

Applicant: *Martin Burnett* Date: *Jan 10, 1991*
Address: *Sandpiper Road, Peckes Island*
Assessors No.: *85-DD-5*

CHECK LIST AGAINST ZONING ORDINANCE

*Formerly Elizabeth -
Homer Perkins
and Marjorie Pluffe
since July '86*

Date -

Zone Location - *IR-1 Zone*

Interior or corner lot -

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 -

Site Plan -

Shoreland Zoning -

Flood Plains -

*Request for reversal of Zoning Officer's decision
to deny a permit for parking
of one commercial vehicle on
a residentially zoned lot - Inter-
pretation appeal*

vacant lot 20942 sq ft.

L # 8210

Lionel Plante Associates

ISLAND AVE.
PEAKS ISLAND, MAINE 04108
(207) 766-2508

ofc copy

Mr. Larry Walden
Peaks Island Fuel Co-op
P.O. Box 98
Peaks Island, ME 04108

December 5, 1990

Dear Larry,

It has come to our attention that the Fuel Co-op may be experiencing difficulties in safely obtaining fuel supplies while the Machigonne II is in drydock. As you know, Lionel Plante Associates operates a licensed fuel transfer facility here on Peaks. If the Co-op is in need of such a facility, we would certainly be willing to discuss a business arrangement which would allow you to utilize this site while the ferry is out of service. If you are interested in discussing details, please contact me at 766-2508.

Sincerely,

Coleman A. Mulkern
Vice President
Lionel Plante Associates

Permit # _____ City of Portland **BUILDING PERMIT APPLICATION** Fee \$50. Zone _____ Map # _____ Lot# _____
 Please fill out any part which applies to job. Proper plans must accompany form.

Owner: Martin Burnett Phone # 766-4436
 Address: 7 Luther St; Peaks Island, ME 04108
 LOCATION OF CONSTRUCTION 85-D-D-5 Sandpiper RD
 Contractor: _____ Sub: _____ Peaks Island
 Address: _____ Phone # _____
 Est. Construction Cost: _____ Proposed Use: _____
 Past Use: _____
 # 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 INTERPRETATION APPEAL

For Official Use Only
 Date 12/17/90 Subdivision: _____
 Inside Fire Limits _____ Name _____
 Bldg Code _____ Lot _____
 Time Limit _____ Ownership: _____ Public _____ Private _____
 Estimated Cost _____

Zoning: _____
 Street Frontage Provided: _____
 Provided Setbacks: Front _____ Back _____ Side _____ 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) _____

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: _____
 4. Joists Size: _____ Spacing 16" O.C.
 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 _____

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

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

Chimneys:
 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 Louise E. Chase
 Signature of Applicant [Signature] Date 12-17-90
 Signature of CEO Martin Burnett Date _____

Inspection Dates _____

Appeal Denied 12-16-91

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. WESTFORD

Sandpiper Road
Peaks Island

January 11, 1991


Mr. Martin Burnett
7 Luther Street
Peaks Island, Maine

Dear Mr. Burnett:

At the meeting of the Board of Appeals on Thursday evening, January 10th, the Board voted by a unanimous vote of four members present and voting to uphold the decision of the Zoning Administrator in denying your application for a permit to allow temporary use of the lot (85-DD-5) which the Peaks Island Fuel Co-op is leasing on Sandpiper Road, Peaks Island.

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

Sincerely,


Warren J. Turner
Administrative Assistant

Enclosure: Copy of Board's Decision

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

1/10/91

Sturdivant Road
85-DD-5
IR-1 Zone



CITY OF PORTLAND
INTERPRETATION APPEAL

DECISION

For the Record

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

<u>Martin Burnette</u>	<u>Coleman Mulken</u>
_____	<u>Terrance Mulken</u>
_____	<u>Cathy Plante</u>

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

Findings of Fact

1. The Board finds as fact that: - Motion - To uphold
the decision of the building inspector -

2. The finding(s) of fact above-stated is(are) based on the following reasons: _____

Determinations of Law

1. The Board determines as a matter of law that: _____

2. The determination(s) of law above-stated is(are) based on the following reasoning: _____

Conclusion

After public hearing on Jan. 10, 1991, and for the reasons above-stated, the accompanying application is hereby (check one)

granted.

granted subject to the following condition(s):

denied.

