to my concerns.

Kimberly A. MacIsaac
140 Reed Avenue
Peaks Island

From: Barbara Barhydt
To: Giles, Eric
Date: 7/1/2011 7:50 AM
Subject: Fwd: 512 Island Ave. Peaks Island

>>> "S & K MacIsaac" <ramseyroost@maine.rr.com> Thursday, June 30, 2011 10:22 PM >>>
 Dear Ms. Barhydt,

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The land where the proposed parking lot would be is low and wet. Gray water from washing the trucks and potential fuel leaks could contaminate the ground and seep down to the beach thus creating a health hazard for neighbors and beachgoers. The presence of parked fuel trucks would certainly decrease the value of homes in the neighborhood with homeowners seeking abatements and the city realizing decreased tax revenues. It would also impact future sales in the neighborhood.

The quiet, peaceful character of the neighborhood is what attracts people to live there. A commercial parking area would be quite disruptive and negatively impact neighbors' lives and change the cherished character of the area.

Surely there are more appropriate locations where the fuel trucks could be parked. Perhaps Upper A Street or a spot on land owned by Island Bay Services would be more appropriate. Both of those locations are far enough away from residences so as not to disrupt people's lives.

Thank you for listening to my concerns.

Kimberly A. MacIsaac
 140 Reed Avenue
 Peaks Island

From: Barbara Barhydt
To: rondelucia@gmail.com
CC: Giles, Eric
Date: 6/30/2011 4:43 PM
Subject: Re: truck yard on Peaks

Dear Mr Delucia:

Thank you for your comments. I am forwarding them to the planner who is reviewing the project, Erick Giles, and he will share them with the other staff members as well. This is a recent submission, so we have just started the review.

Thank you.

Barbara

Barbara Barhydt

Development Review Services Manager
 Planning Division

389 Congress Street 4th Floor
 Portland, ME 04101

(207) 874-8699
 Fax: (207) 756-8256

bab@portlandmaine.gov

>>> ron delucia 06/30/11 3:46 PM >>>

Barbara, My name is Ron De Lucia. My cottage is 499 Island Ave Peaks Island. I understand a request has been made to allow a parking lot for fuel trucks in our neighborhood. I am 100% against this. There are a number of reasons, as any reasonable person could imagine. Environmental impact. How could a City allow FUEL TRUCKS that close to the ocean? Neighborhood blight. We are a neighborhood not a truck yard. Can you imagine the noise, dust smoke and smell form the fuel trucks? How about the view? My house taxes are based on the view. I'm sure all the neighbors will apply for a substantial decrease in property taxes. The houses will no doubt be worth less than they are today. Garage creep. Can you picture the number of vehicles and other items such as boats, earth moving equipment, boxes, pallets, barrels and other debris that will accompany the trucks? You wouldn't want a truck yard in your neighborhood... neither do we. There are other places on the island, such as the transfer station that could handle the confusion and mess these trucks will cause. I ask you to consider the common good and not approve the proposal.

Ron De Lucia

From: Barbara Barhydt
To: Giles, Eric
Date: 6/30/2011 12:41 PM
Subject: Re: Fwd: FYI: Level I Site Alteration application for 512 Island Avenue, Peaks Island

>>> Barbara Barhydt Thursday, June 30, 2011 12:41 PM >>>

Good afternoon:

Thank you for your comments and I will forward your e-mail to the staff members who are reviewing this project.

Barbara

Barbara Barhydt

Development Review Services Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>> Stevenson Monica <monicas@maine.rr.com> Thursday, June 30, 2011

11:11 AM >>>

We concur with the comments sent to you below by Elizabeth Stout. Please keep us informed.

