

Sept. 13, 1990

Welch + Island Avenue
Peaks Island



CITY OF PORTLAND

CONDITIONAL USE APPEAL

DECISION

For the Record

Names and addresses of witnesses (proponents, opponents and others):

Daniel Jellis PWD

Jay Meyer, Atty.

John Riordan, Eng.

Bill Bawn - Rev.

Chris Neagle, Atty.

David Norton - Rev.

Mark Jordan - Atty.

Dennis Corrigan - Rev.

Exhibits admitted (e.g., renderings, reports, etc.):

George Clark - Jones Landing

Bill Goodwin - city

Thomas Bolger - Rev.

~~Don~~

Don Perkins - Rev.

John Horton - Rev. Betty Heller - Rev.

Pat Weeks
Mr. Weeks

Pat Rockwell - Atty.

Howard Heller - Rev.

Findings of Fact

1. The proposed conditional use is (is not (circle one) permitted under Section 14- 474 of the zoning Ordinance, for the following reason(s): 5-0

2. The proposed conditional use does (does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): 3-8 4-1

3-A. There are (are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s): 4-1

3-B. There will (will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s): 4-1

3-C. The impact does/does not (circle one) differ substantially from the impact which would normally occur from such a use in that zone, for the following reason(s): _____

3-2

Conclusion*

After public hearing on Sept. 13, 1990, and for the reasons above-stated, the accompanying application is hereby (check one)

_____ granted.

_____ granted subject to the following condition(s):

_____ denied.

Dated: Sept. 13, 1990

John C. Kunt
Secretary of the Board

* The application may be denied only if EITHER the finding for #1 or 2 above is in the negative OR the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

14-156 - 1. 5 yes 0 NO criteria in section 1 is met -5-0
2. 3 yes 2 NO criteria in section 2 is met 3-2
3. 5 yes 0 NO criteria in section 3 is met

Granted - 1

[Signature]

Denied - 4

[Signature]
[Signature]
[Signature]
[Signature]

Permit # _____ City of Portland BUILDING PERMIT APPLICATION Fee \$50.00 Zone _____ Map # _____ Lot# _____
Please fill out any part which applies to job. Proper plans must accompany form.

Owner Portland Water Dis. Phone # 774-5961
Address P.O. Box 3553 Portland, Maine 04104
LOCATION OF CONSTRUCTION Welch St. & Island Ave. 84-R-1 thru 20
Contractor: _____ Sub: _____
Address: _____ Phone # _____

Est. Construction Cost: _____ Proposed Use: waste water treatment plant Zoning: _____
Past Use: city owned parking lot

of Existing Res. Units _____ # of New Res. Units _____
Building Dimensions L _____ W _____ Total Sq Ft. _____

Stories _____ # Bedrooms _____ Lot Size: _____

Is Proposed Use: Seasonal _____ Condominium _____ Conversion _____

Explain Conversion Conditional use to convert from parking lot to parking lot with waste water treatment plant

Foundation:

1. Type of Soil: _____
2. Set Backs - Front _____ Rear _____ Side(s) _____
3. Footings Size: _____
4. Foundation Size: _____
5. Other _____

Floor:

1. Sills Size: _____ Sills must be anchored.
2. Girder Size: _____
3. Lally Column Spacing: _____ Size _____ Spacing 16" O.C.
4. Joists Size: _____
5. Bridging Type: _____ Size _____
6. Floor Sheathing Type: _____ Size _____
7. Other Material: _____

Exterior Walls:

1. Studding Size _____ Spacing _____
2. No. windows _____
3. No. Doors _____
4. Header Sizes _____ Span(s) _____
5. Bracing: Yes _____ No _____
6. Corner Posts Size _____
7. Insulation Type _____ Size _____
8. Sheathing Type _____ Size _____
9. Siding Type _____ Weather Exposure _____
10. Masonry Materials _____
11. Metal Materials _____

Interior Walls:

1. Studding Size _____ Spacing _____
2. Header Sizes _____ Span(s) _____
3. Wall Covering Type _____
4. Fire Wall if required _____
5. Other Materials _____

For Official Use Only

Date May 11, 1990

Subdivision: _____

Inside Fire Limits _____

Name _____

Bldg Code _____

Lot _____

Time Limit _____

Ownership: _____

Estimated Cost _____

Public _____

Private _____

Street Frontage Provided: _____

Provided Setbacks: Front _____ Back _____ Side _____

Review Required:

Zoning Board Approval: Yes _____ No _____ Date: _____

Planning Board Approval: Yes _____ No _____ Date: _____

Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____

Shoreland Zoning Yes _____ No _____ Floodplain Yes _____ No _____

Special Exception _____

Other (Explain) _____

Ceiling:

1. Ceiling Joists Size: _____
2. Ceiling Strapping Size _____ Spacing _____
3. Type Ceiling: _____
4. Insulation Type _____ Size _____
5. Ceiling Height: _____

Roof:

1. Truss or Rafter Size _____ Span _____
2. Sheathing Type _____ Size _____
3. Roof Covering Type _____

Culmneys:

Type: _____ Number of Fire Places _____

Heating:

Type of Heat: _____

Electrical:

Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____

Plumbing:

1. Approval of soil test if required Yes _____ No _____
2. No. of Tubs or Showers _____
3. No. of Flushes _____
4. No. of Lavatories _____
5. No. of Other Fixtures _____

Swimming Pools:

1. Type: _____
2. Pool Size: _____ x _____ Square Footage _____
3. Must conform to National Electrical Code and State Law.

Permit Received By Latini

Signature of Applicant Norman V. Twaddel Date 5/11/90

Signature of CEO Norman V. Twaddel Date _____

Inspection Dates _____

White-Tax Assessor

Yellow-GPCOG

White Tag -CEO

© Copyright GPCOG 1988

Following the public hearing,
among other facts,
the Board found that the pro-
posed conditional use would obstruct
significant scenic views presently
enjoyed by nearby residents and
farmers.
As a result, the proposed use
can ^{not} meet standards
imposed by § 14-15c, it does
pose unique or distinctive characteristics;
and it will have an adverse impact
upon the health and safety of the
public and the surrounding area. The
full reasoning of the Board is
reflected in the top-reading
of its deliberations which is available ^{you review} for

This is to supplement and
correct a letter sent to you on 9/19/90.