Dated: Jan. 10, 1991

John C. Furoe
Secretary of the Board

~~AS~~ Favor - 4

~~AS~~ Opposed - 0

John C. Furoe
Thomas Powell
Wesley [unclear]
R. J. [unclear]

12-17-90
ZONING BOARD OF APPEALS
389 CONGRESS ST
PORTLAND, ME 04101

TO:
THE MEMBERS OF THE ZONING BOARD OF APPEALS

THE PEAKS ISLAND FUEL COOP RESPECTFULLY
SUBMITS APPLICATION FOR APPEAL TO THE
DECISION RENDERED NOVEMBER 29, 1979 SIGNED
BY WILLIAM GIBSON MAY I EXPRESS THE
MEMBERS THAT THIS IS ONLY TEMPORARY USE
(3.31.90) OR UNTIL THE MICHIGONNE II IS
RESTORED TO SERVICE, WHICH GURA IS
SOONER.

THANKING THIS BOARD IN ADVANCE
FOR YOUR CONSIDERATION I AM TRULY YOURS
MARTHA BUNNITE



CITY OF PORTLAND

INTERPRETATION APPEAL

APPLICATION

Applicant's name and address: PEAKS IS FUGL COOP

MARTIN BURNETTE P.O. Box 98 PEAKS IS, ME 04108

Applicant's interest in property (e.g., owner, purchaser, etc.):

RENTOR

Owner's name and address (if different):

Address of property (or Assessor's chart, block and lot number):

MAP 85 DD 5

Zone: R1 Present use: HOUSE LOT

Order, decision, determination, or interpretation complained of:

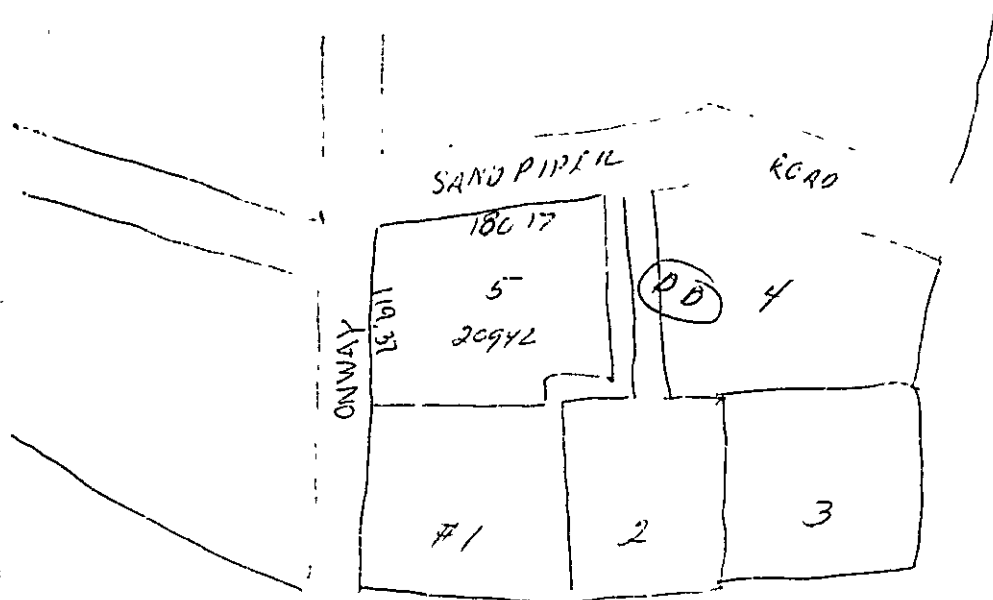
Disputed provision: Section 14-335 (1)

