092-G-02

City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874

Inspections Division

Permit No: 94108 Date: 09/21/15

Location of Construction:	Owner:		Phone:
Owner Address:	Leasee/Buyer's Name:	Phone:	BusinessName:
Contractor Name:	Address:		Phone:
Past Use:	Proposed Use:	**COST OF WORK:** $	**PERMIT FEE:** $
		FIRE DEPT. ☐ Approved ☐ Denied Signature:	**INSPECTION:** Use Group: Type: Signature:

Permit Issued:

PERMIT ISSUED
OCT 11 1994
CITY OF PORTLAND

Zone: CBL:

Proposed Project Description:

PEDESTRIAN ACTIVITIES DISTRICT (P.U.D.)
Action: Approved ☐
Approved with Conditions: ☐
Denied ☐
Signature: Date:

Zoning Approval:

Special Zone or Reviews:
- ☐ Shoreland
- ☐ Wetland
- ☐ Flood Zone
- ☐ Subdivision
- ☐ Site Plan maj ☐ minor ☐ mm ☐

Zoning Appeal
- ☐ Variance
- ☐ Miscellaneous
- ☐ Conditional Use
- ☐ Interpretation
- ☐ Approved
- ☐ Denied

Historic Preservation
- ☐ Not in District or Landmark
- ☐ Does Not Require Review
- ☐ Requires Review

Action:
- ☐ Appoved
- ☐ Approved with Conditions
- ☐ Denied

Date: 11/13/94

1. This permit application doesn't preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

PERMIT ISSUED WITH LETTER

CERTIFICATION

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

SIGNATURE OF APPLICANT ADDRESS: DATE: PHONE:
14 Sept '94 Bldg Permit

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

CEO DISTRICT 6

M R Rowe

White–Permit Desk Green–Assessor's Canary–D.P.W. Pink–Public File Ivory Card–Inspector

Inspections Division
Date: 09/21/15

Applicant: Astarita

Date: 9-15-94

Address: 51 Woods Rd Peaks Island

Assessors No.: 92-G, 23, 30, 32

CHECK LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - IR1

Interior or corner lot -

Use - single

Sewage Disposal - subsurface

Rear Yards - 30' req.

Side Yards - 20' req.

Front Yards - 30' req.

Projections - none

Height -

Lot Area - 144,571

Building Area - OK

Area per Family - entire

Width of Lot - 274'

Lot Frontage - OK

Off-street Parking - OK

Loading Bays - N/A

Site Plan -

Shoreland Zoning -

Flood Plains -

Inspections Division
Date: 09/21/15

BUILDING PERMIT REPORT

DATE: 6/OCT/94 Address 51 Woods Rd Peaks Island

REASON FOR PERMIT: To Construct a 1 family w/ 1 car garage

BLDG. OWNER: Arthur & Peggy Astarita

CONTRACTOR: Paul Erico

APPROVED: 1, 2, 3, 7, 8, 9, 10, 13, 14, 16.

PERMIT APPLICATE:

~~DENIED~~:

CONDITION OF APPROVAL OR DENIAL:

*1. Before concrete for foundation is placed, approvals from Public Works and Inspection Service must be obtained. (a 24 hour notice is required prior to inspection).

*2. Precaution must be taken to protect concrete from freezing.

*3. It is strongly recommended that a register land surveyor check all foundation forms before concrete is placed.

4. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hr., including fire doors with selfclosers.

5. Each apartment shall have access to (2) separate, remote and approved means of egress. A single exit is acceptable when its exits directly from the apartment to the building exterior with no communications to other apartment units.

6. The boiler shall be protected by enclosing with one (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply system having a capacity sufficient to provide 0.15 gallons per minute, per square foot of floor throughout the entire area. An indication shut-off valve shall be installed in an accessible locations between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 sq. ft. per sprinkler.

*7. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside opening without the use of special knowledge or separated tools. Where windows are provided as a means of egress or rescue , they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping room must have minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm) and a minimum net clear opening of 5.7 sq.ft.

*8. This permit does not preclude the applicant from obtaining any license needed from the City Clerk's office.

* 9. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the building code 919.3.2 (BOCA National Building Code 1993), and NFPA 101 Chapter 18 & 19. (smoke detectors shall be installed and maintained at the following locations):
    1. In the immediate vicinity of bedrooms;
    2. In all bedrooms;
    3. In each story within a dwelling unit, including basements.

* 10. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4 section 407.0 of the BOCA/1993)

11. Guardrails & Handrails - A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Group 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect.

12. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10, section & subsections 1023. & 1024.0 of the City's building code. (The BOCA National Building Code/1993)

* 13. Stair construction in Use Group R-3 & R-4 is a minimum of 9" tread and 8-1/4" maximum rise.

* 14. Headroom in habitable space is a minimum of 7'6".

15. The minimum headroom in all parts of a stairway shall not be less than 80 inches.

* 16. All construction and demolition debris must be disposed at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final Certificate of Occupancy is issued or demolition permit is granted.

17. Section 25-135 of the Municipal Code for the City of Portland states "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".

18. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act, Title 5 MRSA refers, shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.