Martin -
new member

instructed

Knox -
long member?
help

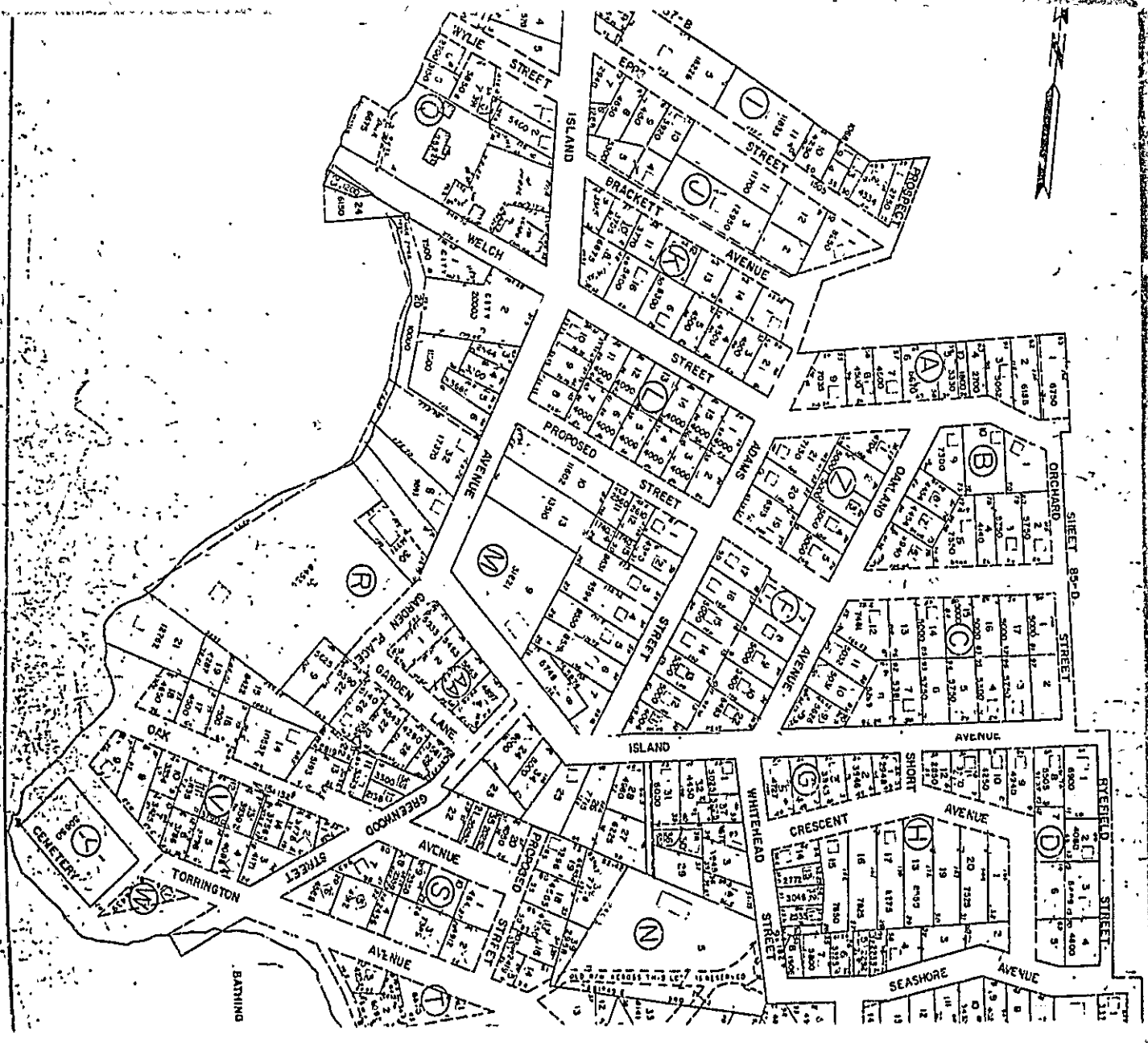
no instruction

This Ad did not ~~make~~

~~the~~ ~~first~~
significant
~~member~~

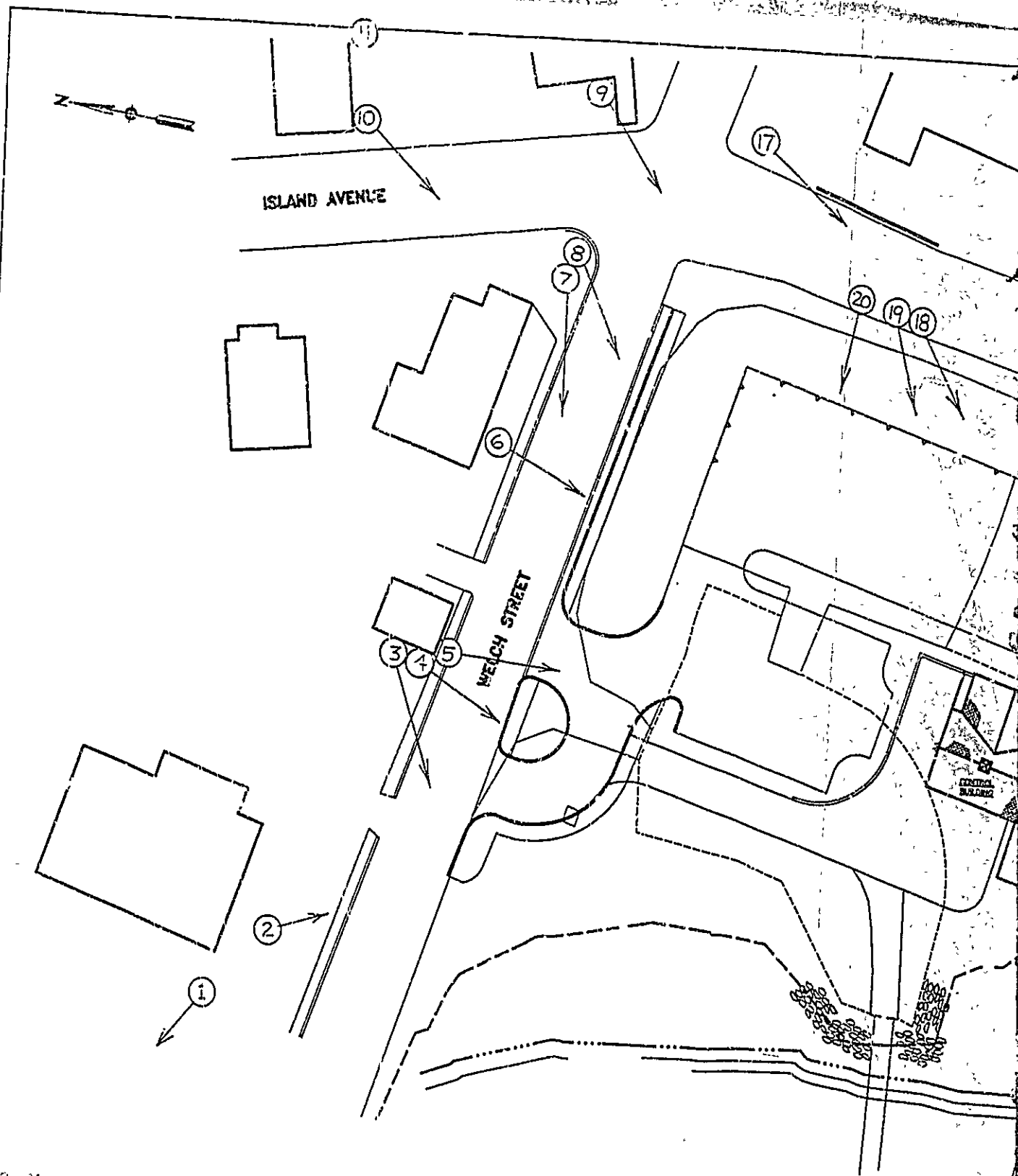
find that a
legal name was
instructed.

1-55-0950-7-34 1-55-0950-7-34 1-55-0950-7-34 1-55-0950-7-34 1-55-0950-7-34

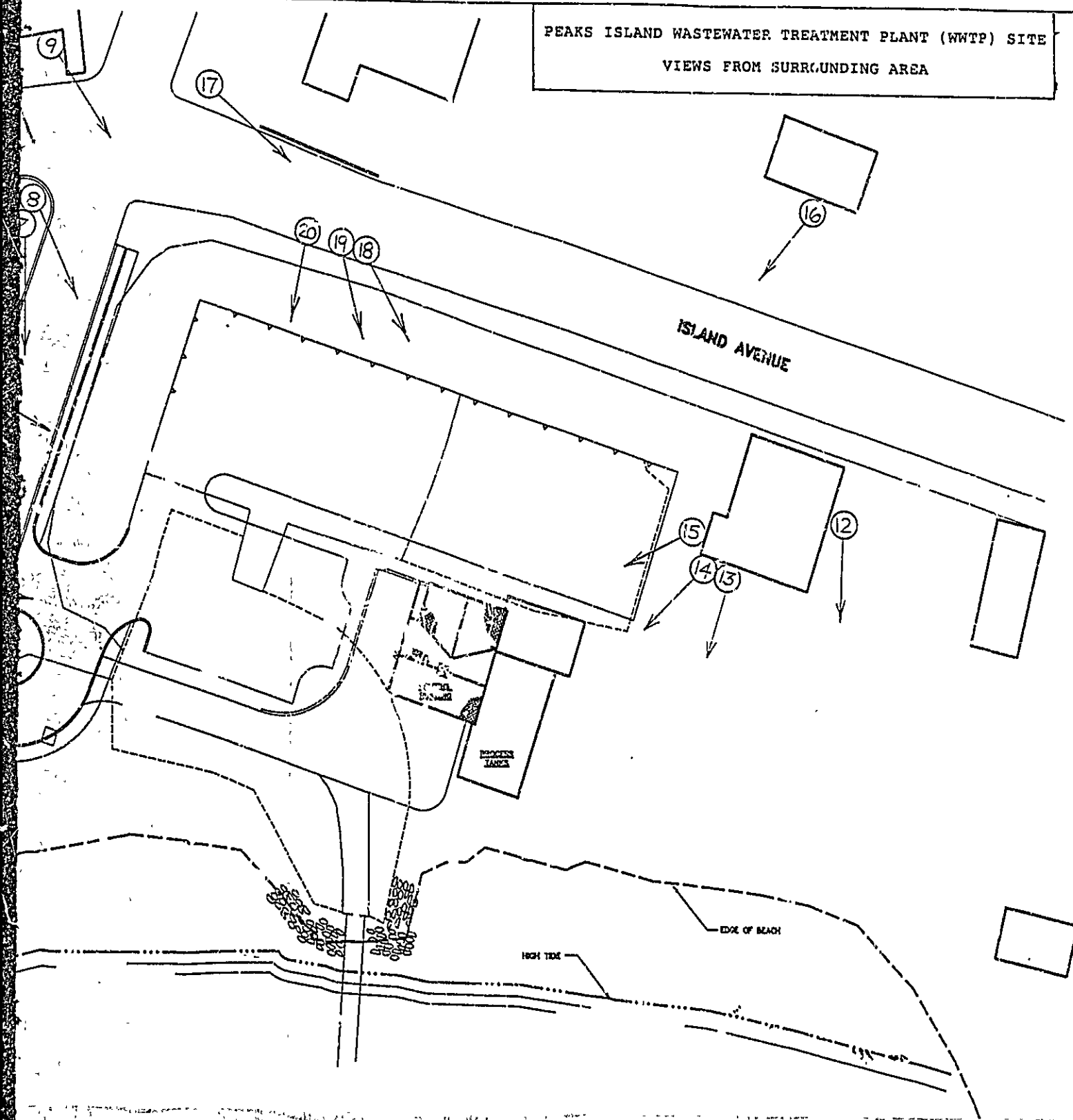


PEAKS ISLAND WASTEWATER TREATMENT PLANT (NWTP) SITE
VIEWS FROM SURROUNDING AREA

1. View of Bay from Jones Landing Restaurant
2. View of parking lot and WWT site from Jones Landing Restaurant
3. View of Casco Bay from Port Island Realty
4. Ditto
5. View of parking lot and WWTP site from Port Island Realty
6. Trees along Welch Street across from Ashmore Realty
7. View of Bay from intersection of Welch and Island Avenue
8. Ditto
9. View towards Bay from Bill Bonn property at intersection of Welch and Island Avenue
10. View towards Bay from home on Island Avenue
11. View towards Bay from Bill Bonn property inland of Island Avenue
12. View of Bay from Keller's B&B, west side
13. View of Bay from Keller's B&B, front window
14. View of Bay and WWTP site from Keller's B&B, front window
15. Ditto
16. View of Bay and WWTP site from David Norton's home
17. View looking down Island Avenue
18. View of Bay and WWTP site from sidewalk on Island Avenue
19. Ditto
20. Ditto