Type of relief requested: TO ALLOW 1 COMMERCIAL TRUCK TO PARK RT SIDE

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

Dated: DEC 14, 19 90

Martin Burnette
Signature of Applicant



MAP # 85
PLAINS ISLAND



CITY OF PORTLAND, MAINE

338 CONGRESS STREET
PORTLAND, MAINE 04103
(207) 874-8300

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF
INSPECTION SERVICES DIVISION

November 29, 1990

RE: Sandpiper Rd. Peaks Island

Peaks Island Fuel Co-op
Box 98
Peaks Island, Maine 04108
c/o Martin Burnette

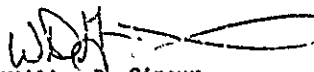
Dear Mr. Burnette,

This letter is in reference to your application to change the use at 85-DD-5 Sandpiper Road, Peaks Island.

I am unable to approve this use because it is not permitted under section 14-145.2 of the Land Use Code. We understand you wish to exercise your appeal rights in this matter.

It will be necessary for you to submit a complete application for appeal to this office prior to noon, December 17th, 1990. Failure to do so will result in my referral to the City's Corporation Counsel for legal action.

Sincerely,


William D. Giroux
Zoning Enforcement Officer

/el

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
P. Samuel Hoffses, Chief of Inspection Services
Warren J. Turner, Administrative Assistant
Arthur Addato, Code Enforcement Officer
Arthur Rowe, Code Enforcement Officer
Charles Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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JOHN C. KNOX
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THOMAS F. JEWELL
RAY M. JOHNSON
DEWEY MARTIN, JR.
MICHAEL E. WESTORT

Sandpiper Road
Peaks Island

December 17, 1990

Mr. Martin Burnett
7 Luther Street
Peaks Island, Maine 04108

Dear Mr. Burnett:

This will acknowledge receipt of your application for an interpretation appeal for your land (Lot 85-D-D-5) on Sandpiper Road, Peaks Island in the Peaks Island Residence Zone. On November 29th a letter was sent to Mr. Burnett of the Peaks Island Fuel Co-operative advising him that his application to change the use at that location was not permitted under Section 14-145.2 of the Land Use Code.

Mr. Burnett is requesting an interpretation appeal before the Board of Appeals to consider permission for a temporary use of his land to allow one commercial truck to park on the site. The decision of the Zoning Enforcement Officer will be reviewed at the next meeting of the Board of Appeals on Thursday evening, January 10, 1991, at 7 P.M. in Room 209, City Hall, Portland, Maine. 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
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



Sandpiper Road
Peaks Island
85-DD-5

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THOMAS F. JEWELL
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DEWEY MARTIN, JR.
MICHAEL E. WESTORT

All persons interested either for or against this Interpretation Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, January 10, 1991 at 7 P.M. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the subject property as required by the Ordinance.

Mr. Martin Burnett, owner of the property on Sandpiper Road, Peaks Island, identified on the Assessor's Map as 85-DD-5, under the provisions of Section 14-472 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to reverse the decision of the Zoning Officer of the City of Portland to allow temporary use of his land in order to park one commercial truck on the site, which is not allowed under Section 14-472 of the Land Use Code.

LEGAL BASIS OF APPEAL: The Board of Appeals may reverse said action of the Zoning Inspector only if it finds that said action is based on an erroneous interpretation of said Ordinance.