P. Samuel Hoffses
Chief of Inspections

/dmm 01/14/94(redo w/additions)

Inspections Division
Date: 09/21/15

Inspections Division
Date: 09/21/15

37955 BRIDGE RD. NORTH BRANCH, MN 55056 PHONE 612/674-4292

Inspections Division
Date: 09/21/15

SAM -

HERE IS THE INFORMATION YOU REQUESTED FOR PEGGY AND ARTHURE ASTARITA RESIDENCE AT 51 WOODS ROAD.

GRADE ELEVATION AT FRONT DOOR = 51'-0"

MAIN FLOOR ELEVATION = 52'-6"

TOP OF DOME + VIEW CUPOLA = 83'-2"

HEIGHT OF DOME FROM FINISHED FLOOR = 30'-8"

- KEN JOHNSON

51
52' 6"
30' 8
21' 10"

Natural Spaces Domes

Member: NATIONAL DOME COUNCIL
Member: NATIONAL ASSOC. OF HOME BUILDERS
Professional Affiliate: MINNESOTA SOCIETY AMERICAN INSTITUTE OF ARCHITECTS

Printed on Recycled Paper.

37955 BRIDGE RD. NORTH BRANCH, MN 55056 PHONE 612/674-4292

Inspections Division
Date: 09/21/15

TO: SAM HOFFSES

RE: PEGGY & ART ASTARITA
RESIDENCE

SAM -

THE DOME CONSTRUCTION IS MADE UP OF A SUPER-WAL WOOD STRUT SYSTEM AND ANCHORED BY THE PATENTED NATURAL SPACES SUPER-LOK HUB AND SLEEVE CONNECTION SYSTEM.

3/4" T&G EXTERIOR GRADE PLYWOOD COVERS THE FRAME WORK W/ 30 lb. BUILDING FELT AND SHINGLES.

THE DOME IS INSULATED WITH BATT INSULATION TO A R FACTOR OF 55. THE INTERIOR RECIEVES A POLY VAPOR RETARDER AND THEN 1X8 T&G WOOD FINISH

THE INTERIOR OF THE HOUSE IS FINISHED THE SAME AS TYPICAL RESIDENTIAL CONSTRUCTION.

IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CALL ME.

THANKS,
KEN JOHNSON

Natural Spaces Domes

Member: NATIONAL DOME COUNCIL
Member: NATIONAL ASSOC. OF HOME BUILDERS
Professional Affiliate: MINNESOTA SOCIETY AMERICAN INSTITUTE OF ARCHITECTS

Printed on Recycled Paper.

Inspections Division
Date: 09/21/15

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Sam Hoffses, Director of Inspection Services

FROM: Charles A. Lane, Associate Corporation Counsel
Ext. 8480

DATE: September 20, 1994

RE: **Subsurface Wastewater Disposal System Application - Woods Road, Peaks Island**

I am returning the above-described application to you.

You had asked me to review it because it bore the signature of William B. Goodwin and opposite his signature was the date August 31, 1994.

It is my understanding that, since the application is twelve years old, you will require a new application.

Obviously, Mr. Goodwin's connection with the new application will be governed by the arbitrator's decision and award dated October 20, 1990. A copy of that decision is attached hereto.

Charles A. Lane
Associate Corporation Counsel

Enclosure
CAL:rlj

Inspection Services
Samuel P. Hoffses
Chief

Inspections Division
Date: 09/21/15

Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

October 11, 1994

RE: 51 Elizabeth St., Peaks Island

Mr. & Mrs. Arthur Astarita
13 Elizabeth St.
Peaks Island, ME 04108

Dear Sir:

Your application to construct a geodesic dome single family dwelling with garage has been reviewed and a permit is herewith issued subject to the following requirements: This permit does not preclude the applicant from meeting applicable State and Federal laws.

No Certificate of Occupancy can be issued until all requirements of this letter are met.

Site Plan Review Requirements

Inspection Services Approved William Giroux
Public Works Approved with condition (see attached) O. McCullough

Building Code Requirements

1. Please read and implement items 1, 2, 3, 7, 8, 9, 10, 13, 14 and 16 of the attached building permit report.
2. The total height of the structure can not exceed 35 feet. This measurement is from grade to top of structure.

If you have any questions regarding these requirements, please do not hesitate to contact this office.

Sincerely,

P. Samuel Hoffses
Chief of Inspection Services

/el

cc: William D. Giroux, Zoning Administrator
Owens McCullough, Planning

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form

Inspections Division
Date: 09/21/15

Applicant _____ Date _____

Mailing Address _____ Address of Proposed Site _____

Proposed Use of Site _____ Site Identifier(s) from Assessors Maps _____

Acreage of Site / Ground Floor Coverage _____ Zoning of Proposed Site _____

Site Location Review (DEP) Required: ( ) Yes ( ) No

Board of Appeals Action Required: ( ) Yes ( ) No

Planning Board Action Required: ( ) Yes ( ) No

Proposed Number of Floors _____

Total Floor Area _____

Other Comments: _____

Date Dept. Review Due: _____

PUBLIC WORKS DEPARTMENT REVIEW

9/1/94
(Date Received)

