



House Island, Portland

0 45 90 180 270 Feet



2009 Aerial photo

Exhibit A

Map Notes:  
 - Land Licensing Sites were either digitized on screen or collected using a Garmin Etrex GPS Unit. Feature locations have an accuracy of +/- 15 meters.  
 - Background hydrologic, topographic and political features are from MEGIS data layers with an accuracy of +/- 40 feet.  
 - All spatial data is projected to NAD 1983 UTM Zone 19.  
 - All spatial data is specific to Maine DEP Bureau of Land and Water Quality.  
 - Data is maintained by the Maine DEP GIS Unit and DLRR. This map is to be used for reference purposes only and does not represent authoritative locations of displayed features.



Map Prepared By: J. Harris  
 Maine DEP, BLWG,  
 Division of Land Resource Regulation  
 09/29/2015

Legend







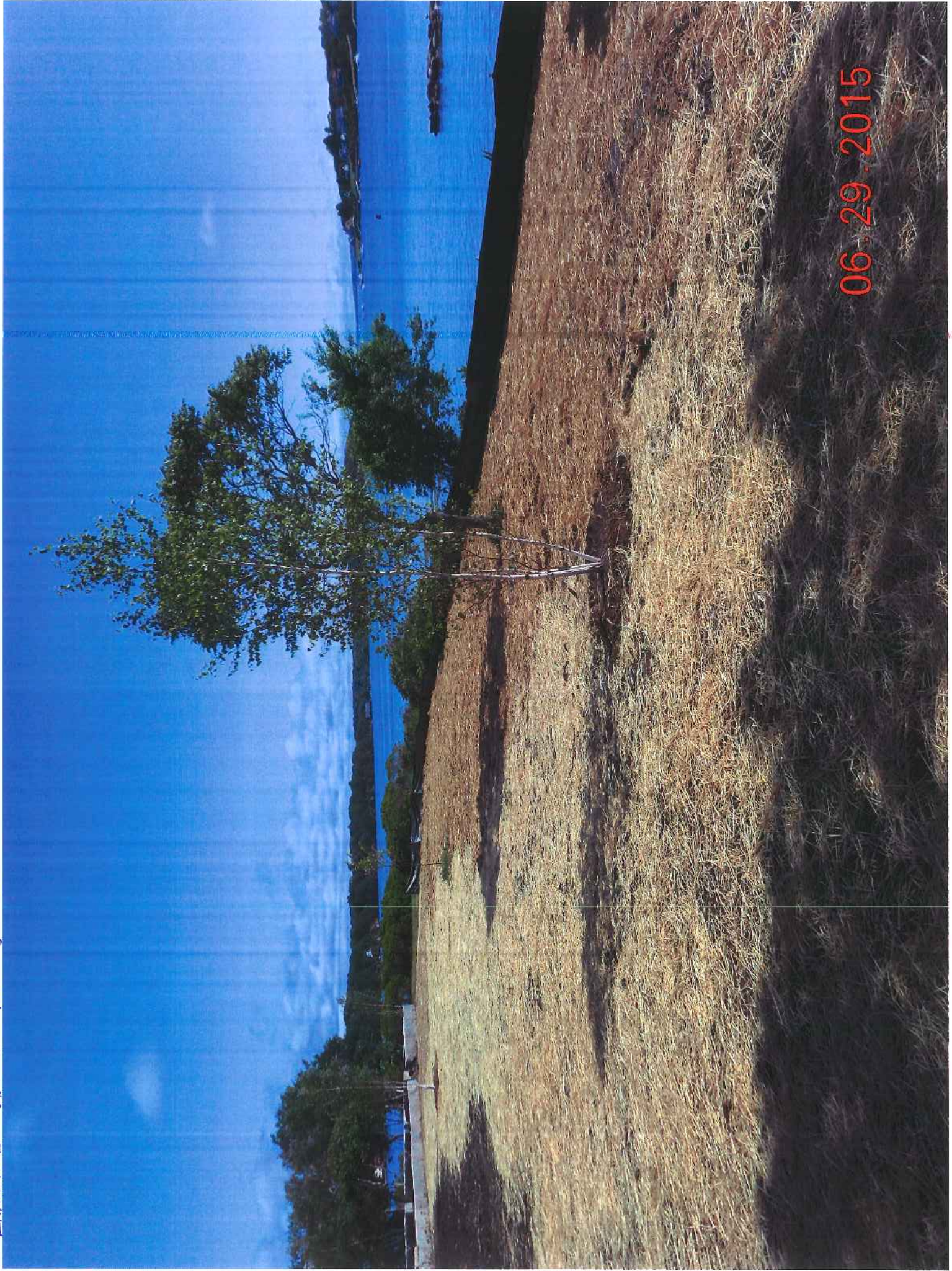
-  Conservation\_Lands
-  Elevation\_Contours\_20 (LIDAR)
- Streams**
- Stream Type**
-  Perennial
-  Intermittent
-  Ephemeral
-  Unknown