PEAKS ISLAND WASTEWATER TREATMENT PLANT (WWTP) SITE
VIEWS FROM SURROUNDING AREA



CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER D. NAN

August 14, 1989

RE: Lots 84-R-1 through 6 & 20
Island Avenue & Welch Street, Peaks Island

Mr. W. Daniel Jellis, Director of Engineering Services
Portland Water District
P.O. Box 3553
Portland, Maine 04104

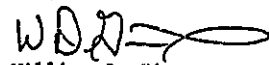
Dear Mr. Jellis:

At the meeting of the Board of Appeals on Thursday evening, August 10, 1989, the Board voted by a unanimous vote of five members present to grant the conditional use appeal for construction of a sewage treatment facility of the above described Peaks Island lots which are located within the I-B and ROS (Island Business and Recreation and Open Space Zones).

An amendment to the Zoning Ordinance to allow sewage treatment facilities as a conditional use in the Recreation and Open Space Zones was approved as an emergency by the City Council on August 7, 1989.

A copy of the Board's decision is enclosed for your records. This appeal would be valid for six months unless an extension is granted by the Board of Appeals.

Sincerely,



William D. Gironx
Zoning Enforcement Officer

Enclosure: Copy of Board's Decision

/el

cc: Merrill S. Seltzer, Chairman of the Board of Appeals
Joseph E. Gray, Jr., Director of Planning & Urban Development
Philip Meyer, Urban Design Planner
P. Samuel Hoffses, Chief of Inspection Services
Arthur Addario, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel
Warren J. Turner, Administrative Assistant



CITY OF PORTLAND

CONDITIONAL USE APPEAL

DECISION

For the Record

Names and addresses of witnesses (proponents, opponents and others):

Ron Jelline Robert Jones
John Carol Ann Parker

Exhibits admitted (e.g., renderings, reports, etc.):

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under Section 14-15.3 of the Zoning Ordinance, for the following reason(s):
2. The proposed conditional use does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):
- 3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):
- 3-B. There will/will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s):

6 3-C. The impact does does not (circle one) differ substantially from the impact which would normally occur from such a use in that zone, for the following reason(s): _____

Conclusion*

After public hearing on 8/10, 1989, and for the reasons above-stated, the accompanying application is hereby (check one)

6 X granted.

_____ granted subject to the following condition(s): _____

_____ denied.

Dated: 8/10/89, 19

Mark A. Wright
Secretary of the Board

* The application may be denied only if EITHER the finding for #1 or 2 above is in the negative OR the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

Approved:
Charles E. G. G. G.
Thomas G. G.
John F. Morelli
Michael G. G.
Christopher C. G.

**EVALUATION OF ALTERNATIVE
SITE FOR THE PEAKS ISLAND
WASTEWATER TREATMENT PLANT**



**J.M. SMITH AND ASSOCIATES PSC
CONSULTING ENGINEERS**

**EVALUATION OF ALTERNATIVE
SITE FOR THE PEAKS ISLAND
WASTEWATER TREATMENT PLANT**

Prepared by:

J.M. Smith & Associates, PSC,
Consulting Engineers
22 Monument Square
Suite 205
Portland, ME 04101

June, 1990

INTRODUCTION

J.M. SMITH & ASSOCIATES, PSC, CONSULTING ENGINEERS was retained to evaluate the technical and economic feasibility of an alternate site for the proposed wastewater treatment plant (WWTP) to serve a portion of Peaks Island. The site currently proposed for the plant is near the corner of Welch Street and Island Avenue. It is adjacent to the ferry landing and a residential area, and is across the street from a restaurant. Many of the local residents are concerned about the aesthetic impact of the proposed facility on the neighborhood, as the plant will be sited at the "gateway" to the island. This report provides a brief analysis of an alternate location for the plant which would be removed from residential areas and the ferry landing, and thus would eliminate any potential concerns for visual impacts, odors, or noise associated with operation of the plant.

BACKGROUND

A 1977 Facility Plan prepared by E.C. Jordan Co. investigated two locations for a WWTP. These were 1) at the north end of Centennial Street, and 2) at an interior location adjacent to the ballfield off Pleasant Street. In 1986, the City received a Section 301(h) discharge waiver, allowing discharge of wastewater subjected only to primary, rather than secondary, treatment. In July of 1988, an updated facilities plan was prepared by Woodard and Curran, Inc. This report proposed that a primary treatment facility be sited at the corner of Welch Street and Island Avenue near the ferry landing. There was no consideration of alternate sites.

The Portland Water District subsequently made the decision to construct a secondary treatment facility at the same site. A pump station would be constructed at the north end of Centennial Street to convey sewage from the Centennial Street drainage area to the plant. The design for the new treatment plant is approximately ten percent complete.

ALTERNATE WWTP SITE

On June 2, an inspection was made of two alternate locations on the southeast portion of the Island off Brackett Avenue. These sites were the existing landfill and the Battery Steele fortifications. Of the two sites, the Battery Steele area was somewhat closer to the ocean, requiring a shorter effluent discharge pipe. Property currently owned by the Star Foundation, directly adjacent to the Battery Steele fortifications, was also inspected. The sites are all in the same general area, approximately one mile east of the Welch Street and Island Avenue site, and are at least 1500 ft. from the nearest residence. The approximate site location is shown on Figure 1.

To convey wastewater to the new site, a pump station would have to be constructed near the Welch Street and Island Avenue site. This would be sized to handle peak flows of approximately 430 gallons per minute (gpm). All wastewater would be collected at this location and pumped through a force main approximately 2100 ft. to a point where it would flow by gravity another 3200 ft. to the wastewater treatment facility. Plant effluent would flow by gravity approximately 1000 ft. to an ocean outfall.

ADVANTAGES OF ALTERNATIVE SITE

A site for the treatment plant near the Battery Steele fortifications would offer several advantages over the proposed site at Welch Street and Island Avenue, as listed below:

1. The plant would be located in a relatively remote area on the Island, and would not be seen by people arriving or departing the island via ferry.
2. The administration/control building and surrounding grounds could be constructed at a lower cost due to the elimination of major concerns with appearance.