Monica Stevenson and John Freeman

548 Island Avenue

Begin forwarded message:

From: elizabeth stout <betsybb1@earthlink.net>

Date: June 29, 2011 2:11:11 PM EDT

To: Stevenson Monica <monicas@maine.rr.com>

Subject: Re: FYI: Level I Site Alteration application for 512 Island

Avenue, Peaks Island

Reply-To: elizabeth stout <betsybb1@earthlink.net>

I am writing to express my concern about the application to create a 4200sq.ft. gravel parking lot for the purpose of parking oil trucks. I believe that it is inappropriate for several reasons but two raise the most concern for me. To begin, while the zoning may allow for commercial activities, it has been many years since there were any commercial enterprises conducted in that neighborhood. In other words, what is on the books does not accurately reflect what is on the ground and how it is used. My biggest concern is environmental. Being so close to the water it seems to me the chance of run-off or worse, a spill of some sort could damage the area and affect its use. I believe that the proposed lot is also quite low and often wet increasing the opportunity for the oil to contaminate. In addition, there is a beach between the proposed lot and the ocean that many use as well as a large number of people

accessing the water through TEIA down a very narrow and unimproved road. That road is often clogged with bikers and walkers. It is difficult at best to imagine an oil truck maneuvering in and out of a parking lot with all of the activity that takes place on that little road. I hope that the application will be denied.

Elizabeth Stout
549 Island Ave.
Peaks Island, ME 04108.

From: Barbara Barhydt
To: O'Keefe, Fred
CC: Giles, Eric
Date: 6/30/2011 10:51 AM
Subject: RE: 512 Island Ave., Peaks Island Level 1 Alteration

Hello:

I am adding Erick Giles to this e-mail, so he can respond to your questions.

Thank you.

Barbara

Barbara Barhydt

Development Review Services Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>>"Fred O'Keefe"<fokeefe@tsog-llc.com> Thursday, June 30, 2011 8:43 AM
<<<

Thank you very much for the response Barbara.

I do have a question regarding the EPA and or other water quality agencies. Since this property is within very close proximity of the water and there is a stream that runs either through or extremely close to the property can you tell me if the EPA or other agencies concerned with spillage and/or pollution possibilities are also submitting input relating to your decision?

If you would be so kind as to send me Eric Giles email address I will address further questions to him directly.

Thanks again for your quick response. In all my years since I have lived on Peaks I have never seen such as quick neighborhood reaction. We are very, very concerned about this.

Fred

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Tuesday, June 28, 2011 3:03 PM
To: fokeefe@tsog-llc.com
CC: Eric Giles

Subject: Re: 512 Island Ave., Peaks Island Level 1 Alteration

Hello Mr. O'Keefe:

I received your voice mail and e-mail regarding this project.

Erick Giles is the planner assigned to review this project. I am asking him to scan a copy of the plan and send it to you for your information. We are in the process of reviewing the plan and will consider your comments below. Site plans are reviewed by the Fire Department, Zoning, Department of Public

Services, and Planning. We will be sure to share your comments with the other reviewers as well. Thank you and if you have more questions or comments, please let us know.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov <<<fokkeefe@fsog-llc.com> Tuesday, June 28, 2011 2:16 PM >>>
Dear Ms. Barhydt,

In today's mail I received a notice for a Level 1 adjustment for 512 Island Ave. to create a 4200 sq. ft parking area to serve as a parking lot for oil and propane fuel trucks.

If you would be so kind as to give me proper guidance to formally object to this adjustment to a primarily resident neighborhood composed mostly of year round residents I would greatly appreciate it. Our concern is chiefly the amount of highly explosive material that will be stored on this property. Where it will be stored and what fire and safety precautions are required by the owners should this application be approved. This is extremely important since the fire department is located minimally a miles distance from the proposed property adjustment. God forbid there ever be an explosion or fire it could be a disaster.

There are quite a few year round families with children as well as the TEIA tennis, boating and club facility that are extremely close to this property which should also raise concerns.

Would you also let me know what the City time-line is for making your decision.

My number is 766-2300. I reside a 268 Pleasant Ave.

Thank you for your assistance relating to this matter.

Fred O'Keefe
Sent via BlackBerry by AT&T

From: Jean Gulliver <jeanguilliver1@gmail.com>
To: NMM@portlandmaine.gov; EGILLES@portlandmaine.gov; BAB@portlandmaine.gov
CC: krollins@msad51.org; afunanything@myfairpoint.net; parkerrenat@yahoo.com;...
Date: 6/30/2011 8:49 AM
Subject: Site Alteration 512 Island Ave Peaks Is

Important Notice from City of Portland
RE: 512 Island Avenue, Peaks Island

To residents and property owners:
A Level I: Site Alteration application was submitted to the Portland Planning Division by Keith Ivers for a 4200 sq. ft. gravel parking area to serve as the parking area for his fuel oil trucks (7 vehicles) at 512 Island Avenue, Peaks Island.

