



## City of Portland Zoning Board of Appeals

August 27, 2009

Sam Saltonstall  
Peaks Wind Group of PEAK  
21 Elizabeth Street  
Peaks Island, Maine 04108

Dear Appellant,

Your Conditional Use Appeal has been scheduled to appear before the Zoning Board of Appeals on **Thursday, September 03, 2009 at 6:30 p.m.** located on the second floor room 209 of City Hall.

Please remember to bring a copy of the packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as the procedures of the meeting for you to familiarize yourself.

I have also included the bill for the legal ad and notices. The check should be written as follows:

MAKE CHECK OUT TO:	City of Portland
MAILING ADDRESS:	Room 315
	389 Congress Street
	Portland, ME 04101

Please feel free to contact me at 207-874-8701 if you have any questions.

Sincerely,

Gayle Guertin  
Office Assistant

Cc: File

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, September 3, 2009 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

#### 1. New Business:

##### A. Variance Appeal:

1213-1221 Congress Street, Richard A. Stewart, Jr., lessee, Tax Map 186, Block D, Lot 001, B-1 Zone: The appellant is seeking a Variance Appeal under section 14-162 to allow an automobile garage repair shop as a permitted use. Representing the appeal is the lessee, Richard A. Stewart, Jr.

##### B. Conditional Use Appeal:

250 Brackett Avenue, Peaks Island, Samuel S. Saltonstall, Peaks Environmental Action Team, lessee, Tax Map 088, Block K, Lot 001 & Tax Map 089, Block E, Lot 004, ROS Zone: The appellant is seeking a Conditional Use Appeal under section 14-155(d) to install a temporary wind anemometer tower. Representing the appeal is Samuel S. Saltonstall from Peaks Environmental Action Team.

##### C. Conditional Use Appeal:

56 Pine Street, Harvac Properties, LLC, owner, Tax Map 056, Block C, Lot 005, B-1 Zone: The appellant is seeking a Conditional Use Appeal under section 14-163(a) to expand the existing restaurant, Caiola's. Representing the appeal is Lisa Viccaro, Harvac Properties, LLC.

#### 2. Other Business:

A. Election for the offices of Chair and Secretary.

#### 3. Adjournment:

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### Conditional Use Appeal – Wind Anemometer

#### DECISION

Date of public hearing: September 3, 2009

Name and address of applicant: Sam Saltonstall  
Peaks Environmental Action Team  
21 Elizabeth St.  
Peaks Island, Maine 04108

Location of property under appeal: Trott-Littlejohn Park, 250 Brackett St., Peaks Island

#### For the Record:

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

Sam Saltonstall

Peaks Island Council chairman (Michael Langella)

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

NO lighting determination by FAA

Findings of Fact and Conclusions of Law:

Applicant is proposing to erect a wind anemometer tower in Trott-Littlejohn Park on Peaks Island, which is in the ROS zone.

A. Conditional Use Standards pursuant to Portland City Code §14-155(d):

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

MET tower data can be obtained w/in two years + Agreement w/ tower provider will provide for removal w/in specified time.

2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Per testimony of zoning Administrator stamped plans are provided.

3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Tower set back 500' from nearest bldg. Tower is 125' tall, per plans

4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

See #2

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Applicant has provided ~~quote~~ insurance quote & city will not sign off on lease until insurance has been obtained.

6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

Satisfied ✓ Not Satisfied       

Reason and supporting facts:

No lighting required by FAA ; wires will be flagged

7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

Satisfied ✓ Not Satisfied       

Reason and supporting facts:

Per testimony, no other purpose for towers

8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, of the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

Satisfied ✓ Not Satisfied       

Reason and supporting facts:

conditioned on entering agreement w/ tower owner

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes ☒

No ☒

Reason and supporting facts:

~~no~~ This MET TOWER no different from other MET TOWERS

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes     

No ☒

Reason and supporting facts:

NO ~~opposing~~ testimony in opposition of tower; tower has support of Island ~~and~~ Council.

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes     

No ☒

Reason and supporting facts:

See # 1

**Conclusion:** (check one)

\_\_\_ Option 1: The Board finds that all of the standards (1 through 8) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

\_\_\_ Option 2: The Board finds that all of the standards (1 through 8) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

☒ Option 3: The Board finds that not all of the conditions (1 through 3) described in section B above are present and that all of the standards (1-8) described in Section A either are satisfied or will be satisfied upon further submissions by the applicant, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Applicant will submit proof of insurance  
and proof of removal agreement with  
tower provider.