	TRAFFIC CIRCULATION	ACCESS	CURB CUTS	ROAD WIDTH	PARKING	SIGNALIZATION	TURNING MOVEMENTS	LIGHTING	CONFLICT WITH CITY CONSTRUCTION PROJECT	DRAINAGE	SOIL TYPES	SEWERS	CURBING	SIDEWALKS	OTHER	
APPROVED		SEE			ATTACHED					CONDITIONS						
APPROVED CONDITIONALLY		OF		APPROVAL												CONDITIONS SPECIFIED BELOW
DISAPPROVED																REASONS SPECIFIED BELOW

REASONS: _____

(Attach Separate Sheet if Necessary)

SIGNATURE OF REVIEWING STAFF/DATE

PUBLIC WORKS DEPARTMENT COPY

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Inspections Division
Date: 09/21/15

Arthur & Peggy Astarita
Applicant

8/31/94
Date

13 Elizabeth St- Peaks Island, ME 04108
Mailing Address

51 Woods Rd- Peaks Isl
Address of Proposed Site

1-fam dwlg w att 1-car garage
Proposed Use of Site

geodesic dome
Site Identifier(s) from Assessors Maps

3.3 acres / 50-ft diameter
Acreage of Site / Ground Floor Coverage

92-G-23,30,32
Zoning of Proposed Site

& 20'x45' extension

Site Location Review (DEP) Required: ( ) Yes ( ) No

Proposed Number of Floors _____

Board of Appeals Action Required: ( ) Yes ( ) No

Total Floor Area _____

Planning Board Action Required: ( ) Yes ( ) No

Other Comments: contact person: Dennis Johnson (designer)

Date Dept. Review Due: 1-800- 733-7107

M M S P review

BUILDING DEPARTMENT SITE PLAN REVIEW

(Does not include review of construction plans)

☐ Use does NOT comply with Zoning Ordinance
- ☐ Requires Board of Appeals Action
- ☐ Requires Planning Board/City Council Action

Explanation _____

☑ Use complies with Zoning Ordinance — Staff Review Below

Zoning: SPACE & BULK, as applicable	DATE	ZONE LOCATION	INTERIOR OR CORNER LOT	40 FT. SETBACK AREA (SEC. 21)	USE	SEWAGE DISPOSAL	REAR YARDS	SIDE YARDS	FRONT YARDS	PROJECTIONS	HEIGHT	LOT AREA	BUILDING AREA	AREA PER FAMILY	WIDTH OF LOT	LOT FRONTAGE	OFF-STREET PARKING	LOADING BAYS	
COMPLIES																			
COMPLIES CONDITIONALLY																			CONDITIONS SPECIFIED BELOW
DOES NOT COMPLY																			REASONS SPECIFIED BELOW

REASONS: _____

SIGNATURE OF REVIEWING STAFF/DATE

BUILDING DEPARTMENT—ORIGINAL

Inspections Division
Date: 09/21/15

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW (ADDENDUM)
CONDITIONS OF APPROVAL

APPLICANT: ARTHUR & PEGGY ASTARITA

ADDRESS: 13 ELIZABETH ST. - PEAKS IS.

SITE ADDRESS/LOCATION: 51 WOODS ROAD - PEAKS ISLAND

DATE: 9/13/94

Review by the Development Review Coordinator is for General Conformance with ordinances and standards only and does not relieve the applicant, his contractors or agents from the responsibility to provide a completely finished site, including but not limited to not increasing or concentrating of all surface runoff onto adjacent or downstream properties, issues regarding vehicle sight distance, location of public utilities and foundation elevations.

CONDITIONS CHECKED OFF BELOW ARE IN FORCE FOR YOUR SITE PLAN

- [ ] All damage to sidewalk, curb, street, or public utilities shall be repaired prior to issuance of a Certificate of Occupancy.
- [ ] Two (2) City of Portland approved species and size trees must be planted on your street frontage prior to issuance of a Certificate of Occupancy.
- [x] Your new street address is now 51 WOODS ROAD, the number must be displayed on the street frontage of your house prior to issuance of a Certificate of Occupancy.
- [x] The Development Review Coordinator (874-8300, ext. 8722) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closings with these requirements in mind.
- [ ] A sewer permit is required for your project. Please notify Paul Niehoff at 874-8300 ext 8838. The Sewer Division of Parks and Public Works (Jackie Wurslin at 797-5302) must be notified five (5) working days prior to sewer connection to schedule an inspector for your site.
- [ ] As-built record information for sewer and storm service connections must be submitted to Parks & Public Works Engineering Division (55 Portland St.) and approved prior to issuance of a Certificate of Occupancy.
- [ ] A street opening permit(s) is required for your site. Please contact Carol Poliskey at 874-8300, ext. 8822. (Only excavators licensed by the City of Portland are eligible).
- [x] CONFIRM THAT SEPTIC SYSTEM IS NOT WITHIN 100' OF A RESIDENTIAL WELL.

cc: P. Niehoff

Inspections Division
Date: 09/21/15

SINGLE FAMILY AND TWO-FAMILY LOT SITE PLAN REQUIREMENTS (Sec. 14-526)

Applicant(s) ART & PEGGY ASTARITA

Address of Proposed Site 51 WOODS RD. PEAKS ISL, ME

The minor site plan application for a single family/two-family dwelling includes the following:

ASTARITA
13 ELIZABETH ST.
PEAKS IS., ME 04108
207/766-3336

	Yes	No	Remarks
1. Name and address of the applicant.			
2. A boundary survey of the lot, prepared and sealed by a registered land surveyor.			
3. Scale and north arrow.			
4. Location, dimensions and first floor(sill) elevation(based on mean sea level datum) of the proposed building(s).			
5. Location and dimensions of driveway(s) and parking area.			
6. Location and size of both existing utilities in the street and proposed utilities serving the building. (We want them to be located underground.)			
7. Location of areas on the site which will be used to dispose of surface water drainage and related facilities.			
8. Existing and proposed contours(based on mean sea level datum).(Except where Public Works has determined that lesser detail would be required-Sec.14-526-C-1-g)			

Comments _____

Reviewing Staff _____

Date _____

Inspections Division
Date: 09/21/15

In the Matter of the Arbitration Between

THE CITY OF PORTLAND

and

THE PROFESSIONAL AND TECHNICAL
EMPLOYEES ASOCIATION
Gr. William Goodwin

DECISION
and
AWARD

92-6-023

Appearances: for City of Portland--Charles A. Lane, Esq.
for the Association--John J. Finn, Esq.

This matter was heard in Portland, Maine on June 20. 1990 and July 9, 1990. Both parties made complete and comprehensive presentations. The Arbitrator compliments both attorneys for this. Regardless of my eventual determination both sides can rest assured that each received full consideration of the various concepts and materials presented.

At all relevant times William Goodwin (Grievant) was and still is employed as a Project Engineer by the City of Portland (City) in the Department of Parks and Public Works. Grievant is also licensed by the State of Maine as a Site Evaluator and has, for a number of years and still does, operate a private business under the name, Goodwin Associates, performing site evaluations for private parties in and out of Portland. This outside work includes, inter alia, completion of Subsurface Wastewater Disposal System Applications (HHE-200) and, on at least one occasion, appearing as an expert witness on behalf of his private clients before Portland boards. Most of his clients are from Peaks Island where he grew up and still lives.

The father of the Grievant, Ernold Goodwin, serves as Chief Plumbing Inspector for City. In that capacity Ernold Goodwin's duties include review and approval of HHE-200 forms. It is this relationship that gives rise to the problem of possible conflict of interest.

Inspections Division
Date: 09/21/15

Sometime, approximately in the mid 1980's, conflict of interest matters began coming up generally in municipal matters. For some years there have been some statutory language in some form or other relating to inspection of plumbing. During this time the legislature enacted Title 30-A M.R.S.A. Section 4222 (P.L.1987,C.737, Sec.2) as follows:

> No inspector of plumbing may inspect or approve any plumbung work, site evaluation or installation of a subsurface disposal system, done by that inspector, or who is employed by or with the inspector.

In an effort to cope with this type of situation city officials had conferences and meetings, some with employees, trying to establish some criteria. Some of these were attended by Grievant. This entire period was in a state of flux. Several different procedures and rules were promulgated not all of which were put into effect.

Among such attempts a draft ENGINEERING WORK RULE - CONFLICT OF INTEREST, dated 11/18/87, was circulated from Tom Eaton, City Engineer, to many employees, Grievant among them.(Ex.#27, pages 2 & 3 attached). (Page 1 was directed to Corporation Counsel for comment). Grievant testified that although this was never adopted he felt it was in his best interest to follow the draft. On the same date Eaton separately circulated an explanation and indicated his intention to issue the final Work Rule soon. (Ex. #43). This was circulated to people on the Engineering Staff, Grievant being among them. The second paragraph cautioned the employees to "maintain care so that a conflict of interest situation does not exist or even appear to exist." The third paragraph reads as follows:

> Enginering Division as a whole will continue to review work performed by one of its employees which was performed under outside employment conditions. Individual reviews, however, will not be permitted of one's own work, the work of a subordinate, ot the work of a relative. Potential Conflicts of Interest are to be brought to the attention of the City

Inspections Division
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Engineer and/or the Principal Engineer.

Prior to 1987 Grievant's father had reviewed Grievant's private applications. In an effort to minimize this potential conflict situation, in 1987 City assigned Samuel Hoffses, Chief of Inspection Services, to review applications prepared by William Goodwin in his private business. This arrangement did not continue. A suggestion was made that City hire an independent inspector on an ad hoc basis to perform these reviews. City objected to the extra cost to it.

Other employees, in addition to Grievant, were in similar potential conflict of interest situations because of employment with City and conducting private outside businesses in the same or related fields as their City employment. In one way or another the others were resolved by those employees either resigning or giving up the outside work.

Matters came to a head in 1989 when a matter involving Island Builders, Inc. came up involving property on one of the islands. Ordinarily this Arbitrator would not go into too much detail concerning such a case, but throughout this Hearing testimony, exhibits and contents of Grievant's briefs sidetracked consideration of this matter from the material pertinent to the issue of conflict of interest.

The application of Island Builders Inc, form HHE-200 (Ex. #3) was prepared and signed by Grievant in his outside business capacity. Immediately above his signature is the following statement:

> On December 17, 1988 I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

The first page stated "well" as the type of water supply. The Referee in his report found that a sink for washing clothes and hair

Inspections Division
Date: 09/21/15

was supplied water by hand from a rain barrel under the roof gutter with no pipe running anywhere from the rain barrel. Drinking water was hand carried from a neighbor's premises. No public water system was available and there was no spring, well or other water source on the premises. (underlining supplied).