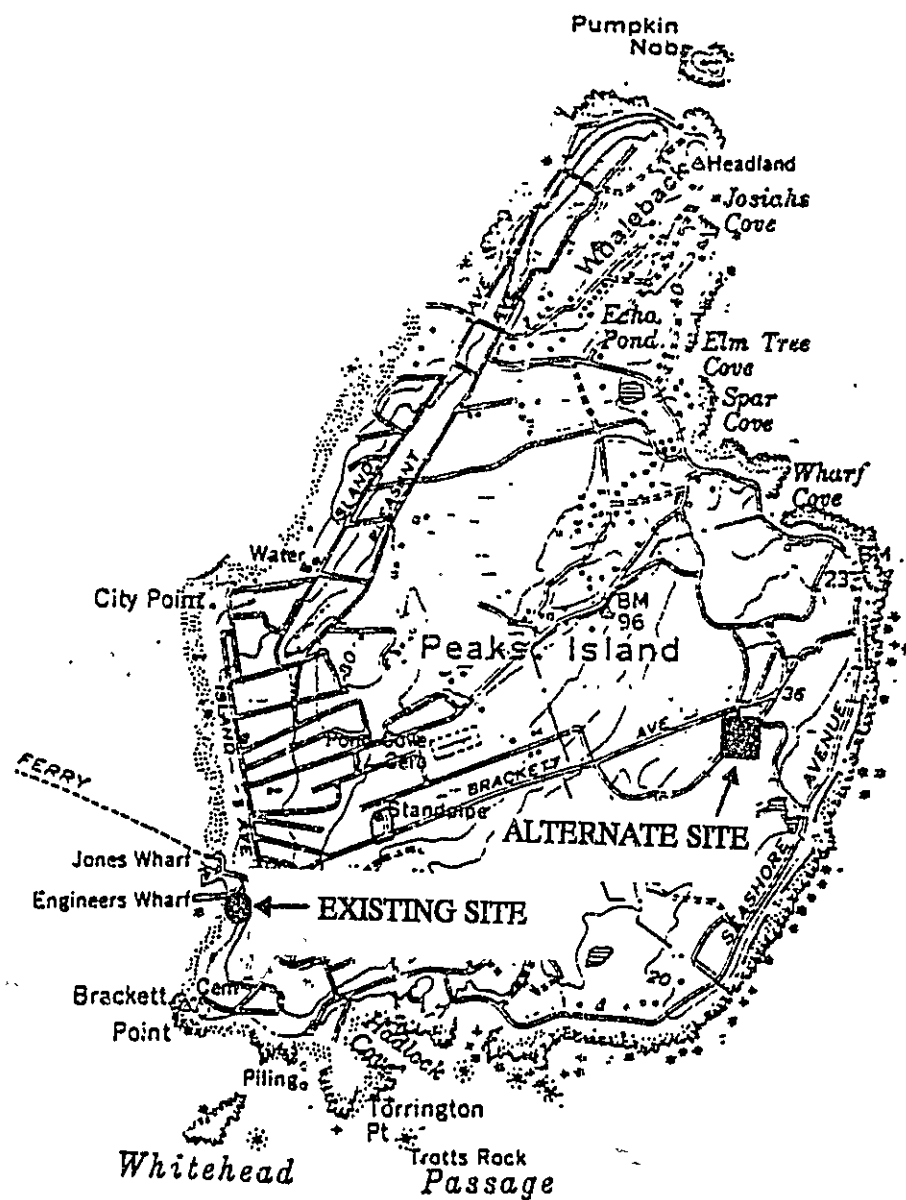


FIGURE 1 POTENTIAL SITES OF PROPOSED WWTTP

3. Any odor or noise emissions from the facility would be attenuated to non-detectable levels well before reaching residential areas.
4. Adequate area would be available to expand or upgrade the facility in the future.
5. Use of a new larger remote site would allow for sludge dewatering and composting. Composted sludge could be used on the Island, eliminating the need for routine trucking of liquid sludge off the Island to the Portland Water District facility.

NET IMPACTS OF ALTERNATE SITE

Table 1 shows estimates of the additional capital costs incurred by locating the WWTP near the Battery Steele site. Pump station costs are estimated from an EPA data base, updated to 1990 dollars, and adjusted to account for the additional costs associated with construction activities on an island. The sewer costs are based on actual bids for sewer construction on Peaks Island. Total estimated cost, including engineering and contingencies, is \$582,000. This cost does not include purchase of land, if required.

Some additional operating costs would be associated with the pump station. Energy cost would likely be in the range of \$1200 to \$1500/yr. Other operation and routine maintenance costs would be approximately \$10,000/yr, including labor and materials.

Relocation of the plant to a more remote site would eliminate the need for a more expensive building that would be in constant public view. Cost savings associated with a simpler yet visually acceptable building could be significant, \$100,000 or more when considering the building shape and exterior design, landscaping, and paving. The odor control system possibly could be scaled down, but not eliminated, at the new location.

TABLE 1
ADDITIONAL CONSTRUCTION COSTS TO RELOCATE
WWTP TO BATTERY STEELE VICINITY

<u>Item</u>	<u>Approximate Installed Cost</u> \$
1. Pump station, 430 gpm capacity	175,000
2. 2100 ft. of force main @ \$40/ft; from pump station to high point in line	84,000
3. 3200 ft. of gravity sewer @ \$45/ft; from high point to WWTP	144,000
4. 1000 ft. of gravity sewer from WWTP to water's edge	<u>45,000</u>
Subtotal	448,000
Engineering and construction supervision @ 15%	67,000
Contingencies @ 15%	<u>67,000</u>
TOTAL CONSTRUCTION COST	\$ 582,000

CONCLUSIONS

1. The selection of an alternative site for the proposed wastewater treatment plant to serve a portion of Peaks Island is technically feasible and has several important advantages.
2. Advantages of a new, more remote site are:
 - a. Aesthetic impacts in a high-visibility, residential area would be eliminated.
 - b. Costs associated with a building sited in a more remote area would be lower due to eliminating the need for a highly attractive, "architecturally-compatible" structure.
 - c. Residents would not be affected by odor and noise emissions.
 - d. Sufficient area would be available for expansion or upgrading in the future.
 - e. Sludge generated at the plant could be dewatered and composted on-site without adversely affecting Island residents, allowing beneficial utilization of sludge on the Island and eliminating the need to haul liquid sludge to the mainland.
3. The additional construction cost associated with building a new pump station and interceptor from the intersection of Welch Street and Island Avenue to the vicinity of Battery Steele is approximately \$530,000. This cost includes the additional length of effluent discharge line from the plant to the ocean outfall. Operating and maintenance costs for the pump station are likely to be \$11,000 to \$12,000 per year.
4. Additional costs to locate the treatment plant near Battery Steele are partially offset by the lower construction cost associated with a simpler, less attractive building and grounds. The advantages listed previously have substantial value for which it is difficult to assign fixed costs.

7/26
 With amendment
 O.H. - but amendment
 will not take effect
 for 30 days unless
 enacted as emergency.
 ZBA can't hear ^{and Waterfront}
 until ordinance is ^{for} 84-R-1 thru 84-R-6
 effect. Cal
 Cor Island Ave P.L.

Cond. Map - 500'
 Aug 10, 1959

granted

1. Harbor
2. Access
3. Get Abuts
4. Get Abuts
5. Env. Abuts
6. Get Owner

Planning Board
 Major Site Plan

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Welch & Island Avenue
Peaks Island
(84-R-1 thru 6 and 20)

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, June 7, 1990 at 7 P.M. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Mr. W. Daniel Jellis, Director of Engineering for the Portland Water District, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a sewage treatment facility in the R-OS Zone on the property identified on the City Assessor's Chart as 84-R-1 thru 6 and 20 on Peaks Island, not allowed unless authorized by the Board of Appeals under the provisions of section 14.155 of the land use code.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

5/18/90
/el

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEVELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Weich & Island Avenue
Peaks Island
(84-R-1 thru 6 and 20)

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, June 21, 1990 at 7 P.M. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Mr. W. Daniel Jellis, Director of Engineering for the Portland Water District, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a sewage treatment facility in the R-OS Zone on the property identified on the City Assessor's Chart as 84-R-1 thru 6 and 20 on Peaks Island, not allowed unless authorized by the Board of Appeals under the provisions of section 14.155 of the land use code. The appeal was postponed from the meeting of June 7, 1990.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

6/8/90
/e

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL J. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERMAIL
MICHAEL E. WESTORT
DEVEY MARTIN

Welch & Island Avenue
Peaks Island
(84-R-1 thru 6 and 20)

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday afternoon, August 2, 1990 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Mr. W. Daniel Jellis, Director of Engineering for the Portland Water District, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a sewage treatment facility in the R-OS Zone on the property identified on the City Assessor's Chart as 84-R-1 thru 6 and 20 on Peaks Island, not allowed unless authorized by the Board of Appeals under the provisions of section 14.155 of the land use code. The appeal was postponed from the meeting of June 21, 1990.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

7/02/90
/el

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Welch & Island Avenue
Peaks Island
(84-R-1 thru 6 and 20)

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday afternoon, August 16, 1990 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Mr. W. Daniel Jellis, Director of Engineering for the Portland Water District, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a sewage treatment facility in the R-OS Zone on the property identified on the City Assessor's Chart as 84-R-1 thru 6 and 20 on Peaks Island, not allowed unless authorized by the Board of Appeals under the provisions of section 14-155 of the Land Use Code. The appeal was postponed from the meetings of June 21, 1990 and August 2, 1990.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

7/31/90
/el

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Welch & Island Avenue
Peaks Island
(84-R-1 thru 6 and 20)

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, August 30, 1990 at 7:00 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Mr. W. Daniel Jellis, Director of Engineering for the Portland Water District, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a sewage treatment facility in the R-OS Zone on the property identified on the City Assessor's Chart as 84-R-1 thru 6 and 20 on Peaks Island, not allowed unless authorized by the Board of Appeals under the provisions of section 14-155 of the Land Use Code. This appeal was postponed from the meetings of June 21, 1990, August 2, 1990, and August 13, 1990.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

8/17/90
/el

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Welch & Island Avenue
Peaks Island
(84-R-1 thru 6 and 20)

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, September 13, 1990 at 7:00 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Mr. W. Daniel Jellis, Director of Engineering for the Portland Water District, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a sewage treatment facility in the R-OS Zone on the property identified on the City Assessor's Chart as 84-R-1 thru 6 and 20 on Peaks Island, not allowed unless authorized by the Board of Appeals under the provisions of section 14-155 of the Land Use Code. This appeal was postponed from the meetings of June 21, 1990, August 2, 1990, August 16, 1990, and August 30, 1990.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

9/04/90
/el

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Welch & Island Avenue
Peaks Island
(84-R-1 thru 6 and 20)

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday afternoon, October 11, 1990 at 3:00 P.M. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Mr. W. Daniel Jellis, Director of Engineering for the Portland Water District, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a sewage treatment facility in the R-OS Zone on the property identified on the City Assessor's Chart as 84-R-1 thru 6 and 20 on Peaks Island, not allowed unless authorized by the Board of Appeals under the provisions of section 14.156 of the Land use code. This appeal was postponed from the meetings of June 7, and 21, August 2, 16, and 30, 1990. The applicant is requesting reconsideration of the Board's decision for denial on Sept. 13, 1990 due to the submission of new evidence.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL F. WESTORT
DEWEY MARTIN

Welch & Island Ave.
Peaks Island
(84-R-1 thru 6 & 20)

May 17, 1990

Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P.O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

This will acknowledge receipt of your conditional use appeal for a proposed wastewater treatment facility to be constructed on Peaks Island in the ROS Recreation and Open Space Zone, part of which site is now being used for a parking lot. Section 14-474 (2)f of the City Zoning Ordinance indicates that approval by the Board is valid for six months following action by the Board unless a longer term or extension is approved at the time of such approval.