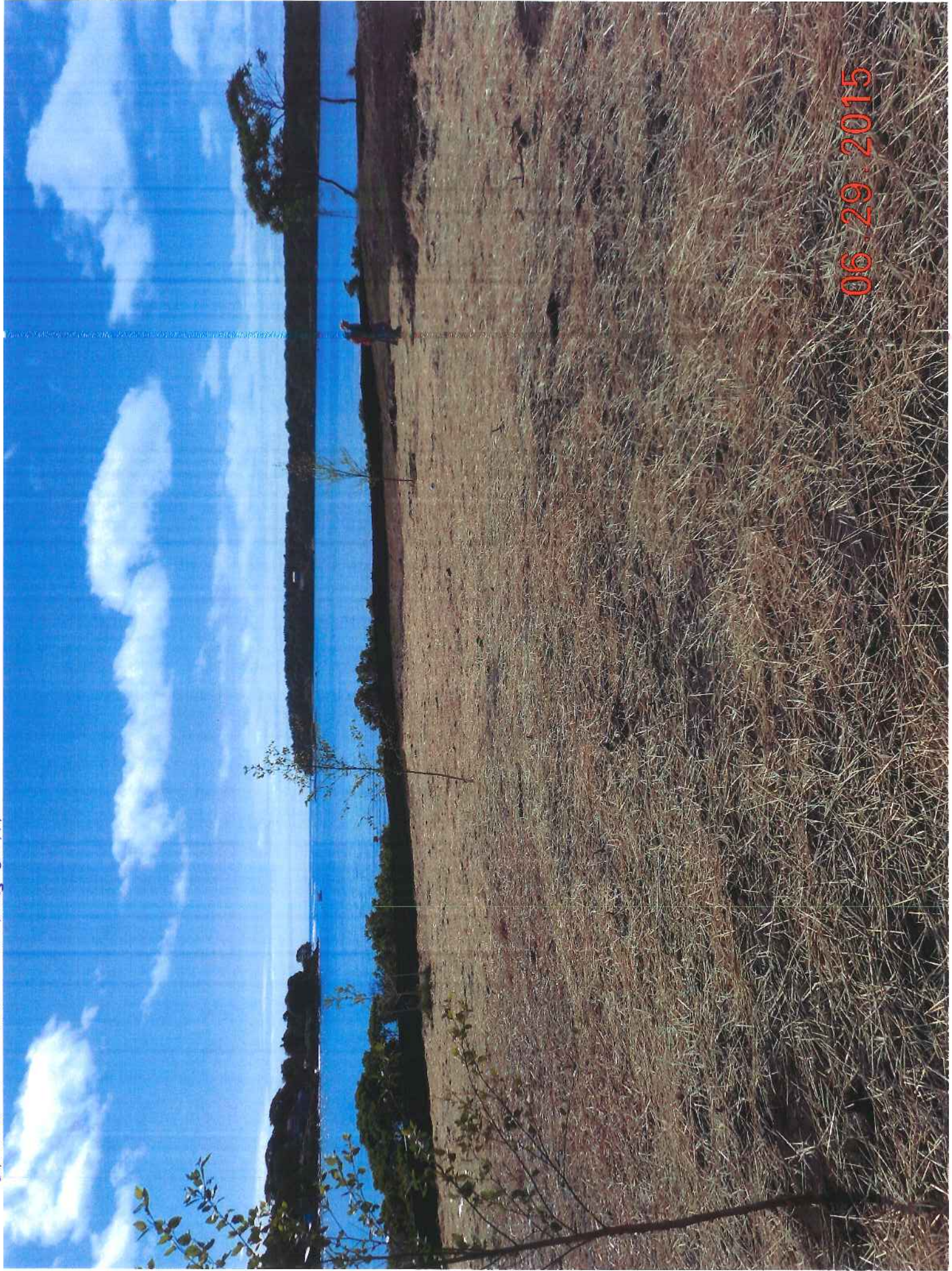
Exhibit B - Area 2 - looking North



06.29.2015



Exhibit B - Area 2 looking South



06-29-2015



Exhibit B - Area 3



06.29.2015



