



Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

October 6, 2017

NOTICE OF VIOLATION AND ORDER TO CORRECT
Sent by Certified Mail #7014 1820 0001 4047 0652 and by Regular Mail

Anna Noyes Benoit & Henri Arthur II
107 West St.
Portland, ME 04102

Re: 16 Diamond Pass, Peaks Island – CBLs 090 B011 and 090 B001 – IR-2 Island Residential Zone and Shoreland Zone

Dear Ms. Benoit and Mr. Arthur:

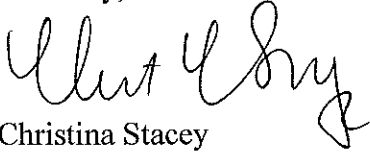
On August 22, 2017, this office inspected the above-referenced properties and observed that material such as brush, grass clippings, and a small amount of demolition debris had been deposited along the shoreline. Depositing such materials is a violation of section 14-449(c)(4)(a)(iii) of the City's Code (available online or at the City Clerk's office), which requires that in the shoreland zone, "in order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other groundcover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed..." In addition, the stump of a tree approximately 12 inches in diameter was found within 75 feet of the highest annual tide line. Removing the tree has resulted in a violation of section 14-449(c)(4)(a)(ii), which requires that a "well-distributed stand of trees" be maintained within 75 feet of the highest annual tide and section 14-449(c)(4)(3), which states that "legally existing nonconforming cleared openings may be maintained but shall not be enlarged..."

To remedy these violations, you must remove all of the material that was deposited along the shoreline and dispose of it in accordance with all federal, state, and local laws. In addition, you must plant a minimum of two trees to replace the tree that was removed. The two trees must be of native species and be a minimum 1" caliper.

These remedial actions must be completed within 30 days of the date of this letter. If you do not do so, the City will refer this matter to the City's Corporation Counsel's office for enforcement action. The City may be entitled to an order to correct the violations, civil penalties in the minimum of \$100 per violation per day, costs and fees, and other relief, under section 1-15 of the City Code and 30-A M.R.S. § 4452.

Please contact me with any questions. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Stacey". The signature is fluid and cursive, with the first name "Christina" and last name "Stacey" clearly distinguishable.

Christina Stacey
Zoning Specialist
Permitting & Inspections Department
(207) 874-8695
cstacey@portlandmaine.gov