The application also stated that this was a "Replacement System" for a system installed in 1900±. The Referee found that human waste was deposited in an outhouse directly onto the ground. The sink to which water was hand carried for washing clothes deposited its water onto the adjacent ground surface.The person who sold the property to Island Builders, Inc., a Mrs. Gould, testified at that Hearing that for as long as she occupied the property there was no flush toilet unit on the premises. She abandoned the property before 1970.

From the evidence before him the Referee found that up to the time of his Hearing no septic waste disposal system was shown to have ever existed.

After Island Builders acquired the property some excavation work in the area at the rear of the house, a building disintegrating and not habitable, a 55 gallon steel drum with a hole at either end was found. Short pieces of pipe protruded therefrom. Some "beach stones" were also found. Mrs. Gould and family had laid "beach stones" to form a walk to the outhouse. The president of Island Builders saw what he took to be a broken flush toilet lyingunder the wreck of whar had been tghe kitchen, but he did not examine it.

As the Referee said, "We are presented only with speculation and conjecture as to where these items came from, who put them there and when, whether they were ever linked by piping so as to form a system, and if so, how they could be operable without water. Witnesses ven-

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tured to guess at possible answers to these questions, but pure guesswork is not persuasive ..."

Even prior to that Hearing the information supplied by Grievant was questioned. That hearing corroborated that.

Sometime in September 1989 City's Corporation Counsel had a conversation with an attorney who informed him that Grievant had advised one of that attorney's clients how she could evade provisions of the proposed island groundwater amendments. The suggested method involved giving a legal interpretation, which was not within his authority.

At this Hearing Barbara Vestal, Planning Board member and former Chair, testified that Grievant came before that board, usually as a witness for City, but occasionally as a witness for private applicants. The Board was unable to discern that he was in a different capacity on those occasions until he was called, and even then such difference was obscure. His dual position made his testimony in behalf of his private clients of greater weight than that of other independent technicians.

One must keep in mind other factors that permeated the atmosphere.

During the period Grievant was conducting his outside business, a Mrs. Veronica Foster, resident of Peaks Island, wrote to the Dept. of Human Services, Augusta, Maine, saying in part (Ex. #37):

> "We have a problem here on Peaks Island. Building permits are being issued where residences should never be built.....
>
> It is common knowledge on the island that permits can be obtained for any place if big enough bribe is offered...."

This excerpt is included here regardless of whether true or not as an indication of rumors that pervaded the island atmosphere.

The entire question of conflict of interest is being addressed at different levels with differing proscriptions varying according to the

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governmental level being addressed. In other words there is no uniformity between different branches of government, or political levels within the same branch.

It was these factors and resulting atmosphere that City issued its memo on October 2, 1989 to Grievant (Ex. #8) directing him to immediately cease all private outside work within the corporate limits of the City of Portland which, because of its nature must be reviewed and/or approved by any City department or employee.

In his post-hearing brief Grievant states that there can be no finding that Grievant had a conflict of interest as there was no evidence of any attempt on his part to exert improper influence on the judge. The potential of a conflict of interest is much broader than this narrow definition. It is not restricted to exerting improper influence on the judge. It also includes misleading any authority, judge or board. As Maine cases have said it is the temptation to serve one's own personal interst to the prejudice of fair and equal service of others whom he serves in his official capacity. In a potential conflict situation it is not necessary that there be any improper conduct. It is the appearance of the potential for some wrong doing not actual wrong doing that presents the problem. A public employee nust always be cautious of what he says and does as well as how he does it. Witness the content of Ex. #7. Grievant had conversation with someone who reported to her attorney as indicated in that exhibit. Regardless of what words might actually been used the client's impression was definite and improper. That was the message the client received.

Section 4222 was passed in 1987. Even though City did not circulate it to department heads until 1990 Grievant is obliged to know of and abide by State Statutes and Regulations pertaining to his occupa-

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tion and profession.

Grievant also claims that City did not balance the interests of the private interest of Grievant when it considered the public interest. From the evidence in light of conduct and reported public perceptions City definitely considered Grievant's interest as well as the Public's. The memo regarding his outside work prohibited only work within the City of Portland. It did not touch his work outside Portland. The fact that the majority of his work is in Portland was balanced by the factors set both above and is a factor Grievant should have considered.

Grievant also had a balancing responsibility. In his outside work in the City of Portland to which master is he responsible, which does he serve? His conduct and assumptions in the Island Builders case exemplifies the basic problem. His conduct in that matter mandated that something be done.

To protect residents of Portland and the integrity of the actions of its boards City had to take some action. Exhibit #8 is that action and is proper.

The Arbitrator must consider all applicable laws in effect. He cannot condone conduct that is prohibited regardless of when Grievant became aware of it. If the law is in existence all affected parties should have known of it.

All parties must conform to the law and sometimes past practices must change.

While in part Grievant's attorney made reference that the rulings and actions taken by Cuty in its attempts to implement a "Conflict of Interest" policy was a violation of the Labor Agreement between City and Grievant's Professional Association, no applicable Article in the

Inspections Division
Date: 09/21/15

Labor Agreement between the parties was referred to, and the Arbitrator is unable to find any. Any such attempt by City to conform is not violative of the Labor Agreement and is not prohibited unless in contravention of other pertinent laws.