\_\_\_ Option 4: The Board finds that the standard described in section A above have NOT all been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Dated: 9.3.09

  
\_\_\_\_\_  
Board Chair

O:\OFFICE\FORMS\conditional use appeal (wind anemometer).doc



CITY OF PORTLAND  
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT  
389 Congress Street  
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1545      Applicant: Sam Saltonstall  
Project Name: 250 Brackett Avenue, Peaks Island      Location: 250 BRACKETT AVE  
CBL: 088 K001001      Application Type: Conditional Use Appeal  
Invoice Date: 08/18/2009

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$100.00		\$100.00		\$0.00	On Receipt

Previous Balance \$0.00

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$57.00
Legal Ad Processing Fee	1	\$50.00
Appeal Fee	1	\$100.00
		\$207.00
Total Current Fees:		+ \$207.00
Total Current Payments:		- \$100.00
Amount Due Now:		\$107.00

Bill to: Sam Saltonstall  
21 Elizabeth Street  
Peaks Island, ME 04108

CBL 088 K001001  
Application No: 0000-1545  
Invoice Date: 08/18/2009  
Invoice No: 35303  
Total Amt Due: \$0.00  
Payment Amount: \$100.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street  
Portland, Maine 04101

INVOICE FOR FEES

Application No:	0000-1545	Applicant:	Sam Saltonstall
Project Name:	250 Brackett Avenue, Peaks Island	Location:	250 BRACKETT AVE
CBL:	088 K001001	Application Type:	Conditional Use Appeal
Invoice Date:	08/18/2009		

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$273.75		\$207.00		\$66.75	On Receipt

First Billing

Previous Balance	\$0.00
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Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$57.00
Notices	89	\$66.75
Legal Ad Processing Fee	1	\$50.00
Appeal Fee	1	\$100.00
		\$273.75
Total Current Fees:		+ \$273.75
Total Current Payments:		- \$207.00
Amount Due Now:		\$66.75

Detach and remit with payment

Bill to: Sam Saltonstall  
21 Elizabeth Street  
Peaks Island, ME 04108

CBL 088 K001001  
Application No: 0000-1545  
Invoice Date: 08/18/2009  
Invoice No: 35303  
Total Amt Due: \$66.75  
Payment Amount:

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

**Gayle Guertin - FW: zoning board of appeals legal ad**

**From:** Joan Jensen <jjensen@pressherald.com>  
**To:** Gayle Guertin <GG@portlandmaine.gov>  
**Date:** 8/25/2009 12:27 PM  
**Subject:** FW: zoning board of appeals legal ad

Hi Gayle!

All set to run your ad on Friday, August 28.  
The cost is \$170.09.

If you have any questions, please call or email me.

Thank you,  
Joan

Joan Jensen  
Legal Advertising  
Portland Press Herald/Maine Sunday Telegram  
P.O. Box 1460  
Portland, ME 04104  
Tel. (207) 791-6157  
Fax (207) 791-6910  
Email jjensen@pressherald.com

Good Morning Joan,

Attached is the Zoning Board of Appeals legal ad for Friday, August 28, 2009.

