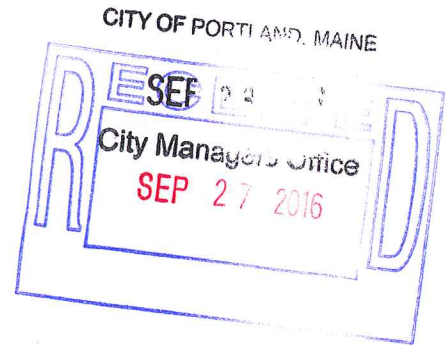


3429 Easton Avenue
Bethlehem, PA 18020
September 18, 2016

CERTIFIED MAIL

Mr. Jon Jennings, City Manager
City of Portland
389 Congress Street, #208
Portland, ME 04101

RE: 457 Island Avenue, Peaks Island, ME
Job ID 2011-11-2683-SUBSRF
CBL 090-P-004-001



Dear Mr. Jennings:

Please consider this our letter of complaint regarding the building permit issued for the installation of a replacement subsurface wastewater disposal system at the above-referenced property. We allege and aver the following:

1. The building permit is not proper in that it was issued to a non-owner of the real estate, Janet Pinzari, who along with her husband, James Pinzari sold the property on October 14, 2011, to Virginia K.H. Smith and Terry Smith recorded in Cumberland County deed book 29040, page 294, and wherein the design was changed in violation of the State of Maine Subsurface Wastewater Disposal Rules, Section 3B.2.
2. A condition of approval specifically set forth in that permit states that such approval was based upon information provided by the applicant and that "any deviation from such approved plan would require separate review and approval prior to work." The pump station control box (JB Plugger/SJE Rhombus) was installed on the complete opposite side from the location as approved on that permit, which indicates that all the components of this system (septic tank, pump, effluent pipes, and disposal field) were relocated from the location approved on that permit in violation of the "conditions of approval" set forth therein (see enclosed sketch). Further, there exists an easement to the Portland Water District that runs from Island Avenue to our property (50 Sargent Road, Peaks Island) as recorded in Cumberland County deed book 2037, page 333, which necessitates confirmation that the changed placement of the septic system components are not violating any setbacks required for public water.
3. Variances were approved by the local LPI, Nicholas L. Adams, without having visited the property prior to his approval, wherein such variances were based upon his review of the components being specifically located as approved on that permit. Page 2 of the variance request (HHE-204) indicates that Mr. Adams had stricken "have visited the above property" and inserted "reviewed". As such, any granted variances are invalid in that location because all components are not located where they were approved to have been specifically installed and, in fact, have been changed to different locations on the lot without receiving the necessary approvals.

4. The site evaluation was conducted over 9 years from the actual start date of the installation process, October, 2011. Site evaluator, Albert Frick, certified on the application that a site evaluation was conducted on August 6, 2002 (Page 1, HHE-200).
5. The design plan schematic on Page 2 of the application (HHE-200), sets forth that the length of the Smith property from Island Avenue to our property is 99 feet, when, in fact, it is only 98 feet as confirmed in the above-mentioned deed book. Because 99 feet was erroneously used in determining physical placement of all the septic system components, particularly the disposal field, as well as the attendant slope/grade of the land in seeking setback variances, the disposal field and slope encroaches onto our property (50 Sargent Road, Peaks Island) well beyond the 1-foot error and changes the slope/grade of our own property. All of these actions were done without any notice, permission, or agreement from us. Further, at the time of installation to assure proper setbacks, no survey was undertaken to confirm the definitive property lines, wherein Page 3 of form HHE-200 required "approx. property line (verify to assure proper setbacks)."
6. The local plumbing inspector failed to certify on Page 1 of HHE-200 in the section "Caution-Inspection Required" which states as follows: "I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application." No certification by the LPI appears for both the "1st date approved" and "2nd date approved" on the permit copy provided to us on October 9, 2015, pursuant to our request for same, by our submission of Form HHE-237 accompanied by the required \$15 fee to the Treasurer State of Maine. Because the location of all components were relocated without the required approval, any inspections are invalid.
7. On September 6, 2016, a photograph of the relocated pump station control box (JB Plugger/SJE Rhombus) was provided to Portland Code Enforcement Officer Douglas Morin wherein we were informed that "the file was reviewed and that there does not appear to be any violations." By virtue of our complaint, we aver that there are, indeed, violations that warrant further investigation and potential penalty. Please take immediate action and indicate what steps will be taken in response to our complaint. Thank you.