The Arbitrator finds that Grievant's activity violated Conflict of Interest rules.

The Arbitrator finds that City did not violate grievant's rights.

Dated: October 20, 1990.

Arbitrator

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human S
Division of Health Engir
(207) 289-3826

Inspections Division
Date: 09/21/15

PORTLAND PERMIT # 5378 APPLICANTS

Date Permit Issued: 9 / 1 / 94 $ 30 FEE ☐ If Double Fee Charged

L.P.I. # 1/1214

Local Plumbing Inspector Signature

THE WORK SPECIFIED IN THIS APPLICATION IS HEREBY AUTHORIZED TO BE INSTALLED IN ACCORDANCE WITH THE RULES. THIS PERMIT EXPIRES AFTER TWO YEARS FROM DATE ISSUED UNLESS WORK HAS COMMENCED.

PROPERTY ADDRESS

Town Or Plantation	PORTLAND PEAKS ISLAND
Street	WOODS ROAD 23
Subdivision Lot #	TAXMAP 92 BLOCK G LOTS 30, 32

PROPERTY OWNERS NAME

Last: ASTARITA First: ARTHUR & PEGGY

Applicant Name:	ARTHUR ASTARITA
Mailing Address of Owner/Applicant (If Different)	HOUSTON TEXAS

Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Peggy Astarita 8/31/94

Signature of Owner/Applicant Date

Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Local Plumbing Inspector Signature Date Approved

PERMIT INFORMATION

THIS APPLICATION IS FOR:

1. ☒ NEW SYSTEM
2. ☐ REPLACEMENT SYSTEM
3. ☐ EXPANDED SYSTEM
4. ☐ SEASONAL CONVERSION
5. ☐ EXPERIMENTAL SYSTEM

THIS APPLICATION REQUIRES:

1. ☒ NO RULE VARIANCE REQUIRED
2. ☐ NEW SYSTEM VARIANCE
   Attach New System Variance Form
   ☐ REPLACEMENT SYSTEM VARIANCE
   Attach Replacement System Variance Form
   3. ☐ Requires only Local Plumbing Inspector Approval
   4. ☐ Requires both State and Local Plumbing Inspector Approval

INSTALLATION IS

COMPLETE SYSTEM

1. ☒ NON-ENGINEERED SYSTEM
2. ☐ PRIMITIVE SYSTEM (Includes Alternative Toilet)
3. ☐ ENGINEERED (+2000 gpd)

INDIVIDUALLY INSTALLED COMPONENTS:

4. ☐ TREATMENT TANK (ONLY)
5. ☐ HOLDING TANK
6. ☐ ALTERNATIVE TOILET (ONLY)
7. ☐ NON-ENGINEERED DISPOSAL AREA (ONLY)
8. ☐ ENGINEERED DISPOSAL AREA (ONLY)
9. ☐ SEPARATED LAUNDRY SYSTEM

IF REPLACEMENT SYSTEM:

YEAR FAILING SYSTEM INSTALLED _____

THE FAILING SYSTEM IS:

1. ☐ BED 3. ☐ TRENCH
2. ☐ CHAMBER 4. ☐ OTHER: _____

DISPOSAL SYSTEM TO SERVE:

1. ☒ SINGLE FAMILY DWELLING
2. ☐ MODULAR OR MOBILE HOME
3. ☐ MULTIPLE FAMILY DWELLING
4. ☐ OTHER _____ SPECIFY

SIZE OF PROPERTY	ZONING
3.32 A	IR1

TYPE OF WATER SUPPLY

DRILLED WELL

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

1. ☒ SEPTIC: ☐ Regular ☒ Low Profile
2. ☐ AEROBIC

SIZE: 1000 GALS.

WATER CONSERVATION

1. ☐ NONE
2. ☒ LOW VOLUME TOILET
3. ☒ SEPARATED LAUNDRY SYSTEM
4. ☐ ALTERNATIVE TOILET

SPECIFY: _____

PUMPING

1. ☒ NOT REQUIRED
2. ☐ MAY BE REQUIRED (DEPENDING ON TREATMENT TANK LOCATION AND ELEVATION)
3. ☐ REQUIRED

DOSE: _____ GALS.

CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)

3 BEDROOM CONSERVATIVE 450

LOW VOLUME TOILET - 45

SEPARATED LAUNDRY - 90

DESIGN FLOW: 315 (GALLONS/DAY)

SOIL CONDITIONS USED FOR DESIGN PURPOSES

PROFILE	CONDITION
4	A III

DEPTH TO LIMITING FACTOR: 35

SIZE RATINGS USED FOR DESIGN PURPOSES

1. ☐ SMALL
2. ☒ MEDIUM
3. ☐ MEDIUM-LARGE
4. ☐ LARGE
5. ☐ EXTRA LARGE

DISPOSAL AREA TYPE/SIZE

1. ☐ BED _____ Sq. Ft.
2. ☒ CHAMBER 425 * Sq. Ft.
   ☒ REGULAR ☐ H-20
3. ☐ TRENCH _____ Linear Ft.
4. ☐ OTHER: _____

SITE EVALUATOR STATEMENT

* USED 17 INFILTRATOR POLYETHELENE CHAMBERS IN TRENCH CONFIGURATION

(☐ SITE EVALUATION WAIVED BY LOCAL OPTION)

On Sept 24 1982 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

William B. Goodwin

Site Evaluator or Professional Engineer's Signature

0003/4814

SE# / PE#

8/31/94

Date

* Local Plumbing Inspectors Signature if a Local Site Evaluation Waiver under a Local Option

HHE - 200 Rev. 4/83

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering

Inspections Division
Date: 09/21/15

Town, City, Plantation	Street, Road, Subdivision	Owners Name
PORTLAND	PEAKS ISLAND WOODS ROAD 92-G – 23,30,32	ARTHUR & PEGGY ASTARITA

SITE PLAN

Scale 1" = 100 Ft.