Thank You  
Gayle Guertin @ 874-8701

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
085 EE001001	PEAKS ISLAND LAND PRESERVE	PO BOX 99 PEAKS ISLAND , ME 04108	160 NEW ISLAND AVE	1
086 A001001	PEAKS ISLAND LAND PRESERVE	PO BOX 99 PEAKS ISLAND, ME 04108	401 BRACKETT AVE	1
088 B002001	CLARK FRED C & HARRIET R JTS	261 SPRING ST CHESHIRE, CT 06410	100 HIGHLAND AVE	1
088 B006001	BELLON STEVE F & CHRISTINE P BELLON JTS	14 GREENLAWN AVE WELLESLEY , MA 02481	59 HIGHLAND AVE	1
088 B007001	WEBSTER TIMOTHY D	1 BEACH RD VINEYARDHAVEN , MA 02568	VERMONT AVE	1
088 B018001	MCCLOY JAMES & JUNE A MCCLOY TRUSTEE	2 OAKLAND AVE ROCKPORT , MA 01966	61 LYNDON AVE	1
088 B025001	WEBSTER TIMOTHY D	1 BEACH RD VINEYARDHAVEN , MA 02568	30 HIGHLAND AVE	1
088 B026001	PERSEN WALID W	1049 MARY JANE LN DUNEDIN, FL 34698	HIGHLAND AVE	1
088 C002001	GOCKLEY MARGARET M	886 WELSH RD HUNTRINGTON VALLEY, PA 19006	252 PARK AVE	1
088 C005001	OLSHANSKY TATIANA	19 VETERAN ST PEAKS ISLAND , ME 04108	332 CENTRAL AVE	1
088 C006001	OLSHANSKY ALEXIS & TITIANA	19 VETERAN ST PEAKS ISLAND , ME 04108	240 PARK AVE	1
088 C007001	WALSH JOHN T & MADELINE R JTS	P.O. BOX 73 GROTON, MA 01450	234 PARK AVE	1
088 E001001	PAYNE JAMES BRADFORD & DOUGLAS J PAYNE	PO BOX 989 BRUNSWICK, ME 04011	14 ARBUTUS AVE	1
088 E002001	PAYNE DOUGLAS J	PO BOX 989 BRUNSWICK, ME 04011	12 ARBUTUS AVE	1
088 E002003	POULIN SHANNON PAYNE	75 CRESTVIEW LN BRUNSWICK , ME 04011	12 ARBUTUS AVE	1
088 E003001	DIBIASE DANA W & MURIELLE S DIBIASE JTS	PO BOX 123 PALERMO , ME 04354	10 ARBUTUS AVE	1
088 E004001	RICHARDSON PHILIP M & JUDITH JTS	747 LAST ARROW DR HOUSTON, TX 77079	216 PARK AVE	1
088 E005001	RICHARDSON JUDITH E & PHILLIP M JTS	747 LAST ARROW HOUSTON, TX 77079	300 CENTRAL AVE	1
088 E007001	KOSSUTH JAMES & JENNIFER KOSSUTH	8 B ACADEMY AVE SACO , ME 04072	198 PARK AVE	1
088 E009001	PAYNE DOUGLAS J	PO BOX 989 BRUNSWICK , ME 04011	HIGHLAND AVE	1
088 E011001	CASCO BAY HEALTH CENTER	26 STERLING ST PEAKS ISLAND, ME 04108	184 PARK AVE	1
088 E012001	CHERNJAWSKI MARY	19 ROBERTS DR PUTNAM VALLEY, NY 10579	11 HIGHLAND AVE	1
088 E016001	RICHARDSON JUDITH E & PHILLIP M RICHARDSON JTS	747 LAST ARROW DR HOUSTON , TX 77079	CENTRAL AVE	1
088 E017001	KUZYK PETER L	895 MAYVILLE RD BETHEL, ME 04217	294 CENTRAL AVE	1
088 E019001	PAYNE DOUGLAS J	PO BOX 989 BRUNSWICK, ME 04011	CENTRAL AVE	1
088 F001001	WASKLEWICZ DAVID & HEATHER WASKLEWICZ JTS	12 HIGHLAND AVE PEAKS ISLAND , ME 04108	28 HIGHLAND AVE	1
088 G001001	JOHNSON T COVINGTON & LAURIE JEAN JTS	PLEASANT AVE PEAKS ISLAND, ME 04108	VERMONT AVE	1
088 H001001	ISLAND BAY SERVICES	PO BOX 48 PEAKS ISLAND , ME 04108	12 HIGHLAND AVE	1
088 H002001	BUSBY JOSEPH H HRS	100 STATE ST APT 128 PORTLAND, ME 04101	8 HIGHLAND AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
088 H003001	HERBERT FRANCIS W	4 HIGHLAND AVE PEAKS ISLAND, ME 04108	4 HIGHLAND AVE	1
088 H005001	JOHNSON T COVINGTON & LAURIE JEAN JTS	PLEASANT AVE PEAKS ISLAND, ME 04108	9 VERMONT AVE	1
088 I006001	JOHNSON THOMAS COVINGTON	PLEASANT AVE PEAKS ISLAND, ME 04108	VERMONT AVE	1
088 K002001	BROOKS STANTON A & LINDA J DILLINGHAM JTS	195 CENTRAL AVE PEAKS ISLAND, ME 04108	31 CENTRAL AVE EXT	1
088 K003001	JENNESS JONATHAN & NOMAKHOSI JTS	PO BOX 100 PEAKS ISLAND , ME 04108	55 CENTRAL AVE EXT	1
088 K016001	BERRY SUSAN JANE & EDMUND D BERRY IV TRUSTEES	22 CANTERBURY HILL TOPSFIELD , MA 01983	160 UPPER A ST	1
