

# PORTLAND MAINE

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

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

June 24, 2011

Susan G. & Bruce T. Astarita  
402 8<sup>th</sup> Street  
Delmar, CA 92014

RE: 7 Diamond Pass/360 Island Ave., Peaks Island – 90-A-1 – IR-2 Zone &  
Shoreland Zoning

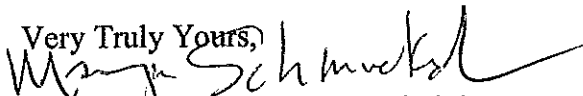
Dear Mr. & Mrs. Astarita,

On June 21, 2011 I visited your site on Peaks Island along with Mike Morse from the Maine DEP, Philip DiPierro of the City's Planning Division and Jeff Tarling, the City of Portland Arborist. Your contractor, Terry Edwards, was making some physical alterations to your property within the Shoreland Zoning areas. This office has no permits on file for any of the work that was being done. Several different permits are required for the different work that was being done.

Mr. Edwards had already dug up underground drainage piping that lead out to the beach. Mr. Edwards also informed us that the existing cesspool had failed and had perhaps breached into the underground drainage piping. He was asking us as to what would be required to install a holding tank. We informed him that he would need to make out the required HHE-200 State Forms and show plans of what would be proposed. We also informed Mr. Edwards that before he did anymore work in the Shoreland Zone, he needed to also apply for a site plan review showing exactly what was proposed for the underground piping. Philip DiPierro did allow Mr. Edwards to secure the site where he had dug up the underground drainage pipes.

It was noted that the single family dwelling was not occupied at this time. Until an approved septic system can be approved and installed, the single family cannot be occupied. Tammy Munson, who is the Division Director of Inspection Services, was appraised of this situation and agreed that the building could not be occupied until a waste disposal system was in working order.

This office will be following with the situation to ensure compliance. If you have any more questions concerning this matter, please feel free to contact either Tammy Munson, Philip DiPierro, or myself.

Very Truly Yours,  
  
Marge Schmuckal, Zoning Administrator

**Marge Schmuckal - 360 Island Ave**

---

**From:** "Morse, Michael J" <Michael.J.Morse@maine.gov>  
**To:** "Marge Schmuckal" <MES@portlandmaine.gov>  
**Date:** 6/21/2011 2:58 PM  
**Subject:** 360 Island Ave

7 Diamond Pass, PI 90-A-1

Hi Marge. I spoke with a couple of the guys here in the office about the cesspool matter we looked at this morning. They (Fred Gallant and Matt Hight) both stated that they would defer to Brent Lawson @ DHHS plumbing control program (592-7376) for guidance. They also suggested that you or someone else from the City might want to touch base with Brent to get his thoughts.

Thanks again for your willingness to join me today out on Peaks.

Mike

*Mike Morse*  
MDEP  
Asst. Shoreland Zoning Coordinator  
312 Canco Rd, Portland, ME 04103  
822-6328  
822-6303 (fax)

**Marge Schmuckal - RE: 7 Diamond Pass**

---

**From:** Richard Shinay <RShinay@dwmlaw.com>  
**To:** 'Marge Schmuckal' <MES@portlandmaine.gov>  
**Date:** 6/22/2011 3:34 PM  
**Subject:** RE: 7 Diamond Pass  
**CC:** "astacom@aol.com" <astacom@aol.com>, "bruceastarita@yahoo.com" <brucea...

---

Thanks Marge.

To confirm, my clients, the owners of the property, are Susan G. and Bruce T. Astarita. Their mailing address is 402 8<sup>th</sup> Street, Delmar, CA 92014.

The cess pool is scheduled to be pumped tomorrow morning by Hamblen Pumping so that Terry DeWan can begin an evaluation of it and the attendant drainage issues. The Astaritas do not intend to use the property until they have a functioning waste disposal system.

Please email me a copy of whatever correspondence you send to the Astaritas regarding the results of your recent visit to the property.