This conditional use appeal will be scheduled for the Board's consideration at the meeting of the Board of Appeals on Thursday evening, June 7, 1990, in Room 209, City Hall, Portland, at 7 P.M. A copy of the agenda will be sent to you as soon as copies become available for distribution.

Sincerely,

Warren J. Turner

Warren J. Turner
Administrative Assistant

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
William D. Giroux, Zoning Enforcement Officer
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Welch St. & Island Avenue
(Chart 84 Block R 1-6 & 20)

June 8, 1990

Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P. O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

At the meeting of the Board of Appeals on Thursday evening, June 7, 1990, the Board held a public hearing to consider your application for a conditional use appeal under the provisions of Section 14-474 of the City Zoning Ordinance for a sewage treatment plant in the R-OS Recreation and Open Space Zone on the City owned property at the corner of Welch Street and Island Avenue on Peaks Island.

Following the lengthy public hearing in which you presented your plan, the Board received testimony from the neighboring businesses and abutting property owners, and the Chairman, Mr. Merrill S. Seltzer, ruled to postpone consideration of this conditional use appeal until the next regular meeting of the Board on Thursday evening, June 21, 1990, at 7 P.M. in Room 209, City Hall, Portland. A copy of the agenda for that meeting will be sent to you as soon as copies become available for distribution.

Sincerely,

Warren J. Turner
Warren J. Turner

Administrative Assistant

cc: Norman V. Twaddel, Right of Way Agent, P. O. Box 3553, Portland, Maine 04104
Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
William D. Giroux, Zoning Enforcement Officer
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. NORELL
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEVIEY MARTIN

Welch & Island Avenue
Peaks Island

June 22, 1990

Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P. O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

At the meeting of the Board of Appeals on Thursday evening, June 21st, the Board voted by a unanimous vote of five members present to postpone your conditional use appeal for a sewage treatment facility to be built in the R-OS Zone on Lots 84-R-1 through 6 and 20 at Welch Street and Island Avenue on Peaks Island.

At the request of the Mayor, Peter O'Donnell, and the Director of Public Works, this appeal was postponed in order to allow additional time for a meeting to be held with the Water District, the City officials, and the Island residents. It is with this contemplated meeting in view that the Board and the applicant agreed to postpone this matter within sixty days to permit further study regarding the proposed facility.

It is understood that the Portland Water District will notify this office when this conditional use appeal may be returned to the agenda for the Board of Appeals.

Sincerely,

Warren J. Turner

Warren J. Turner
Administrative Assistant

Enclosures: Letter dated June 21, 1990 from Mayor Peter O'Donnell
Letter dated June 21, 1990 from George A. Flaherty
Director of Parks & Public Works

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
William D. Giroux, Zoning Enforcement Officer
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Welch & Island Avenue
Peaks Island
(84-R-1 thru 6 and 20)

July 10, 1990

Mr. W. Daniel Jellis
Director of Engineering Services
Portland Water District
P. O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

Receipt of your letter dated June 26, 1990 is acknowledged and in accordance with your request the conditional use appeal for the Peaks Island Wastewater Treatment Facility at Welch & Island Avenue on Peaks Island is being placed on the agenda for the meeting of the Board of Appeals on Thursday evening, August 2nd, 1990, at 7 P.M. in Room 209, City Hall, Portland, Maine. This appeal was postponed from the meeting of June 21, 1990 by vote of the Board of Appeals.

A copy of the agenda for the August 2nd meeting will be sent to you as soon as copies become available for distribution.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
Arthur Addato, Code Enforcement Officer
William D. Giroux, Zoning Enforcement Officer
Norman Twaddell, Right of Way Agent, P. O. Box 3033, Portland, Maine, 04104
Charles A. Lane, Associate Corporation Counsel
Rick Knowland, Planner

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Welch St. & Island Avenue
Peaks Island

August 3, 1990

Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P. O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

The afternoon session of the Board of Appeals previously scheduled for Thursday afternoon, August 2nd, 1990, was cancelled in accordance with your request. This conditional use appeal for a sewage treatment plant to be located at the corner of Welch Street and Island Avenue on Peaks Island in the ROS Recreation and Open Space Zone has been postponed by the Board of Appeals to the meeting of the Board on Thursday afternoon, August 16, 1990, at 3:30 P.M. in Room 209, City Hall, Portland, Maine.

An agenda for the August 16th meeting is being sent to you under separate cover.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
William D. Giroux, Zoning Enforcement Officer
Arthur Addato, Code Enforcement Officer
Alexander Jaegerman, Chief Planner
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



August 14, 1989

MERRILL S. SELTZER
Chairman

JOHN C. KIRBY
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAH

RE: Lots 84-R-1 through 6 & 20
Island Avenue & Welch Street, Peaks Island

Mr. W. Daniel Jellis, Director of Engineering Services
Portland Water District
P.O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

At the meeting of the Board of Appeals on Thursday, August 10, 1989, the Board voted by a unanimous vote of five members to grant the conditional use appeal for construction of a sewage treatment facility of the above described Peaks Island lots which are located within the I-B and ROS (Island Business and Recreation and Open Space Zones).

An amendment to the Zoning Ordinance to allow sewage treatment facilities as a conditional use in the Recreation and Open Space Zones was approved as an emergency by the City Council on August 7, 1989.

A copy of the Board's decision is enclosed for your records. This appeal would be valid for six months unless an extension is granted by the Board of Appeals.

Sincerely,


William D. Giroux
Zoning Enforcement Officer

Enclosure: Copy of Board's Decision

/el

cc: Merrill S. Seltzer, Chairman of the Board of Appeals
Joseph E. Gray, Jr., Director of Planning & Urban Development
Philip Meyer, Urban Design Planner
P. Samuel Hoffses, Chief of Inspections Services
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel
Warren J. Turner, Administrative Assistant

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



September 4, 1990

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORY
DEWEY MARTIN

RE: Welch & Island Avenue
Peaks Island

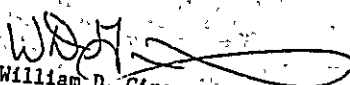
Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P.O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

At the meeting of the Board of Appeals on Thursday evening, August 30, 1990, the Board voted by a vote of 3 opposed to one in favor on the conditional use appeal to permit construction of a sewage treatment facility in the R-OS Zone for the City-owned land at the corner of Welch Street and Island Avenue on Peaks Island. No quorum was reached, therefore this appeal was postponed to the meeting of the Board on Thursday evening, September 13, 1990, at 7 P.M.

A copy of the agenda for that meeting will be sent to you as soon as copies become available for distribution.

Sincerely,


William D. Giroux
Zoning Codes Enforcement Officer

/el

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning and Urban Development
P. Samuel Hoffses, Chief, Inspection Services
Alexander Jaegerman, Chief Planner
Arthur Addato, Code Enforcement Officer
Warren J. Turner, Administrative Assistant
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



Welch St. & Island Ave.
Peaks Island

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

ERIC J. COUVIN

THOMAS F. JEWELL

RAY H. JOHNSON

MICHAEL E. WESTORT

DEWEY MARTIN

September 17, 1990

Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P. O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

At the meeting of the Board of Appeals on Thursday evening, September 13, 1990, the Board voted by a vote of one in favor to four opposed to deny your conditional Use appeal to permit construction of a sewage treatment facility in the R-OS Zone at Welch Street and Island Avenue on Peaks Island.

Following the public hearing, the Board found that the proposed plant would have an adverse impact on the health, safety and welfare of the public or the surrounding area because it was being placed in the area in close proximity to the residences and commercial or business uses there. A petition signed by 192 residents and property owners was furnished the Chairman of the Board in opposition to the site for the proposed treatment plant. Mr. Howard U. Heller, a local realtor of Island property, estimated that approximately five million dollars worth of property within a radius of the site would be devalued by about 20 percent if the site were to be used. Welch Street was considered a "Gateway to Peaks Island" due to the large numbers of people who pass the proposed site to and from the Casco Bay Ferry Landing.