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole 3 — ☒ Test Pit ☐ Boring

2" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)

Texture	Consistency	Color	Mottling
SANDY LOAM W/ ANGULAR FRAGMENTS		GRAY BROWN	
LOAMY SAND W/ ANGULAR FRAGMENTS	LOOSE	LIGHT RED BROWN	NONE
SANDY GRAVEL		YELLOW BROWN W/ RED MOTTLES	COMMON
BEDROCK			

Soil Profile	Classification Condition	Slope	Limiting Factor	
4	AIII	9 %	35"	☒ Ground Water ☐ Restrictive Layer ☐ Bedrock

Observation Hole 4 — ☒ Test Pit ☐ Boring

2" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)

Texture	Consistency	Color	Mottling
SANDY LOAM		RED BROWN	
LOAMY SAND W/ ANGULAR FRAGMENTS	LOOSE	LIGHT BROWN	NONE
STONY SILTY SAND		GRAY	
SANDY GRAVEL		YELLOW BROWN W/ RED MOTTLES	COMMON

Soil Profile	Classification Condition	Slope	Limiting Factor	
4	C	9 %	38"	☒ Ground Water ☐ Restrictive Layer ☐ Bedrock

[illegible] 0003/4818 8/31/98

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Servic
Division of Health Engineerir

Inspections Division
Date: 09/21/15

Town, City, Plantation	Street, Road, Subdivision	Owners Name
PORTLAND PEAKS ISLAND	WOODS RD 92-G-23,30,32	ARTHUR & PEGGY ASTARITA

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = 20 F

FILL REQUIREMENTS		CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT LOCATION & DESCRIPTION
Depth of Fill (Upslope)	12"	Reference Elevation is	51.52	SPIKE IN 12" BIRCH
Depth of Fill (Downslope)	12"	Bottom of Disposal Area	SEE X-SECTION	NORTHERLY OF TP 4
		Top of Distribution Lines or Chambers	" " "	

DISPOSAL AREA CROSS SECTION

Scale:
Vertical: 1 Inch = 5 FL
Horizontal: 1 Inch = 10 FT

William B. Goodwin 0003/4814 8/31/06

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human S
Division of Health Engi
(207) 289-3826

Inspections Division
Date: 09/21/15

PORTLAND PERMIT # 5177 APPLICANT:

Date Permit Issued: 9 / 1 / 94 $ 60 FEE ☐ If Double Fee Charged

Local Plumbing Inspector Signature L.P.I. # 124

THE WORK SPECIFIED IN THIS APPLICATION IS HEREBY AUTHORIZED TO BE INSTALLED IN ACCORDANCE WITH THE RULES. THIS PERMIT EXPIRES AFTER TWO YEARS FROM DATE ISSUED UNLESS WORK HAS COMMENCED.

PROPERTY ADDRESS

Town Or Plantation	PORTLAND PEAKS ISLAND
Street Subdivision Lot #	WOODS ROAD 23 TAX MAP 92 BLOCK G LOTS 30,32

PROPERTY OWNERS NAME

Last: ASTARITA First: ARTHUR & PEGGY

Applicant Name:	ARTHUR ASTARITA
Mailing Address of Owner/Applicant (If Different)	HOUSTON TEXAS

Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Peggy Astarita 8/31/94

Signature of Owner/Applicant Date

Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Local Plumbing Inspector Signature Date Approved

PERMIT INFORMATION

THIS APPLICATION IS FOR:

1. ☒ NEW SYSTEM
2. ☐ REPLACEMENT SYSTEM
3. ☐ EXPANDED SYSTEM
4. ☐ SEASONAL CONVERSION
5. ☐ EXPERIMENTAL SYSTEM

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2. ☐ NEW SYSTEM VARIANCE Attach New System Variance Form
   ☐ REPLACEMENT SYSTEM VARIANCE Attach Replacement System Variance Form
   3. ☐ Requires only Local Plumbing Inspector Approval
   4. ☐ Requires both State and Local Plumbing Inspector Approval

INSTALLATION IS

COMPLETE SYSTEM

1. ☐ NON-ENGINEERED SYSTEM
2. ☐ PRIMITIVE SYSTEM (Includes Alternative Toilet)
3. ☐ ENGINEERED (+2000 gpd)

INDIVIDUALLY INSTALLED COMPONENTS:

4. ☐ TREATMENT TANK (ONLY)
5. ☐ HOLDING TANK
6. ☐ ALTERNATIVE TOILET (ONLY)
7. ☐ NON-ENGINEERED DISPOSAL AREA (ONLY)
8. ☐ ENGINEERED DISPOSAL AREA (ONLY)
9. ☒ SEPARATED LAUNDRY SYSTEM