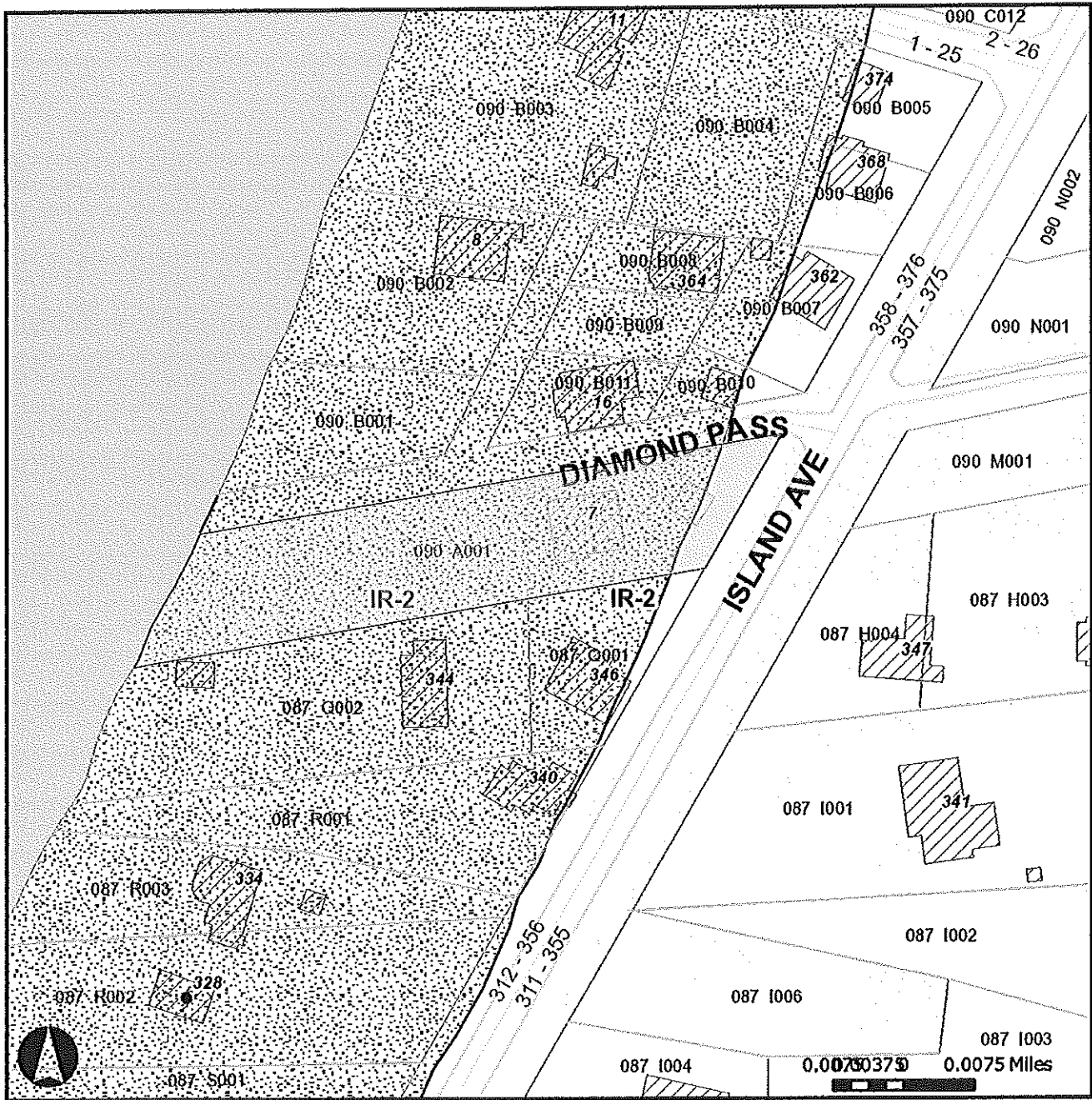
Thanks.

Rick.