Exhibit B - Area 3



06.29.2015



Exhibit B - Area 3



06.29.2015



Exhibit B - Area 3



06.29.2015



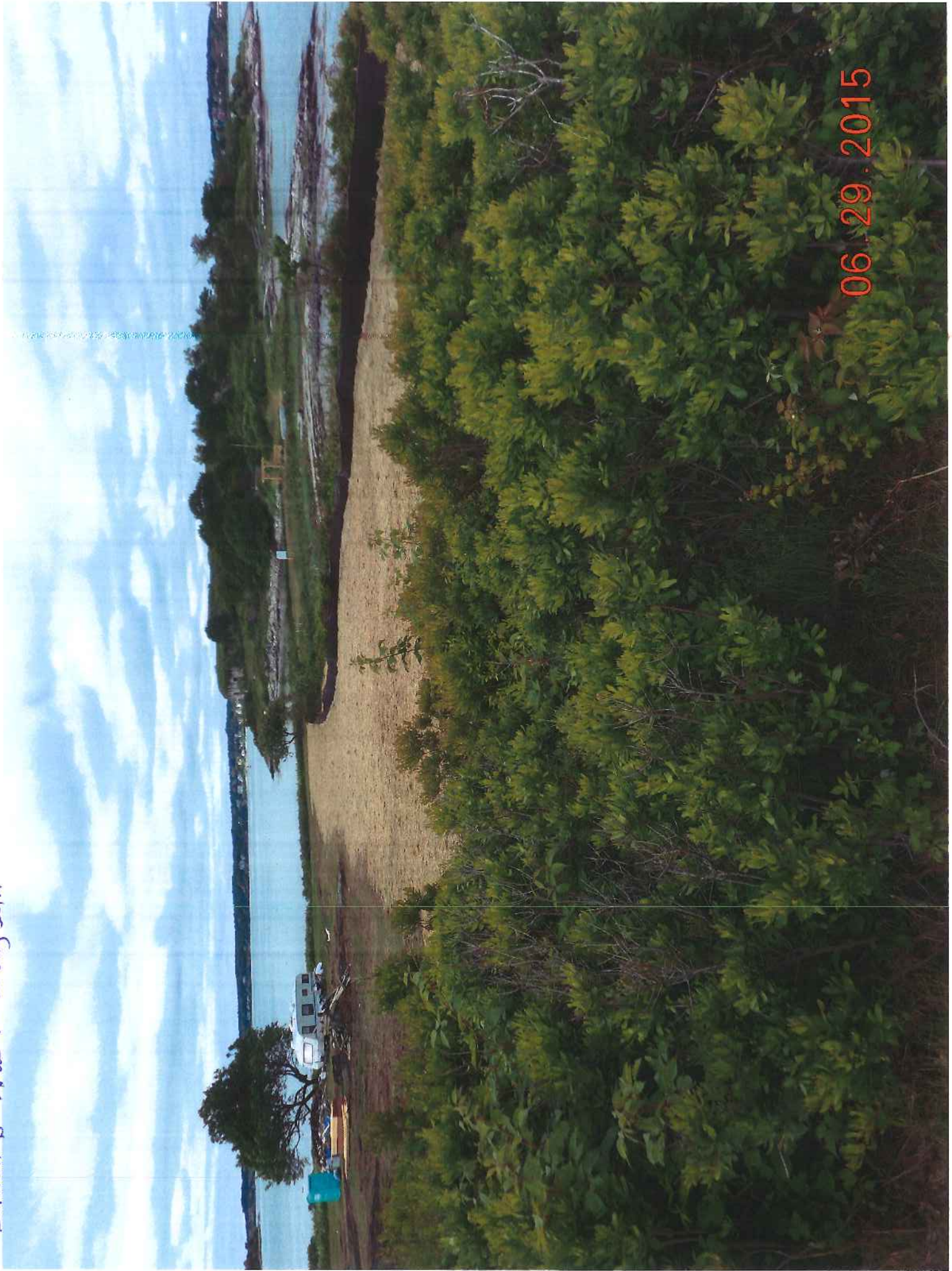
Exhibit B - Area 3



06.29.2015