088 K017001	BERRY SUSAN JANE & EDMUND D BERRY IV TRUSTEES	22 CANTERBURY HILL TOPSFIELD , MA 01983	150 UPPER A ST	1
088 K019001	BERRY SUSAN JANE & EDMUND D BERRY IV TRUSTEES	22 CANTERBURY HILL TOPSFIELD , MA 01983	140 UPPER A ST	1
088 K021001	BERRY SUSAN JANE & EDMUND D BERRY IV TRUSTEES	22 CANTERBURY HILL TOPSFIELD, MA 01983	130 UPPER A ST	1
088 K035001	GRANT RICHARD D & AUDREY E GRANT JTS	39 MYRTLE ST MILLIS , MA 02054	30 CENTRAL AVE EXT	1
088 K044001	PURTELL GEORGE J & MARY J PURTELL JTS	10 TENNEY RD WESTFORD , MA 01886	76 CENTRAL AVE EXT	1
088 K052001	PRESGRAVES ALBERT M ETAL	179 CENTRAL AVE PEAKS ISLAND, ME 04108	7 CENTRAL AVE EXT	1
088 L009001	FISCHER MARTIN & WALTRAUD FISCHER	238 BRACKETT AVE PEAKS ISLAND , ME 04108	238 BRACKETT AVE	1
088 L010001	SLAVINSKI MARY	27 DIXON ST TERRYTOWN, NY 10591	224 BRACKETT AVE	1
088 L011001	MAYO JASON PETER & MARY H	210 BRACKETT AVE PEAKS ISLAND, ME 04108	210 BRACKETT AVE	1
088 L012001	SCHNELLER TATYANA	123 UPPER A ST PEAKS ISLAND , ME 04108	123 UPPER A ST	1
088 L019001	COUGHLIN JOSEPH & AMANDA COUGHLIN JTS	5840 MIRA SERENA DR EL PASO , TX 79912	139 UPPER A ST	1
088 L023001	FISCHER MARTIN & WALTRAUD FISCHER	238 BRACKETT AVE PEAKS ISLAND , ME 04108	165 UPPER A ST	1
088 L030001	LOPINSKI LYDIA S LIFE ESTATE	2 UNION TER CAMBRIDGE , MA 02141	143 UPPER A ST	1
088 M006001	THOMPSON OTIS C & A MAVOURNEEN THOMPSON JTS	219 BRACKETT AVE PEAKS ISLAND , ME 04108	225 BRACKETT AVE	1
088 M007001	BALDI ALBERT F & JUDITH K JTS	191 BRACKETT AVE PEAKS ISLAND, ME 04108	191 BRACKETT AVE	1
089 A001001	BUNTON JOHN S	780 MOUNTAIN RD PARSONSFIELD, ME 04047	77 LYNDON AVE	1
089 A002001	BUNTON WILLIAM E	87 MIDDLE RD CUMBERLAND , ME 04021	69 LYNDON AVE	1
089 A005001	BUNTON JOHN S	780 MOUNTAIN RD PARSONFIELD , ME 04047	73 LYNDON AVE	1
089 B010001	TAYLOR BARBARA HALL	5 TOLMAN RD PEAKS ISLAND , ME 04108	5 TOLMAN RD	1
089 B011001	FAISON JOHN & MARILYN JTS	30 W 15TH ST # 5S NEW YORK, NY 10011	98 LYNDON AVE	1
089 B012001	FAISON JOHN B & MARILYN K JTS	30 W 15TH ST # 5S NEW YORK, NY 10011	120 LYNDON AVE	1
089 B015001	SCIPIO DOMINIC P & DEBORAH S JTS	1009 LAIRD BLVD APT 6 MONTREAL PQ, CN H3R 1Y9	SEASHORE AVE	1
089 B016001	SCIPIO DONINIC P & DEBORAH S JTS	1009 LAIRD BLVD APT 6 MONTREAL PQ, CN H3R 1Y9	SEASHORE AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
089 B017001	DEWITT PETER R	13 DOUGHTY FARM RD GRAY, ME 04039	SEASHORE AVE	1
089 B018001	FAISON JOHN & MARILYN JTS	30 W 15TH ST # 5-S NEW YORK, NY 10011	SEASHORE AVE	1
089 C001001	VAN DYK AUDREY A TRUSTEE	106 CAMBRIDGE DR WILMINGTON, DE 19803	115 LYNDON AVE	1
089 C002001	FRENCH ROLFE E & KATHLEEN S FISHER JTS	972 WASHINGTON RD RYE, NH 03870	68 FREDERICK AVE	1
089 C003001	BUNTON JOHN S & GAYLE C JTS	780 MOUNTAIN RD PARSONSFIELD, ME 04047	105 LYNDON AVE	1
089 C004001	BUNTON JOHN S	780 MOUNTAIN RD PARSONSFIELD, ME 04047	87 LYNDON AVE	1
089 C005001	BUNTON JOHN S & GAYLE C JTS	780 MOUNTAIN RD PARSONSFIELD, ME 04047	83 LYNDON AVE	1
089 D001001	WILLIAMS DOROTHY D & KARIN D BURGHART	7029 GRAND PARKWAY WAUWATOSA, WI 53213	67 FREDERICK AVE	1
089 D002001	VANDYK MARK DEV ETALS	106 CAMBRIDGE DR WILMINGTON, DE 19809	115 LYNDON AVE	1
089 D003001	SWARTS HELENE A	750 SEASHORE AVE PEAKS ISLAND, ME 04108	750 SEASHORE AVE	1
089 D004001	VAN DYK JOHN W TRUSTEE	106 CAMBRIDGE DR WILMINGTON, DE 19803	736 SEASHORE AVE	1
