

CITY OF SOUTH PORTLAND



DEPARTMENT OF
PLANNING & DEVELOPMENT

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PATRICIA DOUCETTE
Code Enforcement Director
Deputy Director of
Planning & Development

July 12, 2013

Natalie West
P. O. Box 2352
South Portland, Maine 04106

Re: Applicability of Sec. 27-1322(D)(5) & (7) as Applied to Portland Pipe Line Corp.

Dear Ms. West:

Thank you for your memo of June 20, 2013. In it you ask whether South Portland's Code of Ordinances Sections 27-1322(D)(5) and (D)(7) apply to Portland Pipe Line's Pier #2 and prohibit the construction of stacks and vapor transfer arms exceeding 20 feet in height. You conclude that "it appears that the existing South Portland zoning ordinance prohibits Portland Pipeline from constructing structures and stacks such as those requested in its 2009 submission."

In regard to Sec. 27-1322(D)(5), the vapor recovery units and transfer arms in the 2009 Portland Pipe Line (PPL) submission did in fact require direct access to the water and therefore were exempt—to the extent applicable—from this section's restrictions.

Relative to Sec. 27-1322(D)(7), my interpretation of this provision was that the vapor recovery units and transfer arms were pieces of equipment and not structures that would have been built on the pier. While larger in scale, a vapor recovery unit or transfer arm is like an HVAC unit installed on the roof of an office building. It is a piece of equipment that is purchased from a manufacturer and is not built on-site. This interpretation is bolstered by the fact that the PPL application to the City dated June 19, 2009 included a DEP Natural Resources Protection Act approval that in its Findings acknowledges the project's transfer arms and combustion units.

That was my interpretation in 2009 and continues to be my interpretation now. However, no formal decision on these issues will be made until an application is reviewed by the City.

As you know, the City's site plan approval of Portland Pipe Line's 2009 application has lapsed. Similar to the above, no formal Planning Board decision will be made until an application is reviewed by the City.

If you have any additional questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Doucette".

Patricia Doucette

Assistant Planning & Development Director and Code Enforcement Officer

Cc: James H. Gailey, City Manager
Tex Haeuser, Planning & Development Director
Steve Puleo, Community Planner
Sally Daggett, Esq
David Cyr, Portland Pipe Line