**From:** Marge Schmuckal [mailto:MES@portlandmaine.gov]  
**Sent:** Wednesday, June 22, 2011 2:46 PM  
**To:** Richard Shinay  
**Subject:** 7 Diamond Pass

Hi Rick,  
Here is my e-mail - It will also confirm that I got your e-mail correct.  
Marge

# Map



<b>Parcels</b>	<b>Shoreland Overlay Zone</b>	<b>Zoning (continued)</b>	<b>Zoning (continued)</b>
<b>Parcels</b>	<b>Stream Overlay Zone</b>		
<b>Interstate</b>	<b>Island Zoning</b>		
<b>Streets</b>			
<b>Buildings</b>			

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8466

City Home Departments City Council E-Services Calendar Jobs

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

**Current Owner Information:**

**Services**

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z



Best viewed at 800x600, with Internet Explorer

**CBL** 090 A001001  
**Land Use Type** SINGLE FAMILY  
**Property Location** 7 DIAMOND PASS  
**Owner Information** ASTARITA BRUCE T & SUSAN JTS  
 402 EIGHTH ST  
 DEL MAR CA 92014  
**Book and Page** 10122/292  
**Legal Description** 90-A-1  
 DIAMOND PASS 7  
 ISLAND AVE  
 PEAKS ISLAND 14100 SF  
**Acres** 0.324

**Current Assessed Valuation:**

**TAX ACCT NO.** 14426 **OWNER OF RECORD AS OF APRIL 2010**  
 ASTARITA BRUCE T & SUSAN JTS  
**LAND VALUE** \$374,800.00 402 EIGHTH ST  
**BUILDING VALUE** \$104,000.00 DEL MAR CA 92014  
**NET TAXABLE - REAL ESTATE** \$478,800.00  
**TAX AMOUNT** \$8,580.10

Any Information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

**Building Information:**

Card 1 of 1

**Year Built** 1900  
**Style/Structure Type** OLD STYLE  
**# Stories** 2  
**Bedrooms** 4  
**Full Baths** 2  
**Total Rooms** 7  
**Attic** NONE  
**Basement** CRAWL  
**Square Feet** 1309

[View Sketch](#) [View Map](#) [View Picture](#)



**Outbuildings/Yard Improvements:**

Card 1

**Year Built** 1900  
**Structure** GARAGE-WD/CB  
**Size** 18X18  
**Units** 1  
**Grade** D  
**Condition** F

**Sales Information:**

Sale Date	Type	Price	Book/Page
6/1/1992	LAND + BUILDING	\$195,000.00	10122/292

[New Search!](#)

## Marge Schmuckal - 7 Diamond Pass letter

---

**From:** Marge Schmuckal  
**To:** Richard Shinay  
**Date:** 6/24/2011 1:37 PM  
**Subject:** 7 Diamond Pass letter  
**Attachments:** violation-shoreland letter.pdf

---

Hi Rick,  
I have attached my letter to the owners. Thank you for your help on this issue.  
Marge Schmuckal

**Marge Schmuckal - RE: 7 Diamond Pass letter**

---

**From:** Richard Shinay <RShinay@dwmlaw.com>  
**To:** 'Marge Schmuckal' <MES@portlandmaine.gov>  
**Date:** 6/24/2011 1:46 PM  
**Subject:** RE: 7 Diamond Pass letter  
**CC:** "astacom@aol.com" <astacom@aol.com>, "bruceastarita@yahoo.com" <brucea...

---

Thanks Marge. As you are, I believe, aware, the Astaritas have retained Amy Bell Segal of Terrence J. DeWan & Associates in Yarmouth. Amy will be assisting the Astaritas in addressing the various issues at the property.

Thanks.

Rick.

**DrummondWoodsum**

MAINE | NEW HAMPSHIRE

**Richard A. Shinay | Attorney**

84 Marginal Way, Suite 600, Portland, ME 04101-2480

voice (207) 772-1941 ext. 582 • fax (207) 772-3627 • (800) 727-1941

direct (207) 253-0582 • cell (207) 807-0439

rshinay@dwmlaw.com | www.dwmlaw.com

*The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the email and any attachments from any computer. Any statements in this communication regarding tax matters are not intended or written by us to be used, and may not be used by any recipient of this communication, for the purpose of avoiding penalties that the Internal Revenue Service may seek to impose. The Internal Revenue Service has issued requirements regarding the formality and level of detail required in written analysis to be relied upon to avoid penalties; this communication does not meet those requirements.*

**From:** Marge Schmuckal [mailto:MES@portlandmaine.gov]  
**Sent:** Friday, June 24, 2011 1:37 PM  
**To:** Richard Shinay  
**Subject:** 7 Diamond Pass letter

Hi Rick,  
I have attached my letter to the owners. Thank you for your help on this issue.  
Marge Schmuckal