

Ann Machado - Brief Summary of House Island Inspection 6.29.15

From: "Harris, Jennifer H" <Jennifer.H.Harris@maine.gov>
To: "Vincent "Cap" Mona" <capmona@aol.com>
Date: 6/29/2015 2:29 PM
Subject: Brief Summary of House Island Inspection 6.29.15
CC: "Morse, Michael J" <Michael.J.Morse@maine.gov>, 'Ann Machado' <AMACHADO@...>
Attachments: 096c305 (5).pdf

Hello Cap, I have cc'd Mike Morse and Ann Machado to this email so that you have their email addresses. Mike is from the DEP and is responsible for overseeing Shoreland Zoning in our Department and Ann is with the town of Portland and is the Zoning administrator. I am from the Land Resource Regulation Division and my role in the activities today was to check to see if the standards of the Natural Resources Protection Act (NRPA) were being met by your project. NRPA jurisdiction is within 75 feet of the highest annual tide line (HAT), and this overlaps in jurisdiction with Shoreland Zoning. Therefore, our Department has decided to work with the town in working with you towards bringing your property into compliance under both of these sets of rules.

When we got back to the office today we were able to look at the 2014 aerial photograph from September 27, 2014; a photo from before you purchased the property in October. It appears that much of the vegetative buffer clearing we saw today occurred after you bought the property. The town of Portland will issue a letter to address the violation(s) on the island, and our Department will work with them to get this letter out to you. Please contact Ann for town details regarding this letter, as our requirements in the letter will be similar to what I have briefly written below:

The Department recognizes that you removed vegetation and created disturbance within 75 feet of the HAT without first receiving a permit from the Department. The Department also recognizes that erosion controls at the property were decent, however there are areas that still need improvement. We will require that you submit a Section 12 (Restoration of Natural Areas) Permit by Rule (PBR) to our Department within 30 days of receipt of the letter from the town. The permit requires a replanting plan and \$73.00, made out to the Treasurer, State of Maine. It has a statutory 14 day review period. I believe the town will ask you for a replanting plan as well, so if you are able to create one for them it would be fine to attach this to your PBR application. The replanting plan should include the planting of native species, similar to what was removed, as discussed on site. Ann will have more details in her letter as to the density, etc. A link to the Section 12 PBR notification form is below. I have also attached a PDF of the applicability and submission requirements, starting at the bottom of page 36 for your use. I can also mail you a copy of the application if you would prefer, if so please email me back with an appropriate mailing address.

<http://www.maine.gov/dep/land/nrpa/pbrform.pdf>

Here is a link to our list of required erosion control BMPs and where to purchase erosion control mix. There were several holes in the fencing I saw today, as well as floating hay bales that were not staked down or trenched properly. I suggest that you use a combination of erosion control mix for two areas I saw the silt fence failing, and that you utilize a kind of combination of erosion control filter socks in areas where you have to divert water. Any project where more than 1 cubic yard of earthen material within a shoreland zone is being moved should have at least one supervisor working on the site that is certified in erosion control from our Department. Please ensure that the company doing the work, Dennison Landscaping, has someone on staff supervising the project that is certified. I also apologize in advance if I mistook who the contractor was, please correct me if I am wrong.

BMPs:

<http://www.maine.gov/dep/land/erosion/escbmps/index.html>

Sellers of Erosion Control Mix:

http://www.maine.gov/dep/land/training/suppliers_mix.pdf

The Department recognizes the work you have done on the island. Although you removed native Bayberry within 75 feet of the shoreline without a permit or prior approval from the Department; you also removed an invasive species our staff was able to identify as Black swallowwort (*Cyanthum louiseae*). When you replant the area where the Black swallowwort was growing with native vegetation, I believe the site will benefit greatly. Thank you, and please contact us if you have further questions.

Jen Harris

Jennifer Harris

Environmental Specialist

Bureau of Land & Water Quality

Maine Department of Environmental Protection

Work cell: 207-615-2875

email: jennifer.h.harris@maine.gov