A copy of the Board's decision is enclosed for your records.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

Enclosure: Copy of the Board's Decision

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
William D. Giroux, Zoning Enforcement Officer
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

*Revised per
attached paragraph
from Corp Counsel
by Charles Lane*

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



September 19, 1990

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

Eric J. Couvin
THOMAS F. JEWELL
Ray M. Johnson
MICHAEL F. WESTORT
DEWEY MARTIN

RE: Welch Street & Island Avenue
Peaks Island

Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P.O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

At the meeting of the Board of Appeals on Thursday evening, September 13, 1990, the Board voted by a vote of one in favor to four opposed to deny your conditional use appeal to permit construction of a sewage treatment facility in the R-OS Zone at Welch Street and Island Avenue on Peaks Island.

Following the public hearing, the Board found, among other facts, that the proposed conditional use would obstruct significant scenic views presently enjoyed by residents and passerbys. As a result, the proposed use can not meet the standards imposed by Section 14-156; it does possess unique or distinctive characteristics; and it will have an adverse impact upon the health and safety of the public and the surrounding area. The full reasoning of the Board is reflected in the tape-recording of its deliberations which is available for your review.

A copy of the Board's decision is enclosed for your records.

Sincerely,

Warren J. Turner

Warren J. Turner
Administrative Assistant

Enclosure: Copy of the Board's Decision

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning & Urban Development
Samuel Hoffman, Chief of Inspection Services
William D. Giroux, Zoning Enforcement Officer
Arthur Addato, Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTOFT
DEWEY MARTIN

Welch Street & Island Avenue
Peaks Island

September 21, 1990

Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P. O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

This is to correct a letter sent to you on September 19, 1990, following a review of the tape for the meeting on Thursday evening, September 13, 1990, before the Board of Appeals.

The Board did not find that a significant scenic view was obstructed.

A copy of the Board's decision is enclosed for your records. The Board voted by a majority of four members present to deny your conditional use appeal with only one vote in favor.

The full reasoning of the Board is reflected in the tape recording of its deliberations which is available for review in the Office of Inspection Services, Room 315, City Hall, Portland, Maine.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

Enclosure: Copy of the Board's Decision

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
William D. Giroux, Zoning Codes Enforcement Officer
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel
Christopher S. Neagle, Attorney, One Portland Square, Portland, 04101

CITY OF PORTLAND, MAINE
BOARD OF APPEALS



September 28, 1990

RE: Welch Street & Island Avenue, P.I.

Mr. Christopher Neagle, Attorney
Verrill & Dana
P.O. Box 586
Portland, Maine 04112

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVEPNAIL
MICHAEL E. WESTORT
DEWEY MARTIN

Dear Mr. Neagle:

This will acknowledge receipt of your letter dated September 25, 1990, on behalf of the Portland Water District, requesting that the Board of Appeals reconsider its September 13th decision (as permitted by 30-A. M.R.S.A. Section 2691(F)) by re-opening the decision-making portion of its deliberations in order to conform its findings to the requirements of 1 M.R.S.A. Section 407(1) and Section 14-551(b) of the City's Land Use Ordinance.

Your request will be heard on October 11, 1990 at 3:00 P.M.

We believe that it would be appropriate for one of the four members who voted against this project to initiate a request for its reconsideration. You may wish to contact one of the members to request that such a step be taken at the opening of the meeting.

While the City Council adopted a Council Resolution on June 20, 1988, the ROS Zone was amended to include sewage treatment facilities as a conditional use appeal by the City Council, also. This is interpreted to mean that before building permit applications can be granted, such uses must be given a public hearing with notice to surrounding owners and such public hearing is held by the Board of Appeals. At that time, the possible impact of the proposed use is evaluated according to the standards contained in the Zoning Ordinance in Sections 14-156 and 14-474. At that time, the Board of Appeals is delegated the authority to approve or deny such proposed conditional uses.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

/el

cc: Merrill S. Seltzer, Chairman of the Board of Appeals
Joseph E. Gray, Jr., Director of Planning & Urban Development
P. Samuel Hoffses, Chief of Inspection Services
William D. Giroux, Zoning Codes Enforcement Officer
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel
F. Jay Mayer, Esq., 85 Exchange St. Portland, Maine 04101
389 CONGRESS STREET • PORTLAND, MAINE 04101 • TELEPHONE (207) 874-8300

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

ERIC J. GOUVIN
THOMAS F. JEWELL
RAY M. JOHNSON
DEWEY MARTIN, JR.
MICHAEL E. WESTORT

Welch St. & Island Ave.
Peaks Island

October 15, 1990

Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P. O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

At the meeting of the Board of Appeals on Thursday afternoon, October 11th, in City Hall, the Board voted by a majority of six votes to deny your request for reconsideration of their decision on September 13, 1990, as requested by your attorney, Mr. Christopher Neagle.

Sincerely,

Warren J. Turner

Warren J. Turner
Administrative Assistant

cc: Christopher Neagle, Attorney, Verrill Danz, P. O. Box 586, Portland 04112
Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
William D. Giroux, Zoning Enforcement Officer
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



October 17, 1990

RE: Welch Street & Island Avenue
Peaks Island, Maine

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

ERIC J. GOUVIN
THOMAS F. JE VELL
RAY M. JOHNSON
DEWEY MARTIN, JR.
MICHAEL E. WESTORT

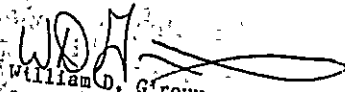
Mr. W. Daniel Jellis
Director of Engineering
Portland Water District
P.O. Box 3553
Portland, Maine 04104

Dear Mr. Jellis:

This is to further clarify the letter written by Mr. Warren Turner dated
October 15, 1990.

A motion was made for reconsideration. The motion failed because of a lack
of a second.

Sincerely,


William D. Giroux
Zoning Codes Enforcement Officer

/el

cc: Christopher Neagle, Atty, Verrill Dana, P.O. Box 586, Portland 04112
Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning & Urban Development
P. Samuel Hoffses, Chief of Inspection Services
Warren J. Turner, Administrative Assistant
Arthur Addato, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Gerry Pelletier, Data Pelletier
FROM: Warren Turner, Administrative Assistant
SUBJECT: Labels for Portland Water Dist. 84-R-1 thru 6 and 20 Appeal

DATE:
July 24, 1989

May we please have the following labels:

84-I	84-J	84-K	84-L	84-M	84-P
84-Q	84-R	84-AA			

Thank You *WTA*

/el

63 notices

ANDERSON JOHN A III
ISLAND AVE
PEAKS ISLAND ME

084 - M-209

04108

RAIRD DONALD G
GREENWOOD ST
PEAKS ISLAND MAINE

084 - R-233

04108

BLANEY LOCKHART M
75 ADAMS ST
PEAKS ISLAND MAINE

084 - M-206

04108

(2) JOHN WILLIAM A C
JOHN C LAMONSKY JTS
70 WARMER ST
MAPLEWOOD N J
084 - K-710

07044

ROYD RICHARD F
FPPS ST
PEAKS ISLAND MAINE

084 - J-209

04108

RHOOKMAN GARY M &
TATYANNA SE EDIN JTS
ISLAND AVE
PEAKS ISLAND ME
084 - J-704

04108

PROSTUS EMILY
BRACKETT AVE
PEAKS ISLAND
MAINE
084 - K-209

04108

CARIGNAN DENNIS H &
GEORGETTE B GINGRAS
JTS BRACKETT AVENUE
PEAKS ISLAND MAINE
084 - K-711

04108

CARTER G WILLIAM III
F BARBARA ANN JTS
158 HIGHLAND AVE
WINCHESTER MA
084 - M-701

01890

FSMOWITZ LEONARD
TRYING ET AL
RD MILTON ST
ARLINGTON MASS
084 - R-212

02174

FEENEY JOHN F SR ETAL
JTS & FEENEY'S MARKET
SPRUCE AVE
PEAKS ISLAND, MAINE
084 - C-201

04108

HARROW JAMES E &
WENDY L JTS
59 CURTIS RD
PORTLAND, MAINE
084 - I-701

04103

HELLER BETTY D &
HOWARD U JTS
SEASHORE AVE
PEAKS ISLAND MAINE
084 - C-704

04108

MORTON ELLEN B &
JOHN JTS
OAKLAND AVE
PEAKS ISLAND ME
084 - K-202

04109

TIVERS NANCY L
HERMAN AVE
PEAKS ISLAND ME
084 - K-208

04108

TIVERS, RICHARD D &
PATRICIA J JTS
VARNEY HILL RD
WINDHAM, ME
084 - P-204

04062

COTTON GEORGE R &
GLORIA L
72 SURRY LANE
LEWISTON ME
084 - P-700

04240

COTTON GEORGE R &
GLORIA L JTS
DAK AVE
PEAKS ISLAND MAINE

JACKSONS SERVICE
CENTER INC
PEAKS ISLAND ME

084 - L-009

04109

KELLER ARTHUR H &
ELIZABETH JTS TRUST
P O BOX 9
PEAKS ISLAND MAINE
084 - R-032

04108

KENNEDY HARRIS W &
DONALD G
77 BROADWAY
PORTLAND ME
084 - R-318

04103

NUTTING MAXWELL E
WW IT VET
ADAMS ST
PEAKS ISLAND ME
084 - M-305

04108

O'SULLIVAN ALICE C &
LOUISE G JTS APT 48
8300 KENNEDY BLVD EAST
NORTH BERGEN NJ
084 - M-302

07047

O'SULLIVAN ALICE C &
LOUISE G JTS APT 48
9300 KENNEDY BLVD EAST
NORTH BERGEN NJ
084 - M-314

07047

LAGOULIS JAMES &
GEORGE W CLARK JR TRS
79 STATE ST
NEWBURYPORT, MA
084 - O-002

01950

LAGOULIS JAMES &
GEORGE W CLARK JR TRS
JONES LNDG WELCH ST
PEAKS ISLAND MAINE
084 - O-003

04108

LYONS DAVID A
BOX 340
LONDONDERRY NH

084 - L-001

03053

MACDOERMOTT JOHN T &
JANE C JTS
ISLAND AVE
PEAKS ISLAND MAINE
084 - O-010

04109

MALONEY JOHN F &
NANCY A JTS
94 GRANDVIEW ST
SPRINGFIELD MA
084 - R-710

01118

PAINE DEBORAH JO
ISLAND AVE
PEAKS ISLAND
MAINE
084 - R-308

04108

PAPPO ALICE MACVANE &
JOSEPH R PAPPO ET AL
JTS 54 COTTAGE FARMS
CAPE ELIZABETH MAINE
084 - P-002

04107

PARKER CAROLYN T
ISLAND AVE
PEAKS ISLAND MAINE
084 - R-030

04108

PARKER EDWARD &
FERN E
BRACKETT AVE
PEAKS ISLAND, MAINE
084 - J-001

04108

MCCARTHY KATHLEEN
28 ADAMS ST
PEAKS ISLAND MAINE
084 - M-304

04108

MOUNTFORT CARROLL W
WW IT VET
BRACKETT ST
PEAKS ISLAND ME
084 - K-012

04109

NORTON DAVID S
ISLAND AVE
PEAKS ISLAND MAINE
084 - M-010

04108

PETERSON JOHN R &
SYLVIA A OR SURV
ADAMS ST
PEAKS ISLAND ME
084 - M-007

04108

PLANTE LTONEL P
ISLAND AVE
PEAKS ISLAND ME
084 - P-001

04108

REPETA THOMAS J AND
JOANN C JTS
51 MUNJOY ST
PORTLAND ME
084 - K-001

04101

ROCKWELL DENNIS W &
PATRICIA A JTS
WELCH ST
PEAKS ISLAND MAINE
084 - K-016

04108

SPEAR ROBERT R
& LORRAINE W JTS
HADLOCKS COVE
PEAKS ISLAND ME
084 - P-006

04108

STANTON LESLIE S WHIT
VET & MILDRED F JTS
OAK AVE
PEAKS ISLAND ME
084 - R-011

04108

STEVENS ROBERT L
BRACKETT AVE
PEAKS ISLAND MAINE

084 - J-003

04108

STIMSON ROBERT G &
MARY T JTS
P O BOX 4711 DTS
PORTLAND ME
084 - I-008

04112

SULLIVAN FRANCIS J
WHITVET LIFE INTEREST
OAK AVE
PEAKS ISLAND ME
084 - R-013

04108

WALSH ROSEAN C
EDWARD F
EPPS ST
PEAKS ISLAND MAINE
084 - I-011

04108

WEINTRAUB PHYLLIS S &
CARROLL C. SPAFFORD
11 RIVERHIDE DR #12LW
NEW YORK NY
084 - L-012

10023

WILDER AURORE BLANCHE
& DONALD A JTS
EPPS ST
PEAKS ISLAND ME
084 - I-009

04108

VILLARD ELIZABETH L
HEIRS
EPPS ST & ISLAND AVE
PEAKS ISLAND MAINE
084 - I-005

04108

WRIGHT DONALD &
MARY G JTS
14 MASSASOIT DR
LEICESTER MA
084 - K-006

01524

MAINE PORT AUTHORITY
C/O RUSSELL SPINNEY
TRANS. BLDG. STATION 16
AUGUSTA, ME
084 - R-023

04333

PEAKS ISLAND LIONS
CLUB
GARDEN PLACE
PEAKS IS ME
084 - R-025

04108

PORTLAND CITY OF

084 - R-001

04101

RANDALL EARL MACVEILL
POST #147 AMERICAN
LEGION INC
PEAKS ISLAND ME
084 - K-004

04108

Corland Water Dist.
84-R-1 thru 6
420

- 84-N-24 In Addition to Labels D.P.
Clement & Fayette Voyer
Greenwood St D.I. 04108
- 7-12 Mary O. Dennison
Adams St D.I. 04108
- 7-13 Charles F. & Christine Kihill
31 Old Neck Rd Scarborough 04074
- 7-15 Thomas W & Dorothy Wilson
116 Hyman Rd Milton, Mass 02186
- 7-16 Philip J. Barbrick
18 Park St 04101 ret'd
- 7-17 Susan & William Hallenbach
780 Dawson Ave - Haverstown, PA
19083
- Z-20 Elizabeth B Van Wyck
Adams St D.I. 04108
- Z-21 Barry M & Cheryl M Shaw
Wilch St 04108
- Z-19 Guy Van Wyck
- A-9 David Weissmann ret'd
Cor Wilch & Adams St D.I. 04108
- max

Parks & Public Works

George A. Flaherty
Director

CITY OF PORTLAND

NOTICE TO PEAKS ISLANDERS

Please take notice that the Portland City Council will be considering two items relating to the Portland Water District's proposed Peaks Island Wastewater Treatment Facility at their afternoon meeting scheduled for August 7, 1989 at 4:00 PM. in the City Council Chambers at City Hall, 389 Congress Street, Portland, Maine.

The first item is a proposed easement for a portion of the City-owned property located at the corner of Welch Street and Island Avenue for the treatment facility. The second item is a proposed text change to the Zoning Ordinance to allow as a conditional use wastewater treatment facilities within the Recreation and Open Space Zone with certain minimum space and bulk requirements waived. The City Council will be conducting a formal public hearing on these items.

55 Portland Street

Portland, Maine 04101

(207) 874-8493

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DIHAN

July 25, 1989

RE: 84-R-1 thru 6 & 20 Peaks Island

Portland Water District
c/o W. Daniel Jellis
Director of Engineering Services
P.O. Box 3553
Portland, Maine 04104

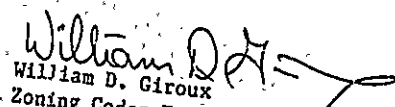
Dear Mr. Jellis:

This letter will acknowledge receipt of your application for a conditional use permit on the above mentioned property. It is understood that the Portland Water District would like to construct a sewage treatment facility on this location. This might be allowed under section 14.155 of the land use code if an amendment proposal is approved at the City Council Meeting on August 7th. Pending approval, your appeal will be heard at the meeting of the Board of Appeals scheduled for 7:00 P.M. on August 10, 1989 in Room 209, City Hall.

A copy of the agenda for this meeting will be sent to you as soon as copies become available for distribution.

Please contact me if you have any questions.

Sincerely,


William D. Giroux
Zoning Codes Enforcement Officer

/el

cc: Merrill S. Seltzer, Chairman of the Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services
Warren J. Turner, Administrative Assistant
Charles Lane, Associate Corporation Counsel
Arthur Addato, Code Enforcement Officer



CITY OF PORTLAND

CONDITIONAL USE APPEAL

APPLICATION

Applicant's name and address: Portland Water District
P.O. Box 3553, Portland, Maine 04104-3553

Applicant's interest in property (e.g., owner, purchaser, etc.):
Proposed Easement (on Council Agenda August 7)

Owner's name and address (if different): City of Portland
389 Congress Street, Portland, Maine 04101

Address of property (or Assessor's chart, block and lot number):
Assessors Chart 84, Block R, Lots 1 thru 6, 20

Zone: R-OS Present use: Parking, Beach

Type of conditional use proposed: Wastewater Treatment Facility

Conditional use authorized by: Section 14- 155 (3)
(Text change on Council Agenda for August 7, 1989 allowing sewage treatment plant as conditional use).

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: July 21, 19 89

W. Daniel Jellis
Signature of Applicant

W. DANIEL JELLIS
DIRECTOR OF ENGINEERING SERVICES

RECEIVED

JUL 21 1989

DEPT. OF BUILDING INSPECTIONS
CITY OF PORTLAND



225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

July 21, 1989

(207) 774-5961

Zoning Board Of Appeals
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Peaks Island Wastewater Treatment Facility

Dear Sirs:

The Portland Water District is presently designing a wastewater treatment facility to serve the existing municipal sewer system that presently discharges untreated sewage into Casco Bay in two locations on Peaks Island. The proposed facility is to be located on property owned by the City of Portland at the corner of Welch Street and Island Avenue which is in the Recreation and Open Space Zone.

To date the District has been before the Planning Board and then the City Council for first reading on a zoning that change that would make wastewater treatment facilities a conditional use in the R-OS Zone and also would waive some space and bulk requirements. The second reading is scheduled for the Council meeting on August 7, 1989. The Council is also scheduled to authorize the granting of an easement to the Portland Water District for the facility at this meeting. There is an emergency preamble on the zoning changes making them effective immediately upon passage so that we can proceed with Conditional Use and Site Plan Review and hopefully begin construction this fall.

