



Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

April 7, 2014

Timmi and Rorick Sellers
89 Pleasant Avenue
Peaks Island, ME 04108

RE: 89 Pleasant Avenue, Peaks Island – 087-A-003 (the “Property”) – IR-1 Zone with a Shoreland Overlay

Dear Mr. & Mrs. Sellers,

It has come to the attention of this office that you have taken actions on the Property that are in violation of the City of Portland’s Land Use Ordinance. The Property is located entirely within the IR-1 zone with a shoreland overlay. When I visited with you on the Property you admitted to removing vegetation in the area of where the shoreland zone impacts the Property. Section 14-449(c) allows an owner to maintain legally existing nonconforming cleared openings, but are not allowed to enlarge such areas. You have enlarged such areas in violation of the shoreland ordinance and created a back lawn. By definition, “vegetation” includes trees, shrubs and other plants including plants less than 4”. You will need to submit a site plan application as required under section 14-449(o) of the shoreland ordinance. The planning board or planning authority may approve actions within the shoreland if the listed standards are met. This office will need a stamped survey indicating all site features. You must show previous conditions and the areas where vegetation was located. You may need to replace the removed vegetated areas with shoreland tolerant vegetation. It is necessary to apply for a site plan review under the City guidelines within thirty (30) days showing what changes you have done within the shoreland zone along with a remediation plan.

Please also note that your fence permit was issued based upon revised plans. The City is not allowing the proposed fence to block any easements or right of ways without showing the City that you have the right to do so. The City has not seen such authority from you to block any easements or right of ways on the Property.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal. If you have any questions regarding this matter, please feel free to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Portland, Maine



Yes. Life's good here.

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Cc to: Sheila Hill-Christian
David Marshall
Jeff Levine

