
Luedke Property/Replanting

6 messages

Browne, Juliet <jbrowne@verrilldana.com>

Thu, Oct 4, 2018 at 11:14 AM

To: Anne Torregrossa <atorregrossa@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>

Cc: James Luedke <james.luedke@gmail.com>

Anne and Christina,

I hope you are both well. I wanted to close out my files on the consent agreement regarding the Luedke property on Great Diamond Island. As you may recall, in August, 2016, Scott Peterson, the Luedkes and the City entered into a land use agreement ("Agreement") providing for replanting in accordance with a plan developed by Mohr & Seredin (the "Remedial Plan"). The City then issued a temporary license allowing Scott Peterson access to City-owned property for purposes of implementing the Remedial Plan. I've attached the license agreement, which includes the executed Agreement and Remedial Plan as exhibits. I've also attached the report prepared by Mohr & Seredin previously sent to the City, which confirms the Remedial Plan was appropriately implemented.

I don't think I have seen any final sign-off from the City that the Remedial Plan has been satisfactorily implemented. Because the release in the Agreement is premised on payment of the agreed upon penalty and satisfactory completion of the remedial measures outlined in the Remedial Plan, I wanted to obtain confirmation from the City that the penalty outlined in paragraph 1 of the Agreement has been paid and the remedial measures outlined in Paragraph 2 of the Agreement have been completed.

Thanks so much for your follow-up on this, and I apologize if the City has previously provided the sign-off and I just didn't receive it.

Best,

Juliet

Juliet T. Browne, Partner

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Verrill Dana LLP
Attorneys at Law

This email and any attachment was sent from the law firm Verrill Dana, LLP. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it, please delete it and notify us as soon as possible. Thank you.

2 attachments

 **2016-10-18 Peterson License - executed.pdf**
903K

 **958 GDI Remediation 11-14-16.pdf**
817K

Christina Stacey <cstacey@portlandmaine.gov>

Thu, Nov 1, 2018 at 8:36 AM

To: "Browne, Juliet" <jbrowne@verrilldana.com>

Cc: Anne Torregrossa <atorregrossa@portlandmaine.gov>, James Luedke <james.luedke@gmail.com>

Hi Juliet,

The penalty has been paid, and based on the report from Scott Strynar dated November 14, 2016, we believe the remediation has been completed as agreed. I have considered the enforcement case resolved at this point.

Please note that the building permit for the house had a condition requiring that the plants be monitored and replaced as necessary to achieve an 80% survival rate for a period of three years after planting. I would like an update report within the next 6-8 months about the current survival rate and plans for replacement, if the survival rate is below 80%.

Thanks,
Chris

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Chris Stacey - Zoning Specialist
Permitting & Inspections Department
City of Portland
389 Congress St.
Portland, ME 04101
(207) 874-8695
cstacey@portlandmaine.gov

2 attachments

 **image003.jpg**
4K

 **image003.jpg**
4K

James Luedke <james.luedke@gmail.com>

Thu, Nov 1, 2018 at 8:48 AM

To: Christina Stacey <cstacey@portlandmaine.gov>

Cc: "Browne, Juliet" <jbrowne@verrilldana.com>, Anne Torregrossa <atorregrossa@portlandmaine.gov>, Jeff Tarling <jst@portlandmaine.gov>, Jodie Keene <jkeene@portlandmaine.gov>

Jeff tarling, and I believe Jodie were out this summer and inspected the property. One tree died, and I entered into a guarantee with them to replace it, which I already did and they plan on inspecting it next summer. I included then on this email.

-James

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Christina Stacey <cstacey@portlandmaine.gov>

Thu, Nov 1, 2018 at 8:50 AM

To: James Luedke <james.luedke@gmail.com>

Cc: "Browne, Juliet" <jbrowne@verrilldana.com>, Anne Torregrossa <atorregrossa@portlandmaine.gov>, Jeff Tarling <jst@portlandmaine.gov>, Jodie Keene <jkeene@portlandmaine.gov>

OK, thanks. Did all of the shrub/undergrowth plantings survive, as far as you know?

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Jodie Keene <jkeene@portlandmaine.gov>

Thu, Nov 1, 2018 at 8:58 AM

To: Christina Stacey <cstacey@portlandmaine.gov>

Cc: James Luedke <james.luedke@gmail.com>, "Browne, Juliet" <jbrowne@verrilldana.com>, Anne Torregrossa <atorregrossa@portlandmaine.gov>, Jeff Tarling <jst@portlandmaine.gov>

The shrubs did survive and looked good. The only new plantings that appeared stressed/dead were two trees. One was replaced, as James mentioned, and one is being monitored. We will reinspect next year.

Jodie W. Keene, Development Review Coordinator
City of Portland Planning and Urban Development Department
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Christina Stacey <cstacey@portlandmaine.gov>

Thu, Nov 1, 2018 at 9:06 AM

To: Jodie Keene <jkeene@portlandmaine.gov>

Cc: James Luedke <james.luedke@gmail.com>, "Browne, Juliet" <jbrowne@verrilldana.com>, Anne Torregrossa <atorregrossa@portlandmaine.gov>, Jeff Tarling <jst@portlandmaine.gov>

Great, thanks everyone.

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