Portland Maine Yes. Google's good here.

Christina Stacey <cstacey@portlandr

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 07/18/16

154 Island Ave - stair permit

Sally Oldham <oldhamseg@gmail.com> Thu, Jul 7, 2016 at 8:47 AM
To: Christina Stacey <cstacey@portlandmaine.gov>, Barbara Barhydt <BAB@portlandmaine.gov>
Cc: Jeff Tarling <JST@portlandmaine.gov>

Chris,

We plan to plant 6 to 8 additional shrubs of the types referenced previously, native species such as York Elderberry, Bush-honeysuckle, Highbush Blueberry, and Sweetfern. I hope this information is responsive to your query and that you can now approve the planting plan so that Barbara can move ahead on the Level 2 Site Alteration approval. Please let us know if there is any problem with moving ahead.

Attached is the receipt from filing for the DEP permit by rule. Ted hand delivered this to the Portland DEP office yesterday and talked with Mark there. Mark said he had worked with you for about 8 years, said to say hi, and had high praise for your work. Mark explained and we also read in the DEP guidance that if that office does not approve the permit within 14 days, the permit is deemed approved and we will receive no further communication at all. I expect you are familiar with this practice. So it is possible that we would have no further documentary proof of a permit other than the receipt that I have attached.

Barbara, I hope you will comment on this if you have other information than we received from DEP.

However, Mark said they are not too busy and thought it likely that they will be able to approve the permit within perhaps a week and suggested we call in a week's time on July 13.

We realize from your email Chris, that we can not proceed with work until we have the City's permit approvals and the DEP approval, either by specific communication within 14 days or by no communication for 14 days at which time it will be deemed approved.

I hope it may be possible for you and Barbara to take action by the end of next week so we can proceed as soon as the DEP permit is approved. Is this a reasonable expectation?

Thanks very much for your help,

Sally & Ted

On Jul 6, 2016, at 3:57 PM, Christina Stacey <cstacey@portlandmaine.gov> wrote:

Can you just provide an estimate of the number of additional shrubs you will plant in addition to the ground cover junipers/cotoneasters?

On Wed, Jul 6, 2016 at 2:39 PM, Sally Oldham <oldhamseg@gmail.com> wrote:

> Hello Chris:
>
> Thanks for the call this morning. We certainly appreciate your concern that shrubs be included in the planting as we repopulate the the areas of the site left open after the bittersweet vines were removed. Our first plantings have been done to begin stabilizing the soils quickly and we will add some shrubs into the mix as we move forward with the plantings. Our goal is not to create a garden but rather to recreate a natural site consisting of healthy native plants requiring little maintenance. In addition to the trees on the site there are a number of ferns, Barberry shrubs, Wild Rose and Viburnum. A couple of these shrubs will need to be pruned for the stair inclusion but none will need to be moved or removed. We plan to encourage some Beech and Birch shoots existing on site for the future while not encouraging the Norway Maple shoots. We took Jeff's lists of native shrubs to the local nursery this afternoon to check on availability and to get Jim Lausier's opinions about what he has seen thrive well on Peaks in areas such as ours. Once the stair is in place and we can access the slope better for planting, we would expect to plant a number of shrubs including native species such as York Elderberry, Bush-honeysuckle,

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Highbush Blueberry, and Sweetfern, all of which are available from the Lausier Family Gardens nursery here on Peaks Island.

The photo below is taken of the middle range of the back slope looking toward the seawall. On the rig side of the photo you see the three existing beech trees. You can see the stakes showing the locatio of the replacement stair and also see ferns and a variety of shrubs already located on the site. We hope this explanation is responsive to your concerns. Please let us know if you need any additional information.

Best wishes,
Sally & Ted

<IMG_2632.jpeg>

On Jul 1, 2016, at 9:37 AM, Sally Oldham <oldhamseg@gmail.com> wrote:

Hello Chris:

We think that it is important to clear up several misconceptions that you mention in your Jun 30, 2016 email to us. Ryan Cianchette will be responsible for constructing the stairs for which we are applying for a permit to build. Ryan did not visit the site until after the bittersweet removal process was complete and cannot comment on the state of the site before the bittersweet removal effort. There is no way that he might have knowledge of this. In the future, please ask us if you have questions on any matter other than the stair construction.

Late last summer we consulted with Stan Newell, a licensed arborist on Peaks Island. Stan is probably the most respected and knowledgable arborist on the island. He strongly recommended that we remove the invasive bittersweet. He said the previous owners who owned the property for 10 years had not been willing to take on the task of controlling the bittersweet and that is why it had taken such a strong hold on the property, creating a veil over and woven throughout the tree canopy, not allowing light to get through to the understory and resulting in trees becoming distorted in their growth and little growth of under story vegetation. After much discussion we hired Stan to do this work. Stan cut and removed some of the bittersweet, but found it impossible to remove much of it because it was so entangled in the trees and extremely difficult to pull out of the trees. Stan's recommendation was to cut the bittersweet vines close to the ground in the fall and then to let the vines die and dry out through the winter so that it would be possible to pull them out of the trees. No roots were removed and they are still alive in the ground. Stan said that the bittersweet is considered an "invasive species" which is cited as such in Maine state literature that also recommends it be removed when possible. Stan has been removing bittersweet for many years from properties similar to ours and has never gotten a permit or been asked to get one.