John C. Knox
Secretary

/el
12/19/90

IN-00 PEAKS ISLAND

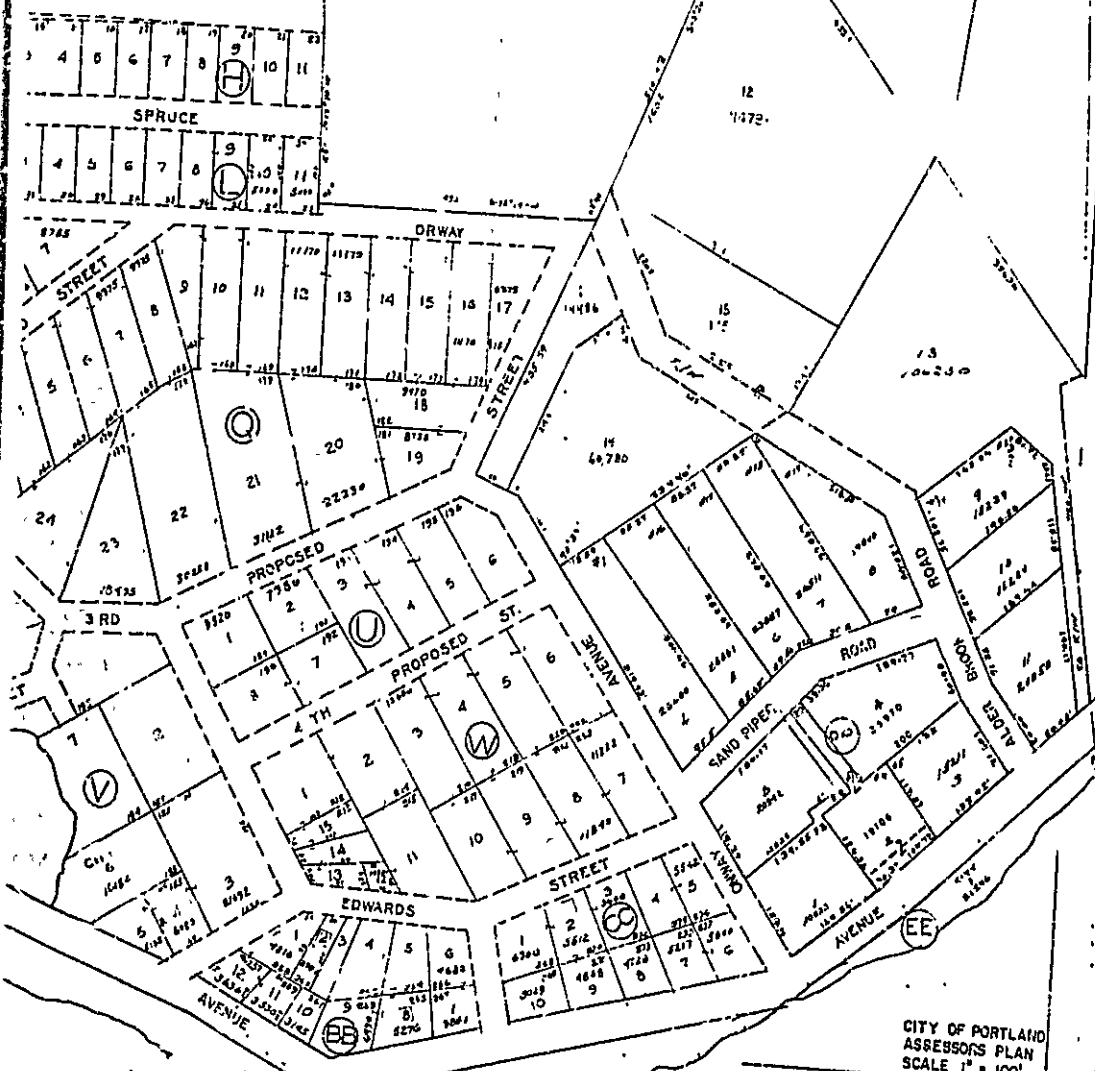
EE

887.84

CITY
1913
784 882

(M)

SHEET 86-C



CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 100'

REDRAWN 58 67

Sanapepo, C. I.
Lubrett

85-DD-5

85-W-4

W-5

W-6

W-7

Robert W. Coombs
RFD 1, Box 142B
Melbridge, ME 04658

85-CC-5

Katherine M Galambos
Eddy C Hopkins
Box 271A
Carmouth, ME 04096

85-DD-1

Erwin H Green & Marianne
Seashore Ave Peaks Is 04108

DD-2

Oliver C & Margaret Thompson
#8 Vincent St S. Portland ME 04106

DD-3

Roger R Richmond
Oak Ave Peaks Is 04108

DD-4