Yours truly,



Foster Leonhardt
Nadia Leonhardt

cc: Mr. Brent Lawson, State Plumbing Inspector w/enclosures
Mr. James Jacobsen, Subsurface Wastewater Unit w/enclosures

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10 SHS
 (207) 287-2872 FAX (207) 287-4172

Town/City/Plantation
 PORTLAND, PEAKS ISLAND

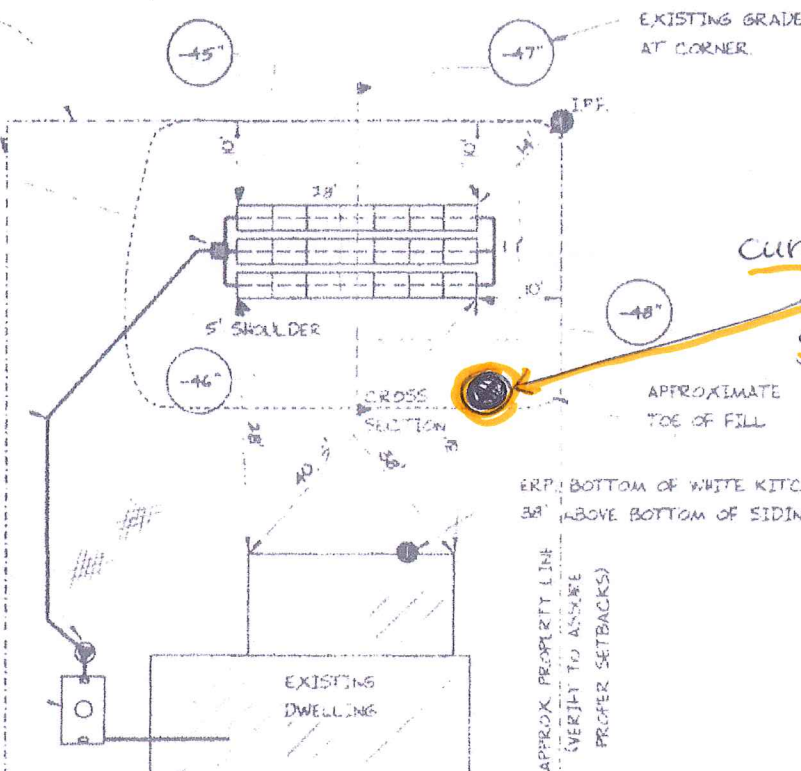
Street/Road/ subdivision
 457 ISLAND AVENUE

Owner's Name
 KATHIE SMITH

SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE: 1" = 20' FT.

- APPROX PROPERTY LINE (VERIFY TO ASSURE PROPER SETBACKS)
- BOTTOM FEED DISTRIBUTION BOX (INSULATE PER CODE)
- APPROX RIGHT-OF-WAY
- 1 1/2" TO 2" DIA EFFLUENT LINE BURIED BELOW FROST OR INSULATED TO PROTECT FROM FREEZING
- PUMP STATION (LOCATE WHERE FEASIBLE)
- 1000 GALLON CONCRETE SEPTIC TANK LOCATE WHERE FEASIBLE, 5' MIN. FROM BUILDING STRUCTURE, 4' MIN. FROM PROPERTY LINE



current location of above ground pump station control box (JB Plugged)
 SJE Rhombus

FILL REQUIREMENTS

Depth of Fill (Upslope) = 15" - 17"
 Depth of Fill (Downslope) = 16" - 18"

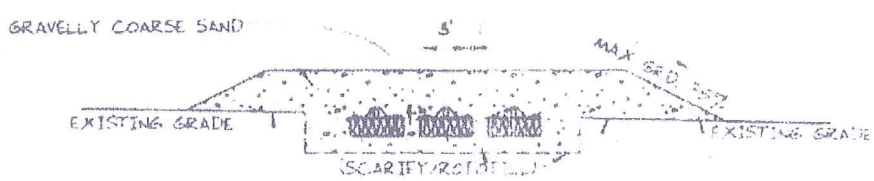
CONSTRUCTION ELEVATIONS

Finished Grade Elevation
 Top of Distribution Pipe or Proprietary Device
 Bottom of Disposer Area

ELEVATION REFERENCE POINT

SEE DETAIL BELOW
 Location & Description BOTTOM OF WHITE KITCHEN WINDOW SILL, 38" ABOVE SIDING
 Reference Elevation is: 0.0" or -----
 VERTICAL: 1" = 5 FT
 HORIZONTAL: 1" = 10 FT

