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77-81 Church Rd, Cliff Island - Permit #2016-00432

1 message

Ann Machado <amachado@portlandmaine.gov>

Mon, Apr 11, 2016 at 3:48 PM

To: Faith Rawding <f.a.rawding@gmail.com>

Faith -

I just left you a voicemail. I just received an email from your neighbor about work and clearing that is going on at the property at 77-81 Church Road, Cliff Island. Three pictures were included with the email.

First of all, the permit to do interior work and replace windows has not been issued yet, so there should not have been any work going on at the property. There was some confusion about the type of permit. It came in as a fast-track application, but it was not put into review that way. Zoning had signed off on 3/15/16 but the permit had not been issued because it went into review under building and had not been reviewed yet. I just put it back on fast track and so the permit should be issued today. Once it is issued, then work can continue.

One of the pictures showed the out building with a blue tarp on it. I thought that at one point last year that you said that this building had been removed. It is OK if it is not being removed because there is a permit on file for it. Is just the roofing (top layer) being replaced? If any of the sheathing underneath or any of the rafters are being replaced, you will need to apply for a permit to do the work.

The pictures also appear to show some clearing going on both between the dwelling and the water and behind the house towards the road. The whole lot is in the Shoreland Zone and there are restrictions for clearing within the zone even if the plants are invasive. I have attached the section of the ordinance [14-449(c)] that applies to clearing of vegetation in the shoreland zone.

There should be no clearing within the first 75' of the highest annual tide except for uses expressly permitted in that zone. Vegetation is defined as "all live trees, shrubs and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4.5 feet above ground level". Vegetation is also defined as "retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one-half (4 1/2) feet above ground level for each 25-foot by 50' foot rectangular area".

Between the 75' setback and the 25' setback, you can only cut up to 40% of the volume of trees with a 4 inch diameter at 4.5' off the ground within a 10 year period. Trees that are removed to develop permitted uses are included in this 40%. No cleared openings can exceed 25% of the lot area within the shoreland zone. This includes land that has been previously cleared. Existing nonconforming cleared openings can be maintained but they can't be enlarged.

The clearing needs to stop immediately. You need to submit a site plan to me. It needs to include the lot and the location of the buildings. The highest annual tide needs to be located on the plan (not the approximate high water line), and the 75 foot and 250 foot setbacks from this line. It should include the existing cleared areas and the areas that have been recently cleared. It should also include any trees that has been recently removed. You need to submit a restoration plan for the areas that were recently cleared. The restoration plan should follow the guidelines of the attached DEP Information Sheet - Guidelines for Restoration Plan for Shoreland Clearing Violations. I have attached the google map from 9/27/14 which shows the vegetation that existed then. Since our office has not reviewed and approved a plan to clear in the shoreland zone on the property since then, anything that has been cleared must meet the criteria stated above and if it does not it must be replanted.

Please confirm that you have received this email and let me know if you have any questions.

Ann

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3 attachments



14-449(c) clearing vegetation in Shoreland Zone.pdf

75K



DEP Information Sheet.pdf

172K



Google Earth 9-27-14.pdf

224K