089 D006001	KINNAIRD JOHN O & BERTHA H	420 FREEMONT RD NOTTINGHAM, PA 19362	LYNDON AVE	1
089 D008001	BUNTON JOHN S	780 MOUNTAIN RD PARSONFIELD, ME 04047	LYNDON AVE	1
089 D010001	SCIPIO DONIMIC P & DEBORAH S JTS	1009 LAIRD BLVD APT 6 MONTREAL PQ, CN H3R 1Y9	139 LYNDON AVE	1
089 D011001	GOCKLEY MARGARET M	886 WELSH RD HUNTINGTON VALLEY, PA 19006	22 FREDERICK AVE	1
089 D019001	SCIPIO DOMINIC P & DEBORAH S JTS	1009 LAIRD BLVD APT 6 MONTREAL PQ, CN H3R 1Y9	135 LYNDON AVE	1
089 D020001	REED RICHARD K & GUNNEL I LARSDOTTER	726 SEASHORE AVE PEAKS ISLAND, ME 04108	726 SEASHORE AVE	1
089 E001001	KLICKSTEIN MURRAY & MARION KLICKSTEIN JTS	40 HUSSEY SOUND RD PEAKS ISLAND, ME 04108	40 HUSSEY RD	1
089 E016001	GOCKLEY MARGARET M	886 WELSH RD HUNTINGTON VALLEY, PA 19006	269 PARK AVE	1
089 E017001	KENDALL DEBORAH TRUSTEE	668 SEASHORE AVE PEAKS ISLAND, ME 04108	668 SEASHORE AVE	1
089 E019001	WEEKS ANN MARIE & JOHN WEEKS JTS	20 VALLEY RD ATLANTA, GA 30305	690 SEASHORE AVE	1
089 E020001	DONNELLY MICHAEL A & MARY L JTS	80 HUSSEY RD PEAKS ISLAND, ME 04108	80 HUSSEY RD	1
089 E021001	POWELL RICK ETAL JTS & DANIEL DOW ETAL JTS	10 CRYSTAL LN CUMBERLAND CENTER, ME 04021	104 HUSSEY RD	1
089 E022001	PEDLIKIN HOWARD L VN VET & CYNTHIA R JTS	118 HUSSEY RD PEAKS ISLAND, ME 04108	118 HUSSEY RD	1
089 E023001	GHENT WALTER H JR & CATHERINE A BARRY GHENT JTS	PO BOX 45 PEAKS ISLAND, ME 04108	660 SEASHORE AVE	1
089 E024001	PIAWLOCK STANLEY J & JUDITH C JTS	676 SEASHORE AVE PEAKS ISLAND, ME 04108	676 SEASHORE AVE	1
089 E025001	SHAIN MARK & VICTORIA MORRILL JTS	54 HUSSEY RD PEAKS ISLAND, ME 04108	HUSSEY RD	1
089 E026001	ASBJORNSEN MORTEN	56 GUNDALO GAP RD BRUNSWICK, ME 04011	30 HUSSEY RD	1
089 E027001	KING MONICA L	66 HUSSEY RD PEAKS ISLAND, ME 04108	66 HUSSEY RD	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
089 F002001	PEREIRA BRIAN J G & SUNITA PEREIRA JTS	54 ROWENA RD NEWTON , MA 02159	WHALEBACK RD	1
089 F007001	AUGER PAUL J & COURTENAY O AUGER JTS	PO BOX 122 PEAKS ISLAND , ME 04108	24 JEWEL RD	1
089 F008001	SMITH BERNARD M & JOAN M SMITH & GERARD LYNCH	45 WHALEBACK RD PEAKS ISLAND , ME 04108	45 WHALEBACK RD	1
089 F011001	GRANT AUDREY E & RICHARD D	39 MYRTLE ST MILLIS, MA 02054	614 SEASHORE AVE	1
089 F012001	TASHIMA VERA A	51 THOMAS ST #1 PORTLAND , ME 04102	624 SEASHORE AVE	1
089 F013001	HINES CAROLYN ELY & ETALS	21 TRAINORS LNDG ASPEN , CO 81611	630 SEASHORE AVE	1
089 F014001	KARLSEN GUSTAV E VN VET & MARY ANN KARLSEN JTS	PO BOX 10 PEAKS ISLAND , ME 04108	640 SEASHORE AVE	1
089 F015001	KIPP THOMAS P & BARBARA H KIPP JTS	14 BALSAM DR BEDFORD , MA 01730	650 SEASHORE AVE	1
089 I001001	LUTHER DAVID S & MARILYN PACKARD	5 BELTON CIRCLE BARRINGTON, RI 02806	11 WHALEBACK RD	1
089 J001001	HASTINGS CHARLES E	1 JEWEL RD PEAKS ISLAND, ME 04108	25 JEWEL RD	1
089 J002001	EDWARDS TERRENCE J & ANITA L JTS	36 WHISPERING PINES DR SOUTH PORTLAND , ME 04106	15 JEWEL RD	1
089 J003001	LUCKHURST MICK	97 INDIA ST PORTLAND , ME 04101	51 RESERVOIR RD	1
089 J004001	CASSIDY ROGER D JR	31 HAMPSTEAD ST METHUEN, MA 01844	41 RESERVOIR RD	1
089 J005001	LIEBER ROBERT A	41 BAYBERRY LN PEAKS ISLAND, ME 04108	41 BAYBERRY LN	1
089 J006001	FOX GARRY S & MAUREEN O'NEILL FOX JTS	21 RESERVOIR RD PEAKS ISLAND , ME 04108	21 RESERVOIR RD	1
089 K001001	PEAKS ISLAND LAND PRESERVE	PO BOX 99 PEAKS ISLAND, ME 04108	40 RESERVOIR RD	1