DISPOSAL AREA CROSS SECTION

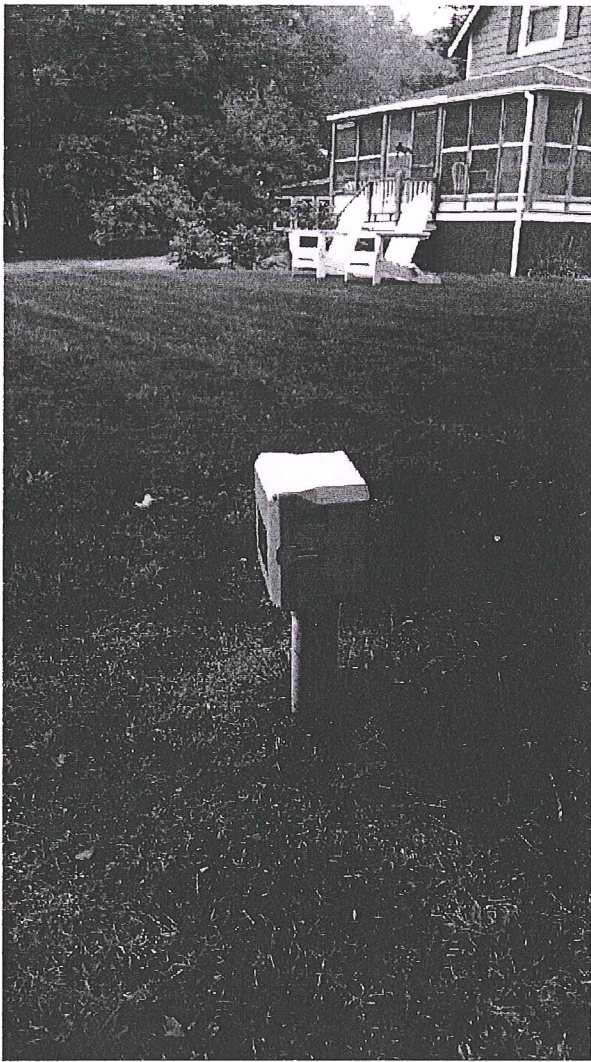


- CLEAN FILL -30"
- REQ TEXTILE FABRIC OVER 4" DIA PERFORATED ELLEN IN-DRAIN INT -42"
- GRAVELLY COARSE SAND -46"
- GRAVELLY COARSE SAND -53"
- GRAVELLY COARSE SAND -59"

