

58 Fore Street, Portland, Maine, 04101
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Phin Sprague
Thank you,
Phin Sprague

While the slope has been seeded, I will add hay onto it as you suggested to reduce the chance of erosion. If there are any further questions or issues please call me.

Enough is enough! The police were going to release them... then what? We cut the bamboo and brush down so that our video camera could look directly onto that site and the secluded campground is no longer appealing.

Several weeks ago there was a serious confrontation with one individual which resulted in fires being slashed personal threats and at dawn the next morning a fire being set that burned down the locomotive building. Our cameras were able to see that several individuals were moving in and out and LYING on that section of our property. We even have a video of the fire at the MNGRR being set by one of these individuals. When the police came to arrest the trespassers they were standing with in five feet of the individuals and we had to direct them with information from our cameras.

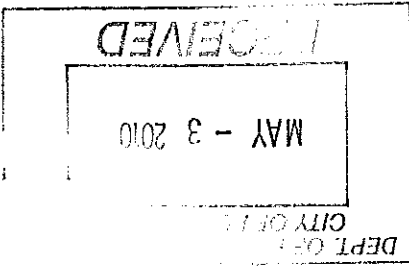
This is the situation. Over the last five or ten years the bamboo, raspberries and alders had turned the hill side into a hidden camping place for homeless individuals. Three boats were broken into in a week. To find out that they were in residence we had to climb into the lair. They are drunk and disorderly and have been regularly breaking into boats, cars, harassing people on our property and the trail. Confronting them in their camp site was dangerous. There was no way to tell if they had returned. The nicest thing I can say is that they are not there now.

I acknowledge your letter. Suddenly contemplating the possibility of a shoreland violation, I am relieved to hear that there is a brush cutting exemption on our zone and appreciate your guidance to keep my self out of the spot light. There is no intention to expand any activities, no material has been removed from the site.

Dear Marge,

Re 58 Fore Street - 018-A-001&2 WSUV Zone with Shoreland Overlay.
Your letter dated April 27th

Marge Schmuckle
Zoning Administrator
City of Portland
Room 315
389-Congress Street
Portland, ME 04101



4/30/2010



Marge Schmuckal - Sprague property

From: Marge Schmuckal
To: Penny Littell
Date: 4/27/2010 4:29 PM
Subject: Sprague property

Penny,

I am putting together the letter to Phineas for doing work in the shoreland zone on his property in the WSUZ Zone. While researching the Shoreland Zone Section of the Ordinance, I found this section:

14-449(c)2 under Clearing or removal of vegetation:

"The clearing or removal of vegetation standards of this section shall not apply to the following zones: EMPZ, WCZ, WPDZ, and **WSUZ**".

There are other sections of the shoreland ordinance that I can use, but that big one is out. He is not using best management practices or properly stabilizing the slope.

Just thought you would want to know.

Marge

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion;
2. The location shall not interfere with existing developed or natural beach areas;
3. The facility shall be located so as to minimize adverse effects on fisheries;
4. The facility shall be no larger in dimension than necessary to carry on the activity and shall be consistent with surrounding character and uses;
5. New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the National Resources Protection Act, 38 M.R.S.A. § 480-C. Permits may also be required from Army Corps of Engineers if located in navigable waters;
6. Except in the W-C, EWP, W-PD, W-SU, and I-B zones, no new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity;
7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any zone.

(c) *Clearing or removal of vegetation:*

1. In all shoreland areas in resource protection zones, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.
2. The clearing or removal of vegetation standards of this section shall not apply to the following zones: EWP, WCZ, WPD and WSU.
3. Other than the cutting or removal of vegetation as

40,000) square feet in surface area. Operations in existence on the effective date of this section and not in conformance with these provisions may be maintained but shall not be expanded. When the new tilling, by itself or combined with all other contiguous tillage, shall total forty thousand (40,000) square feet or less, the tillage shall be set back a minimum of twenty-five (25) feet from all water bodies, tributary streams or wetlands.

5. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies and coastal wetlands or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided such grazing is conducted in accordance with a soil and water conservation plan filed with the building authority.

(o) *General site plan features:* The planning board or planning authority shall approve a site plan located within a shoreland zone if it finds that the following standards, in addition to the standards set forth in section 14-526, are met:

*Best
Management
Practices*

1. The proposal will maintain safe and healthful conditions;
2. The proposal will not result in water pollution, erosion, or sedimentation to surface waters;
3. The proposal will adequately provide for the disposal of all wastewater;
4. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

percent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4 ½) feet above ground level, shall be allowed within any ten-year period at distances greater than seventy-five (75) feet, horizontal distance, from the normal high water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40%) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate twenty-five (25) percent of the lot area within the shoreland zone, including land previously cleared.

3. Legally existing nonconforming cleared openings may be maintained but shall not be enlarged, except as allowed by this division.
4. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

(d) *Erosion and sedimentation control:*

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection and the City of Portland Technical and Design Standards and Guidelines. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.