**PEAT Peaks Environmental Action Team**

25 Crescent Ave, Peaks Island, ME 04108

Tel: (207) 766-2377 \_ Email: [peat@greenerpeaks.org](mailto:peat@greenerpeaks.org)

August 19, 2009

Zoning Board of Appeals  
City of Portland, Maine

To the Zoning Board of Appeals:

I have been asked to assure you that Sam Saltonstall is indeed a member of our organization. Sam has been an active participant since he joined over two years ago. He was instrumental along with others in forming the Peaks Wind Group, a sub-group of PEAT devoted to wind testing. When we received non-profit status from the State of Maine last spring, Sam was elected to serve on our Board, which he continues to do along with his leadership responsibilities with the Peaks Wind Group.

Sincerely,

Lavinia Demos

Secretary

Peaks Environmental Action Team

[www.greenerpeaks.org](http://www.greenerpeaks.org)

AUG 21 2009

**Ann Machado - Peaks wind testing effort**

**From:** Sam Saltonstall <saltonstallsam@yahoo.com>  
**To:** Marge Schmuckal <MES@portlandmaine.gov>, Dave Marshall <marshalldistrict2@gmail.com>, Alex Jaegerman <AQJ@portlandmaine.gov>, Jean Fraser <JF@portlandmaine.gov>, Mary Costigan <MEC@portlandmaine.gov>, Mike Murray <MSM@portlandmaine.gov>, <amachado@portlandmaine.gov>  
**Date:** 8/20/2009 9:05 PM  
**Subject:** Peaks wind testing effort

Hello Marge, Ann, Alex, Dave, Jean, Mary and Mike,

Last Friday I turned in our Zoning Board of Appeals permit application for wind testing on Peaks. Included in the application are frequent references to our expectation that Unity College would provide the tower and associated equipment as well as analyze the wind data collected for us. A contractual arrangement with the College in lieu of a more conventional performance guarantee, is included in the packet.