IF REPLACEMENT SYSTEM:

YEAR FAILING SYSTEM INSTALLED _____

THE FAILING SYSTEM IS:

1. ☐ BED 3. ☐ TRENCH
2. ☐ CHAMBER 4. ☐ OTHER: _____

DISPOSAL SYSTEM TO SERVE:

1. ☒ SINGLE FAMILY DWELLING
2. ☐ MODULAR OR MOBILE HOME
3. ☐ MULTIPLE FAMILY DWELLING
4. ☐ OTHER _____ SPECIFY

SIZE OF PROPERTY: 3.32 A

ZONING: IR1

TYPE OF WATER SUPPLY: DRILLED WELL

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

1. ☐ SEPTIC: ☐ Regular ☐ Low Profile
2. ☐ AEROBIC

SIZE: N/A GALS.

WATER CONSERVATION

1. ☐ NONE
2. ☐ LOW VOLUME TOILET
3. ☒ SEPARATED LAUNDRY SYSTEM
4. ☐ ALTERNATIVE TOILET

SPECIFY: _____

PUMPING

1. ☒ NOT REQUIRED
2. ☐ MAY BE REQUIRED (DEPENDING ON TREATMENT TANK LOCATION AND ELEVATION)
3. ☐ REQUIRED

DOSE: _____ GALS.

CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)

SEPARATED LAUNDRY

DESIGN FLOW: 90 (GALLONS/DAY)

SOIL CONDITIONS USED FOR DESIGN PURPOSES

PROFILE	CONDITION
4	C

DEPTH TO LIMITING FACTOR: 38

SIZE RATINGS USED FOR DESIGN PURPOSES

1. ☐ SMALL
2. ☒ MEDIUM
3. ☐ MEDIUM-LARGE
4. ☐ LARGE
5. ☐ EXTRA LARGE

DISPOSAL AREA TYPE/SIZE

1. ☐ BED _____ Sq. Ft.
2. ☒ CHAMBER 125 * Sq. Ft.
   ☒ REGULAR ☐ H-20
3. ☐ TRENCH _____ Linear Ft.
4. ☐ OTHER: _____

SITE EVALUATOR STATEMENT

*USED 5 INFILTRATOR POLYETHELENE CHAMBERS IN TRENCH CONFIGURATION

☐ SITE EVALUATION WAIVED BY LOCAL OPTION)

On SEPT 24 1982 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

William E. Goodwin 0002/4814 8/31/94

Site Evaluator or Professional Engineer's Signature SE# / PE# Date

* Local Plumbing Inspectors Signature if a Local Site Evaluation Waiver under a Local Option

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering

City, Plantation: PORTLAND
Street, Road, Subdivision: PEAKS ISLAND WOODS ROAD 92-G - 23, 30, 32
Owners Name: ARTHUR & PEGGY ASTARITA

Inspections Division
Date: 09/21/15

SITE PLAN

Scale 1" = 100 Ft.

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole 3 — ☒ Test Pit ☐ Boring

2" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)

Texture	Consistency	Color	Mottling
SANDY LOAM W/ ANGULAR FRAGMENTS		GRAY BROWN	
LOAMY SAND W/ ANGULAR FRAGMENTS	LOOSE	LIGHT RED BROWN	NONE
SANDY GRAVEL		YELLOW BROWN W/ RED MOTTLES	COMMON
BEDROCK			

Soil Profile	Classification Condition	Slope	Limiting Factor	
4	AIII	9 %	35	☒ Ground Water ☐ Restrictive Layer ☐ Bedrock

Observation Hole 4 — ☒ Test Pit ☐ Boring

2" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)

Texture	Consistency	Color	Mottling
SANDY LOAM		RED BROWN	
LOAMY SAND W/ ANGULAR FRAGMENTS	LOOSE	LIGHT BROWN	NONE
STONY SILTY SAND		GRAY	
SANDY GRAVEL		YELLOW BROWN W/ RED MOTTLES	COMMON

Soil Profile	Classification Condition	Slope	Limiting Factor	
4	C	9 %	38	☒ Ground Water ☐ Restrictive Layer ☐ Bedrock

William B. Goodwin — 0003/4814 — 8/31/94

Site Evaluator or Professional Engineer's Signature — Date

Department of Human Services
Division of Health Engineering

Inspections Division
Date: 09/21/15

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City, Plantation	Street, Road, Subdivision	Owners Name
PORTLAND PEAKS ISLAND	WOODS ROAD 92-G-23,30,32	ARTHUR & PEGGY ASTARITA

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = 20 FT.

FILL REQUIREMENTS		CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT LOCATION & DESCRIPTION
Depth of Fill (Upslope)	0"	Reference Elevation is	51.52	SPIKE IN 12" BIRCH NORTHERLY OF TP 4
Depth of Fill (Downslope)	0"	Bottom of Disposal Area	SEE X-SECTION	
		Top of Distribution Lines or Chambers	" " "	

DISPOSAL AREA CROSS SECTION

Scale:
Vertical: 1 Inch = 5 FT.
Horizontal: 1 Inch = 10 FT.

William B. Crockwin
0003/4814
8/31/94
Date