In Accordance with the Portland Land Use Ordinance, notices of receipt of a Level I Application must be sent to neighbors. This application will be reviewed administratively by City Staff.

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you have any questions or wish to submit comments, contact Barbara Barhydt, Development Review Services Manager, at 874-8699 or bab@portlandmaine.gov

Another contact, in the planning office, is Eric Giles: egiles@portlandme.gov

To the City of Portland,

I am writing in reference to the above notice on behalf of the Board and members of Trefethen Evergreen Improvement Association. We would like to express our deep concern about the proposed Site Alteration Proposal.

We are concerned about three specific issues and hazards.

1. Traffic. Trefethen Avenue is a small, quiet lane with very little vehicle traffic but a great deal of bike, walking and golf cart activity. We have children passing and repassing all day, all summer, this is not a place to introduce trucks.

2. Environment. The lot in questions is low and wet and very near the ocean into which it drains. We are very concerned about commercial gas and oil trucks being parked and washed in this location and sending pollution into Casco Bay.

3. Residential Area. Despite the artifact of the old commercial zone this is a residential area and has been for decades. Introducing a commercial use would damage the use and value of all area owners.

We would like the opportunity to speak directly with the city about these issues and our concerns. We would also like to know what legal recourse we have for an open hearing on this proposed change of use. Please contact us with the requested information. Also we have heard that city officials are planning a site visit tomorrow June 30 could you please confirm the time of this visit.

I look forward to hearing from you today. Jean Gulliver, Chair TEIA 756 5905

From: Barbara Barhydt
To: Stout, Betsy
CC: Giles, Eric
Date: 6/29/2011 2:08 PM
Subject: Re: application for parking lot on Peaks

Good afternoon:

Thank you for your comments. We received this application and have just begun the review of this application. I am forwarding your comments to Erick Giles, the planner assigned to this project. We will also share your concerns with the other staff members, such as the traffic engineer and zoning administrator, who are part of the review process.

Thank you and you may contact Eric with question or more comments regarding the proposal.

Barbara

Barbara Barhydt
Development Review Services Manager

Planning Division
389 Congress Street 4th Floor
Portland, ME 04101

(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov >>> Betsy Stout <bstout@windhamraymondschools.org> Wednesday, June 29, 2011 1:28 PM >>>

I am writing to express my concern about the application to create a 4200sq.ft. gravel parking lot for the purpose of parking oil trucks. I believe that it is inappropriate for several reasons but two raise the most concern for me. To begin, while the zoning may allow for commercial activities, it has been many years since there were any commercial enterprises conducted in that neighborhood. In other words, what is on the books does not accurately reflect what is on the ground and how it is used. My biggest concern is environmental. Being so close to the water it seems to me the chance of run-off or worse, a spill of some sort could damage the area and affect its use. I believe that the proposed lot is also quite low and often wet increasing the opportunity for the oil to contaminate. In addition, there is a beach between the proposed lot and the ocean that many use as well as a large number of people accessing the water through TEIA down a very narrow and unimproved road. That road is often clogged with bikers and walkers. It is difficult at best to imagine an oil truck maneuvering in and out of a parking lot with all of the activity that takes place on that little road. I hope that the application will be denied.

Elizabeth Stout
549 Island Ave.
Peaks Island, ME 04108

From: Barbara Barhydt
To: Giles, Eric
Date: 6/29/2011 8:47 AM
Subject: Fwd: 512 Island Ave., Peaks Island Level 1 Alteration

<<< fokeefe@fsoq-llc.com > Tuesday, June 28, 2011 2:16 PM >>>
Dear Ms. Barhydt,

In today's mail I received a notice for a Level 1 adjustment for 512 Island Ave. to create a 4200 sq.ft parking area to serve as a parking lot for oil and propane fuel trucks.

If you would be so kind as to give me proper guidance to formally object to this adjustment to a primarily resident neighborhood composed mostly of year round residents I would greatly appreciate it. Our concern is chiefly the amount of highly explosive material that will be stored on this property. Where it will be stored and what fire and safety precautions are required by the owners should this application be approved. This is extremely important since the fire department is located minimally a miles distance from the proposed property adjustment. God forbid there ever be an explosion or fire it could be a disaster.