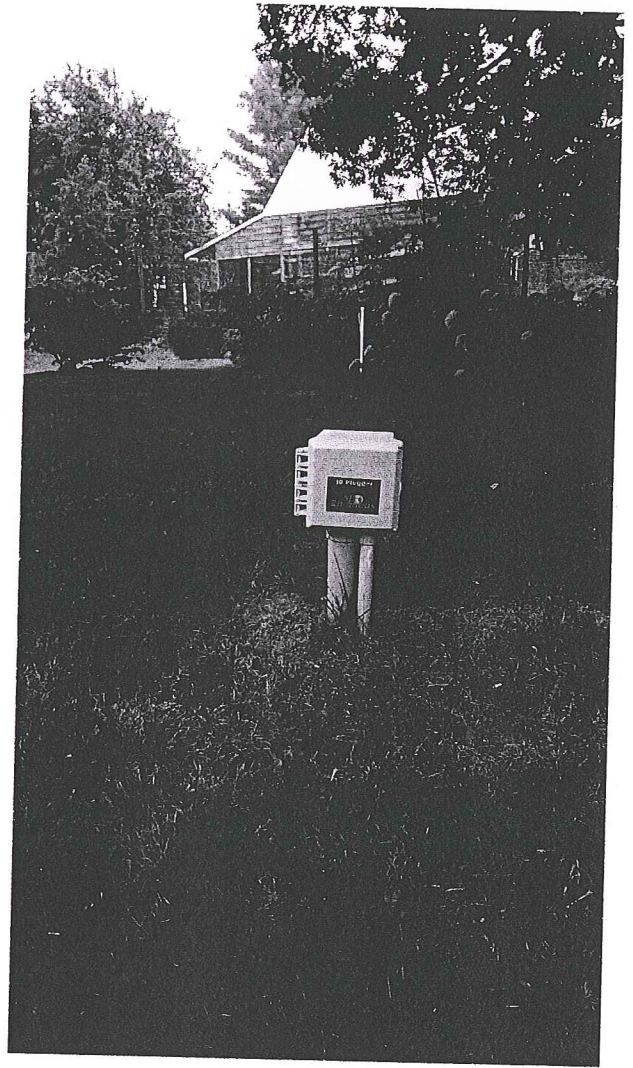
Albert Frick
 Site Evaluation Signature

16.3

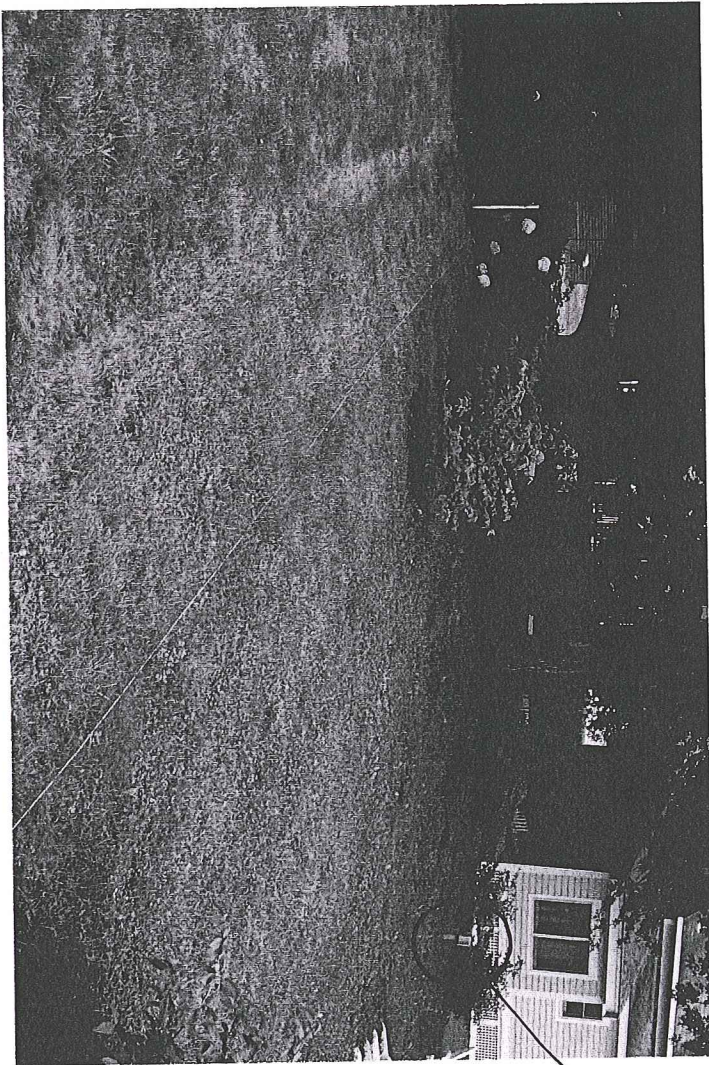
10/26/2011



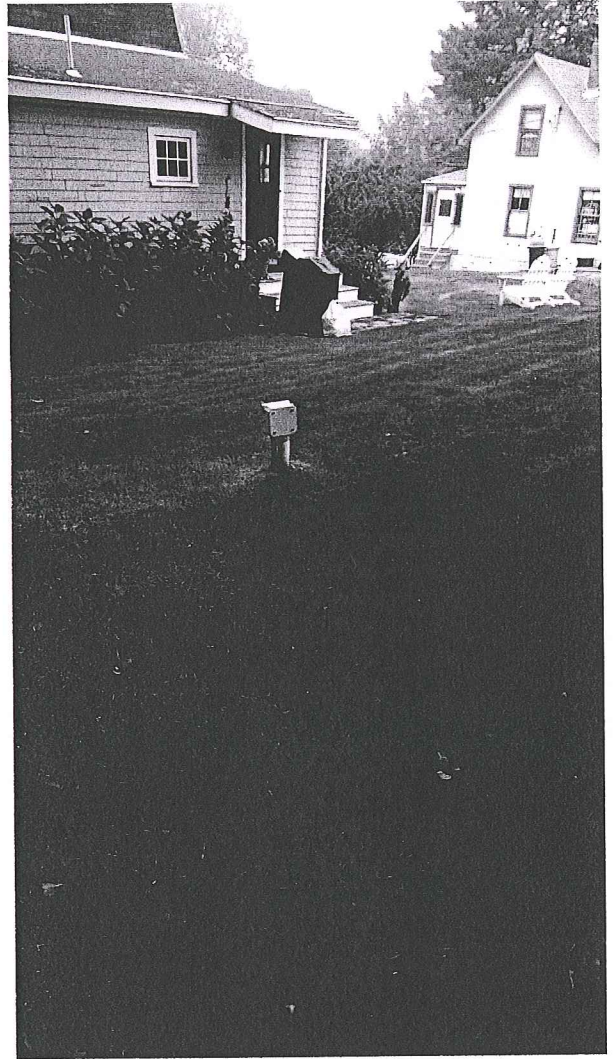
pump station control box - side
(JB Plugger / SJE Rhombus)



pump station control box - front
(JB Plugger / SJE Rhombus)



pump
station
control
box



pump station control box
at rear of Smith house

3429 Easton Avenue
Bethlehem, PA 18020



7035 0640 0003 3873 2799



1000



04101

U.S. POSTAGE
PAID
COPLAY, PA
18037
SEP 22, 16
AMOUNT

\$6.68

R2305K140786-04

MR. JON JENNINGS, CITY MANAGER
CITY OF PORTLAND
389 CONGRESS STREET, # 208
PORTLAND, ME 04101

City of Portland Maine

Mailbox Office