After we were asked to file for the Level 1 Site Plan, we talked with Jeff Tarling to seek his advice on how to deal with the results of the bittersweet problem and about what plants he would recommend to add to the newly open spaces on the property. Jeff recommended that we kill the bittersweet roots over time and gave us a recommended method to do this.

No shrubs and, in fact, no bittersweet roots were removed from the site. We did remove a fair amount of trash - old furniture thrown down the slope, pieces of concrete, old bricks, etc. that had been thrown down because the veil of bittersweet could hide these items from view. The concrete landings, some pipe stair structure and pipe handrails of the old stair remain. Many of the existing shrubs and ground cover, consisting of Barberry, Wild Rose and ferns are located near the exterior of the site because that is where there was light. A large dead birch tree was removed and to remove the bittersweet from the tree tops, several branches of existing trees had to be trimmed, but the trees were not significantly damaged. There are areas of the site that were opened up by removing the overhead vines. We talked about this with Jeff Tarling who sent us a listing of recommended species and told us that there were no restrictions on planting them at any time. Prior to the stair being built we are planting in areas outside the area of disturbance of the stair construction. We have begun by planting 15 Blue Rug Juniper and Willowleaf Cotoneaster @ approximately 6' c/c on the north side of the hill. We have purchased an

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additional 22 ground cover plants that have a spread of 8-10' consisting of Bar Harbor Juniper and additional Blue Rug Juniper. These will be planted in connection with the finishing of the stair.

We reviewed the DEP ISSUE PROFILE that you forwarded to us. The Department's Guidelines define a point system for a "well distributed stand of trees and other vegetation" as requiring 24 points for 1250 sq ft (a 25 x 50 rectangle) using their "tree values based on tree diameters".

The 154 survey previously supplied to you shows an approximate area of 2500 sq ft (42' x 58' = 2436 sq ft) which would be 2 of the test areas of 1250 sq ft, thus we assume that we would need 48 points to achieve "the desired well distributed stand of trees and vegetation". We measured the approximate diameter of the existing trees (6 are Beech, 1 is a Birch, 1 is a very old Oak and the rest are Norway maples) and using the point system, determined that for the 18 existing trees on the site, they have a value of 58 points. This number exceeds the recommended requirement. The 154 Island Ave existing tree survey is attached below.

We attach the tree survey and a few photos.
Photo 1. Jun 2016 View up north property line.
Photo 2. Jun 2016 View from sea wall of new plantings
Photo 3. Dec 2015 View of bittersweet vine in trees
Photo 4. Aug 2015 View of Veil of bittersweet from just below deck

I hope that this answers all of your questions allowing you to proceed with your review. Please respond to let us know you have received this communication.

Thanks for your help,

Sally and Ted

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> On Jun 30, 2016, at 8:15 AM, Christina Stacey <cstacey@portlandmaine.gov> wrote:
>
> Hi Sally and Theodore,
>
> I received your voice mail last week regarding the stair project at 154 Island Ave. Although we have most of the information needed, there is one significant issue you will need to address before I will be able approve the project for zoning.
>
> I spoke with Ryan Cianchette about a month ago and he mentioned that a good deal of underbrush has been removed from the property. The Site Alteration application you submitted confirms this, stating that the cutting was done to remove invasive bittersweet. Although this cutting would likely have been acceptable to the city, the project occurred within the Shoreland Zone, so you should have sought approval from the city before undertaking the work. The Shoreland Zone ordinance requires restoration of the buffer by planting replacement shrubs/trees, even though it was apparently largely invasives that were removed.
>
> To move forward, I am requesting the following information:
>
> - Information on the amount/land area of cleared invasive species, and information on any other shrubs or trees (< 2" diameter) that have been or will need be removed - number, species, etc.

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- Photos that show the area as it exists now
- A restoration plan detailing the species, number, and location of trees and shrubs to be planted.

I am attaching some guidance sheets with some basic information on cutting in the Shoreland Zone and creating restoration plans.

Please e-mail me the information/plans once they are prepared. If you have any questions about this, just let me know.

Kind regards,
Chris

–
Chris Stacey - Zoning Specialist
Department of Permitting & Inspections
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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.<DEP Info Sheet - Clearing in the SLZ.pdf><DEP Info Sheet - Restoration Plans.pdf>

–
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