There are quite a few year round families with children as well as the TEIA tennis, boating and club facility that are extremely close to this property which should also raise concerns.

Would you also let me know what the City time-line is for making your decision.

My number is 766-2300. I reside a 268 Pleasant Ave.

Thank you for your assistance relating to this matter.

Fred O'Keefe
Sent via BlackBerry by AT&T

From: Barbara Barhydt
To: jamacleod@comcast.net
CC: Giles, Eric
Date: 6/29/2011 8:46 AM
Subject: Re: Level I Site Alteration application for 512 Island Avenue, Peaks Island

Hello Mr. Macleod:

Thank you for your comments and I will forward your comments to Erick Giles, the planner assigned to the project. We have just begun our review of this proposal and will take your comments into consideration.

Thank you again,

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov <>> "John Macleod" <jamacleod@comcast.net> Tuesday, June 28, 2011 5:29 PM <>>
Ms. Barbara Barhydt
Development Review Services Manager
City of Portland

Dear Ms. Barhydt:

I am writing to express my deep concern over the proposed 4,200 SF gravel parking area referenced in the Site Alteration Application for 512 Island Avenue. While zoned for dual use, the area for half a mile in every direction is entirely residential in nature. Not since Webber's store closed down in my childhood had there been any commercial activity nearby.

Far more appropriate and normal for this type of project (a parking lot for fuel storage and trucking) would be in the area of Upper A St, in the center of the island near the transfer station, near the old utility substation or "down front" in the commercial zone roughly bounded by the library, through Welch Street and up and around to Greenwood Gardens.

While I'm sure the property owner (not Mr. Ivers) would love to generate more revenue from her property at 512 Island Avenue, this seems like a highly inappropriate way to do so.

A home retail business, small store, studios, etc. would be disruptive enough, but the noise, smell and increased truck traffic, risk of environmental pollution or fire/explosion from fuel storage trucks in a neighborhood filled with homes and biking children is beyond the pale. And the damage to the property values and proportionate decrease in the property tax base of neighboring homes should be of some concern to property owners and city officials alike.

I thank you and your colleagues in City Government for your consideration, and urge you strongly you deny this application.

Sent on the Now Network™ from my Sprint® BlackBerry

John MacLeod, Trumpet Performance & Instruction
Principal Trumpet, Portsmouth Symphony Orchestra

207-766-2010

207-766-0099

Peaks Island, ME, 04108

539 Island Avenue

John A. MacLeod

Very sincerely,

From: Barbara Barhydt
To: fokkeefe@fsog-llc.com
CC: Giles, Eric
Date: 6/28/2011 3:03 PM
Subject: Re: 512 Island Ave., Peaks Island Level 1 Alteration

Hello Mr. O'Keefe:

I received your voice mail and e-mail regarding this project.

Erick Giles is the planner assigned to review this project. I am asking him to scan a copy of the plan and send it to you for your information. We are in the process of reviewing the plan and will consider your comments below. Site plans are reviewed by the Fire Department, Zoning, Department of Public Services, and Planning. We will be sure to share your comments with the other reviewers as well.

Thank you and if you have more questions or comments, please let us know.

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My number is 766-2300. I reside a 268 Pleasant Ave.

Thank you for your assistance relating to this matter.

Fred O'Keefe
Sent via BlackBerry by AT&T

From: Nancy Cuthbertson <ncuthbertson@maine.rr.com>

To: BAB@portlandmaine.gov

Date: Thursday, July 07, 2011 6:45 AM

Subject: Letter of Support for 512 Island Avenue

Attachments: Consideration of Support for 512 Island Avenue.pages

Hello Ms. Barhydt,

Please consider the attached document as a letter of support for alterations considered for 512 Island Avenue. If you have difficulties in opening the attached document, please let me know and I shall make accommodations. Thank you.

Sincerely,

Nancy Cuthbertson

Resident of 341 Island Avenue

Peaks Island, Maine

From: Nancy Cuthbertson <ncuthbertson@maine.rr.com>
To: BAB@portlandmaine.gov
Date: Monday, July 11, 2011 7:58 AM
Subject: Consideration for Alterations to 512 Island Avenue
Attachments: Consideration of Support for 512 Island Avenue.doc

Hello Barbara,
Please excuse potential confusion as I attempted to provide an attachment regarding the above last weekend. I believe you may have difficulty opening it and am trying again in a different format. Thank you and I hope you had a good vacation.
Best Regards,
Nancy Cuthbertson

July 6, 2011

Dear Members of the Planning Committee for the City of Portland,

I am in receipt of several emails regarding consideration of plans for approval of site alteration of location referred to as 512 Island Avenue. Please consider my support for continuation of this process.