This Tuesday I received an email from the College sharing the news that Efficiency Maine, who we had expected would supply the tower and equipment, has apparently decided not to allocate any of the six new towers they have purchased to Unity. This may be due to the fact that Unity is a private institution, or that they want to give all applicants a "fair shake". So suddenly, if we are to get a test tower up this fall, it appears we will need to go through an RFP process in several weeks with the University of Maine / Orono, which will administer the tower loan program.

While we are disappointed that the solid relationship we had developed with Unity over the last seven months now appears to have been sidelined, we are very optimistic that one of the towers being purchased by the state can be allocated to us and set up this fall as we had planned. We still await final word on this news, but it seems nearly certain.

I was copied an email from Shirley Bartlett of Efficiency Maine, the program administrator. Here is a quote from that email:

One thing anyone interested in applying for the loans could be working on ahead of time is getting any permits they need in place, since they will need to have permits in hand at the time they apply (my underline). *Clearly we need to forge ahead with our Zoning Board of Appeals hearing on Sept. 3rd and a subsequent building permit in order to be ready for the RFP.*

My purpose in writing this email is to ask those of you associated with the City of Portland for some consideration regarding our application and the documents in our packet that may now be irrelevant. We do not wish to be caught in a "catch 22 situation" where the City won't give us a hearing or issue a permit because we don't have a tower removal contract with the University of Maine, but the University of Maine won't accept our application because we don't have the necessary permits required for the application process.

Ann Machado has asked for several more items for our packet, and I will be bringing all but one in tomorrow morning. The FAA has been slow to get back to me regarding specifics related to not needing a beacon on the tower.

Sincerely,

Sam Saltonstall  
 Peaks Wind Group

207-899-0922 (home)  
 207-838-9843 (cell)  
 21 Elizabeth St.  
 Peaks Island ME 04108

**Oral Summary for Zoning Board of Appeals**

**Sam Saltonstall - Peaks Wind Group - September 3, 2009**

Thank you for considering our application this evening. We included lots of detail in our written material because we know this is the first application of its kind to come before you. We are here to request that you grant us permission to erect a wind anemometer tower on Peaks Island. We seek your approval based on a new source of the tower, so I would like to update you with information that came to our attention three days after our application was turned in to Ann Machado on August 14th.

As you know from our application material, we had expected since February to be working with Unity College on this project. They had anticipated receipt of a wind anemometer tower from Efficiency Maine and were prepared to set it up, take it down a year later, analyze the data it produced and help us match a wind turbine to the wind resource if the data warranted doing so. They were willing to do all this at no cost to us.

On August 17<sup>th</sup>, just three days after we had submitted our ZBA permit application to the City of Portland, we learned from Unity College that they would not be receiving any of the six towers that Efficiency Maine is purchasing with stimulus money. Instead, all the towers are being allocated to the University of Maine / Orono, which will shortly be posting a Request for Proposals from groups like ours. If we apply and are one of the six communities chosen for receipt of a tower, University of Maine will erect and take down the tower and analyze the data, just as Unity had planned to do for us.

We have been advised by Shirley Bartlett of Efficiency Maine that only applicants with permitting in hand will be considered for the new wind anemometer tower loan program. This puts us in an unexpected and difficult situation. Without the City's granting of a conditional use permit, it will be impossible for us to apply for one of the towers.

University of Maine will use the exact same tower design that Unity had planned to use, so the safety report in our packet still pertains. We assume a

(rec'd 9/3/09)

**From:** Dan.Shoemaker@faa.gov ()  
**To:** saltonstallsam@yahoo.com  
**Date:** Friday, August 21, 2009 3:59:00 PM  
**Subject:** Meteorological Tower Notice Criteria Query

Mr. Saltonstall,

Regarding your question about the proposed meteorological tower on Peaks Island, Maine, the Federal Aviation Administration has an online Notice Criteria Tool available to the general public ( <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm> ). You may use this tool to determine whether or not you will be required to notify the FAA of the proposed structure. Enter all the pertinent data on the tower, including latitude, longitude, site elevation, and structure height, then click on the "Submit" button. If the results indicate that you do not exceed Notice Criteria, the structure is not considered a hazard to air navigation, and you do not need to notify the FAA of the proposed construction. If the results indicate that you do exceed Notice Criteria, you must file for an obstruction evaluation of the tower in order for the FAA to determine whether or not it poses a flight hazard.

