

**Department of Permitting and Inspections**

Ann Machado, Zoning Administrator

June 22, 2016

Scott Peterson
144 North Shore Rd.
Gray, ME 04039

Certified Mail # 7010 3090 0002 3273 8108

Re: 0 Crescent Avenue, Great Diamond Island - CBL 083B G006 – IR-2 Island Residential Zone and Shoreland Zone – Clearing in the Shoreland Zone

Notice of Violation/Stop Work Order

Dear Mr. Peterson:

On or about May 5, 2016, this office received reports of cleared trees and other vegetation at the above-captioned property, owned by James Luedke, without prior approval. It is our understanding that you were contracted by James Luedke to clear trees and other vegetation at this property. On May 13, 2016, Christina Stacey of this office, together with other City staff, completed a site visit and observed extensive removal of vegetation in violation of the City's Land Use Code. Our visual inspection revealed clearing of vegetation entirely within a Shoreland Zone without necessary approvals and permits. Accordingly, the City has determined that you have violated §14-57, §14-449 (c) and (d), and § 14-523 of the City's Code. Our inspection also revealed the removal of trees from property owned by the City of Portland, in violation of 14 M.R.S. § 7552(2). In addition, you should be aware that per 38 M.R.S. § 439(B), contractors who conduct activities that disturb soil in the Shoreland Zone are required to be certified in erosion control practices by the Department of Environmental Protection. I am attaching information about this program.

This letter shall serve as notice of your violation of the City of Portland Land Use Code and of apparent timber trespass in violation of State law. It is essential that you immediately stop any further work on the Property until such time that you receive all necessary approvals from the City. The performance of work contrary to this Stop Work Order is a violation of the City Code and will be immediately referred – along with the present violations which have already been referred - to the City of Portland Corporation Counsel for enforcement action. **Be advised that, under Section 1-15 of the City's Code of Ordinances and 30-A M.R.S. § 4452, violations of Portland's Code of Ordinances are subject to substantial civil penalties and an obligation to correct or abate the violations. Additionally, removal of trees from City property without permission are subject to civil damages pursuant to 14 M.R.S. § 7552.**

It is imperative that you be in touch with Christina Stacey, Zoning Specialist, to discuss corrective options. Before you may proceed with any corrective actions, however, or undertake any further alteration, demolition, clearing of vegetation, installation of drainage or driveways or other work on this site within the Shoreland Zone, you must receive a building permit and site plan approval from the City as well as any necessary approvals from appropriate State agencies.

This letter constitutes a decision from which you may appeal pursuant to §14-472 (b)(1) of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions or concerns please feel free to contact me at (207) 874-8695.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Stacey". The signature is fluid and cursive, with the first name being more prominent.

Christina Stacey
Zoning Specialist
Permitting and Inspections Department
City of Portland, Maine
207.874.8695
[cstacey@portlandmaine.gov](mailto: cstacey@portlandmaine.gov)