Based upon the emails I have received, it is my understanding that membership of what is commonly referred to as TEIA has concerns regarding this process. I am receipt of emails urging membership to amass at TEIA on Friday, July 1, 2011 at 9:00 to "hear the facts and voice an opinion"; to the best of my knowledge it was for review of potential plans and was not intended as a public hearing. I am in receipt of an email sent by membership of TEIA stating a concern of environmental impact; my hope is that membership will review all collective activities as we all contribute to such. Additionally, I have received nothing indicating that Peaks Island Fuel is not attempting to follow a thoughtful and appropriate process and would have hoped that all community members would have followed suit.

In essence, I am concerned that community members amassed at TEIA and proceeded to the private residence of Mr. Ivers. I am concerned that his family felt such distress that they needed to leave their residence. I am concerned that the factual process of determining the viability of potentially maintaining a business supporting the well-being of year round Island residence is being thwarted through a lack of potential thoroughness or misinformation.

Please know that I am employed by Mr. Ivers and Peaks Island Fuel. I am not representing their opinion. I made the decision to become in their employ due to my belief that healthy competition is necessary for our survival as a thriving community. Ultimately, this is an important issue requiring process. The potential energy of historic or myopic misinformation will not help guide this Island.

Thank you for your consideration.

Sincerely,

Nancy M. Cuthbertson
Resident of 341 Island Avenue
Peaks Island, Maine

EUNICE A. CURRAN

65 Sterling St.
Peaks Island, Me 04108

December 13, 2011

To whom it may concern,

I am writing in support of Keith Ivers, DBA Peaks Island Fuel, in his endeavor to pursue his business interests in the business zoned section of Trefethen, Peaks Island.

Years ago, the area in question was a busy commercial site, including a hotel, a grocery store (Webber's Store was on the corner where Ted Haykel resides) and a ferry landing. Mr. Ivers is trying to establish a legitimate, essential service in a properly zoned location.

Over the years, the business zoned areas of the island have been displaced by residential housing. As the availability for land, properly zoned for businesses, has diminished, no additional sites were rezoned to accommodate new businesses or

expansion of current businesses.


I am 81 years old and was born on Peaks Island, which has always been my home. I am a fourth-generation Peaks Islander.

It is necessary that we here on the island have competitive fuel companies. I am a customer of Peaks Island Fuel. I am presently paying \$4.33 for a gallon of heating oil. I do not wish to consider the cost without competition!

I know Mr. Ivers to be a fine young man who is trying to make a living to support his family. Isn't that the American Dream, or is that a thing of the past?

Please give this young businessman a chance to provide for his family and be a contributing member of our community.

Sincerely,



766-4482

Julia Corbitt

Sincerely,
Julia Corbitt

Program

I suggest the merge of the projects that Mrs. Brown
 The meeting and creation of the Association
 Mrs. Brown's family has been thoughtful, showing
 for business.
 A business agreement should be entered into as well
 during the 60 days to come.
 Mrs. Brown, you have 2 years to end of year
 and in this economy. My first cost will be
 Encouraging business in the post office in
 after the news on confidence for money for the club.
 The location of proposed future parking lots will
 I have been a year covered president of Posters House
 since 1985. I have enjoyed every minute of it (TEI).

Barbara Borchardt
 Planning Director
 City of Posters House
 Dear Mr. Borchardt,

559 Island Ave
 Posters House NE
 July 25, 2011

49 Trefethen Ave.
Peaches So. Me 04108

dear Mr. Jorgensen,

In regards to 516 Seland Ave.

I am a summer resident of Peaches So. for 54 years.
I am 95 years old and I'm concerned about the request

for a parking area for fuel tanks as near my home.

Of course I'm sorry to hurt anyones business

but I've got great grandchildren that would be

in danger should you grant him permission.

There would be an increase in truck traffic.

Sincerely yours,

Michael McShane

