



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

*Penny St. Louis Littell- Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

July 20, 2009

Clifton P. Rose and Alicia M. Kershaw  
95 Franklin Street #4  
New York, NY 10013

RE: 5 City Point Road, P.I. - #87-U-1 & 5 – IR-2 Zone with a Shoreland Overlay  
Zone

Dear Mr. Rose and Ms. Kershaw,

I am in receipt of your e-mail. Please note that I can not open your site plan attachment on that e-mail. That being said, I disagree with your supposition that you need not do anything at this time to comply with City Ordinances. Your e-mail to me does not constitute a required submittal of a Site Plan Review by any means.

Shoreland Zoning is very specific. Your land which is wholly within Shoreland Zoning, must be maintained within the language of the Ordinances. Your land has been altered and natural grassed areas have been removed and turned into lawn area. Such actions are in violation of the Shoreland Zoning Ordinance. Areas will be needed to be revegetated and brought into compliance. Please note that the loss of natural, vegetated grasses adds to increased water run-off.

My original letter to you almost a year ago, September 12, 2008 was initiated because of concerns that you continue to alter your property without regard to City and State regulations. This Department has the originally approved site plans when the lot was first developed. We shared those plans with you. Your property has been altered without the benefit of required permits. You are required to bring your property in compliance with City and State regulations. You are required to submit plans showing how you intend to come into compliance with all City and State Ordinances. We have been working with you toward that goal for almost a year .

You are required to submit your site plan within 14 business days from the date of this letter (no later than August 10, 2009) to show how you will bring your property into compliance. Before you remove any Bittersweet or other species, we will want a copy of your plans in which to review and approve. No one has allowed the removal of any species at this time.

If the City of Portland does not receive the required site plan submittal within the above time frame, it will be necessary to turn this matter over to our Corporation Counsel for legal action.

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.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

Cc: Penny St. Louis Littell, Director of Planning and Development  
Alex Jaegerman, Director of the Planning Division  
Barbara Baryhydt, Planning Program Manager Supervisor  
Mike Morse, Department of Environmental Protection, 312 Canco Road, Portland  
Corporation Counsel  
File