I have enclosed copies of the application, this cover letter, site plans and photographs of the property for your review along with a check for \$50.00 for the appeal fee.

If you have any questions or need further information, do not hesitate to call Dan Jellis or me at 761-8300.

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel

Norman V. Twaddel
Right of Way Agent

RECEIVED

JUL 21 1989

DEPT OF BUILDING INSPECTIONS
CITY OF PORTLAND

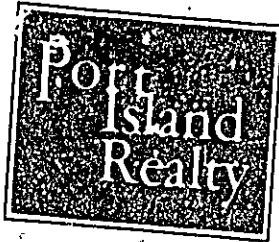
JUL 21 1989

STATE OF NEW YORK
COUNTY OF ALBANY



JUL 21 1989





PHONE (207) 775-7253
(207) 766-5085

WELCH STREET
PEAKS ISLAND 04108

334 FORE STREET
P.O. BOX 7341
PORTLAND, MAINE 04112

August 10, 1989

To: Zoning Board Of Appeals
City of Portland

From: Howard U. Heller

A handwritten signature in dark ink, appearing to read "Howard U. Heller", is written over the printed name.

As a property owner of a two-family home, an office and a rental unit located within less than five hundred feet of the suggested location of the Peaks Island Sewerage Treatment Plant, I must be alterably opposed to this proposed site. All Sewage Treatment Plants have problems of odor and, at times, of malfunction. Most plants have some odor even when functioning properly.

Forest City Landing, Welch St. and Island Ave. represent the entrance to the Island as well the center of commercial activity. It represents the most valuable and populated area of Peaks Island. Many, many millions of dollars worth of taxable property will be adversely effected. The entire Island will lose appeal if the only entrance to the Island is 200 feet from a sewage plant.

Peaks Island definitely needs a Treatment Plant. Several alternative sites should be explored. City and State land away from development (such as land near the ball field) seem sensible and possible. The discharge should be in open ocean or on the north or south ends of the Island where the flushing action of the tides will prevent stagnation problems.

Pumping Stations may be required for any system. Although costs of an alternative site might be higher, preserving current property values and the Tax Base may, in the long run, be the most economical way to go.

Please explore alternatives before approving this proposal.

ANTIQUE, ARCHITECTURALLY DISTINGUISHED PORT. AND ISLAND PROPERTY

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: George A. Flaherty, Director of Parks and Public Works
FROM: William B. Goodwin, P.E., Environmental Projects Engineer
SUBJECT: Peaks Island Wastewater Treatment Facility

DATE: 7/21/89

William B. Goodwin

Attached please find a copy of the notice of the public hearing to be conducted by City Council at their afternoon meeting on August 7, 1989. I have made 150 copies and will post 20 at various locations on the Island on Saturday, July 22. I will also post 5 at the Casco Bay Lines terminal on the mainland and set 50 in their pamphlet display case for Islanders to pick up. The other 75 will be left at the check out counter at Bayview Market on the Island.

I have called Counselor Abromson and mailed notices to Tom Finley and Dick Paulson who had contacted her regarding these items. I have not yet been able to reach Counselor Bernstein to obtain the names of the two persons who contacted him. I will continue to try to reach him and mail additional notices to these individuals once I have obtained their identity.

WBG/rca

cc: Daniel Jellis, P.E., Director of Engineering Services, Portland Water District.

P.S. I contacted Counselor Bernstein at 11:30 on July 21. He then told me that he had not received any calls on the Peaks Island Treatment Facility items.

(5)654(6)66 - 7/17/89

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Robert B. Canlay - City Manager
FROM: George A. Flaherty - Director Parks/Public Works
SUBJECT: Peaks Island - Waste Water Treatment Facility

DATE: 7/12/89

Please submit the attached council order for consideration at the July 17, 1989, meeting of the Portland City Council.

The City Council on June 20, 1988, approved a resolution (43) endorsing the Portland Water District's application for grant funds to design and construct a waste water interception and treatment facility on Peaks Island.

The City is obligated under P.L. 92-500 and the conditions of its National Pollutant Discharge Elimination System (N.P.D.E.S.) permit to file for this grant in order to fund a treatment plant for Peaks Island.

The estimated cost to construct this facility is \$2,400,000.
The estimated City share of this project is \$568,000.

The first item is a contract with Woodard and Curran and the Portland Water District for engineering services on the wastewater treatment facility site. A contract for design services for the facility already exists between Woodard and Curran and the Portland Water District. The reason for the City's involvement in this contract agreement is due to possible ground water contamination of the site.

State law requires the owner of the property to be responsible for the abatement of any ground water contamination. Since the Portland Water District is not the property owner, the city must become a party to this contract. Cost to clean-up any ground water contamination will be funded through this project. At this time, no cost estimate is available.

The second item is an easement to the Portland Water District to allow them to construct and maintain the waste water treatment facility on City property.

The property in question is a small portion of unused land in the area of the Peaks Island Welch Street parking lot.

9672
GAF/cmt

pc: Nadeen Daniels - Assistant to the City Manager
David Lourie - Corporation Counsel
Donna Katsiavicas - Associate Corporation Counsel
William S. Boothby - Acting City Engineer
William B. Goodwin - Environmental Engineer

Desk File
Attachments

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

TO: George Flaherty, Director of Parks & Public Works
FROM: Donna Katsiaficas, Associate Corporation Counsel
DATE: July 11, 1989
RE: Wastewater Treatment Facility - Request for Council Action

I believe that you should request Council action on two items relating to the Peaks Island wastewater treatment facility.

The first item is a contract with Woodard and Curran and the Portland Water District for engineering services on the wastewater treatment facility site. A contract for design services for the facility already exists between Woodard and Curran and the Water District. Either an amendment to the original contract or a separate agreement between the City and Woodard and Curran is required to provide for site evaluation services. The site evaluation is required in order to assess possible contamination of the site.

The second item is an easement to the Portland Water District for the wastewater treatment facility on the Peaks Island site. The City will be granting an easement to the District for purposes of constructing and maintaining the wastewater treatment facility. The City wants to retain title to the site because the useful life of the plant is not known at this time.

Donna M. Katsiaficas
Donna M. Katsiaficas
Associate Corporation Counsel

DMK/tb

RECEIVED

JUL 11 1989

PARKS/PUBLIC WORKS

6665

ORDER

AUTHORIZING EASEMENT TO
PORTLAND WATER DISTRICT
FOR WASTEWATER TREATMENT
FACILITY SITE ON PEAKS ISLAND

(Robert B. Ganley, City Manager)

IN THE CITY COUNCIL

July 17, 1989

Attest:

Jane Duggan
City Clerk.

Yeas

Nays

Given first reading. Motion to table, passed, 8 Yeas.

August 7, 1989-Removed from the table. Given
second reading and passed, 9 Yeas (Flumb, Bernstein,
Dorler in).

(5)65-7/17/89

City of Portland, Maine
IN THE CITY COUNCIL

**ORDER AUTHORIZING EASEMENT TO PORTLAND WATER DISTRICT
FOR WASTEWATER TREATMENT FACILITY SITE ON PEAKS ISLAND**

ORDERED, that the City Manager is authorized to execute an easement, for purposes of conveying an easement to the Portland Water District for the construction and maintenance of a Waste Water Treatment Facility on Peaks Island.

PWD.DMK.ORD.2
7.12.89

(7)67-7/17/89

City of Portland, Maine
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
SS14-155, 14-157 (ZONING ORDINANCE)
RE: SEWER TREATMENT PLANTS IN THE R-OS ZONE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. Section 14-155(3) is hereby amended as follows:

Sec. 14-155. Conditional Uses.

The following uses are conditional uses in the recreation and open space zone, subject to approval by the board of appeals.

- (3) Water pumping stations and, sewage pumping stations and sewage treatment facilities.

2. Section 14-157 is hereby amended as follows:

Sec. 14-157. Space and bulk requirements.

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements:

- (4) Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this standard.
- (6) Maximum coverage of lot by buildings, structures and other impervious site improvements such as paved sidewalks, drives and parking lots: Twenty-five (25) percent of lot area, except that sewage treatment facilities are not required to meet this standard.

BE IT FURTHER ORDAINED that the above provisions shall take effect immediately as an emergency, pursuant to Article II, Section 8 of the Portland City Charter, in order to allow the Portland Water District to commence its wastewater treatment facility during the current construction season.

BE IT FURTHER ORDAINED that the above provision shall apply to all proceedings pending at the date of passage.

14-155-7.SEWER.NLB.4
07.6.89

AMENDMENT TO ZONING MAP
RE: CONDITIONAL USES IN
R-OS ZONE, PEAKS ISLAND

(Planning Board, Barbara
Vestal, Chair.)

IN THE CITY COUNCIL

July 17, 1989

Given first reading.
August 7, 1989-Removed from the table.
Given second reading and passed, 9 Years.

Attest:

Joan Rugga
City Clerk.