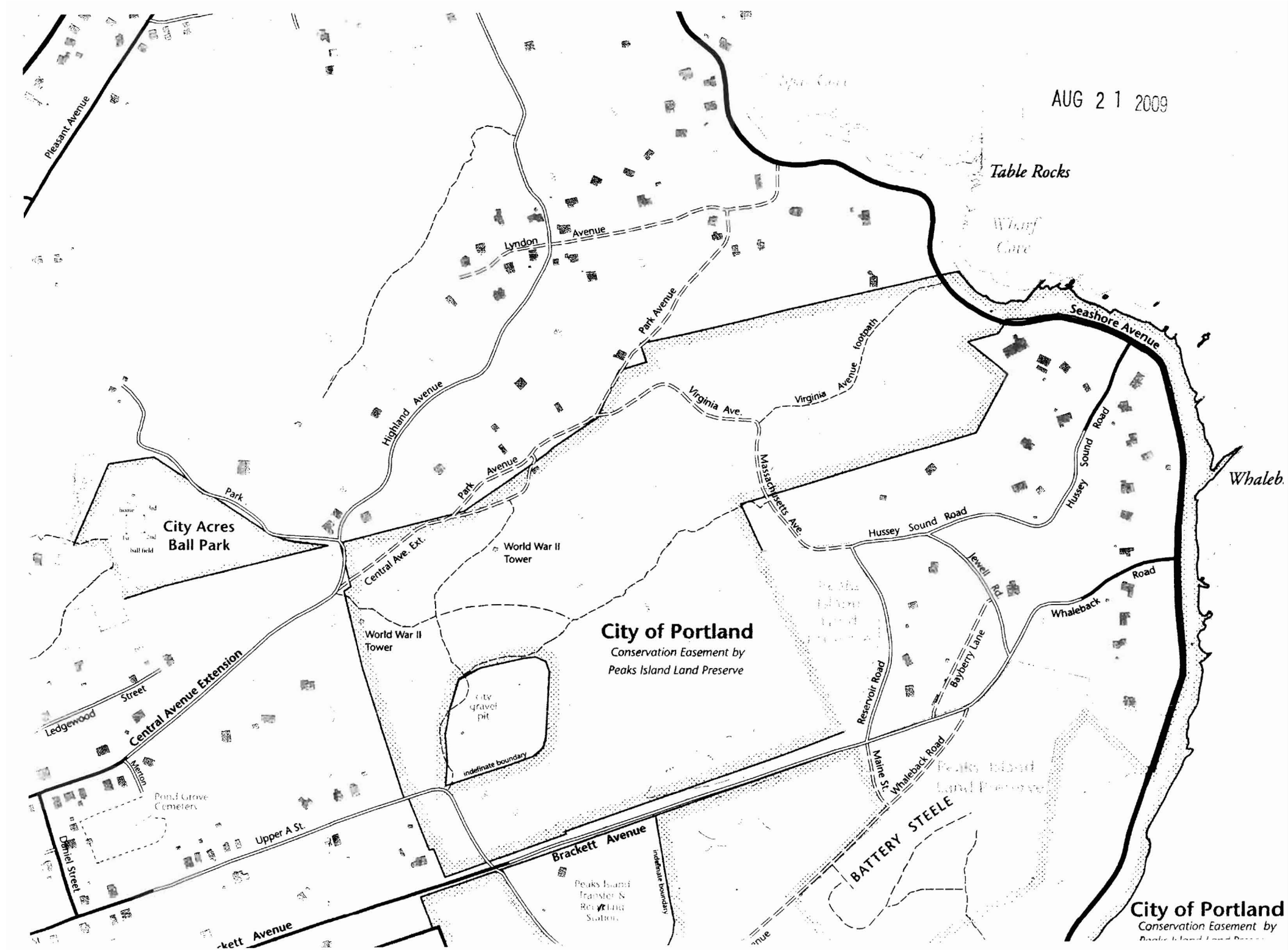
The FAA considers the online Notice Criteria tool to be a valid method of determining whether an obstruction evaluation study must be conducted. Its purpose is to avoid overburdening the OE/AAA system with cases that do not require evaluations. If you should still require an actual Determination of No Hazard from the FAA, you will need to file for an obstruction evaluation on the OE/AAA Website.

If you have any questions, please do not hesitate to contact me.

Dan

Dan Shoemaker  
Airspace Specialist  
Seattle Obstruction Evaluation Services  
(Phone) 425-203-4561  
(FAX) 425-203-4565

(see over)



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 Peaks Island ME 04108

file:///C:/Documents and Settings/amachado/Local Settings/Temp/GW/00001.HTM

8/21/2009