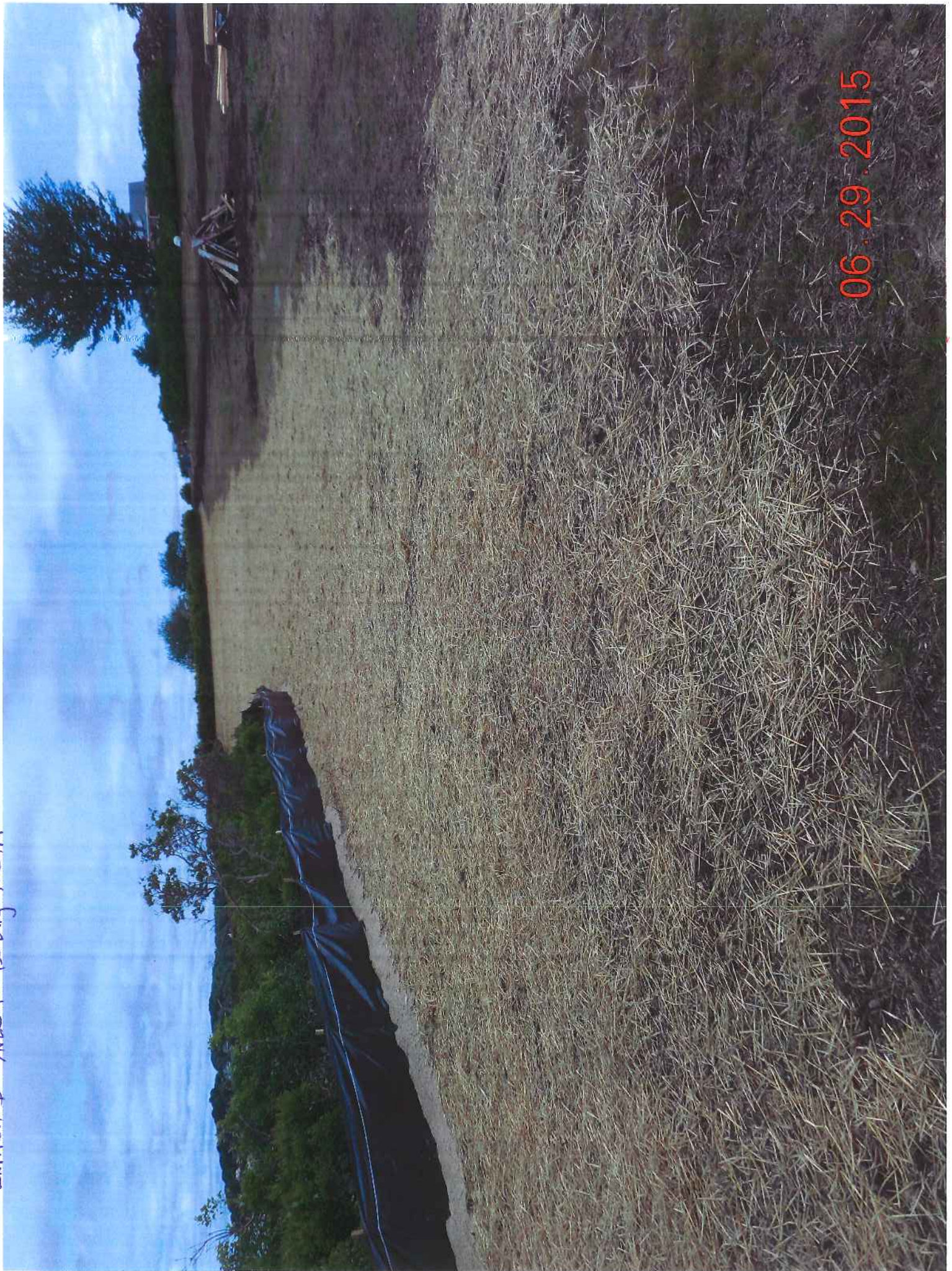
Exhibit B - Area 4 - looking South



06.29.2015



Exhibit B - Area 4 - looking North



06.29.2015



Exhibit B - Area S - looking North



06.29.2015



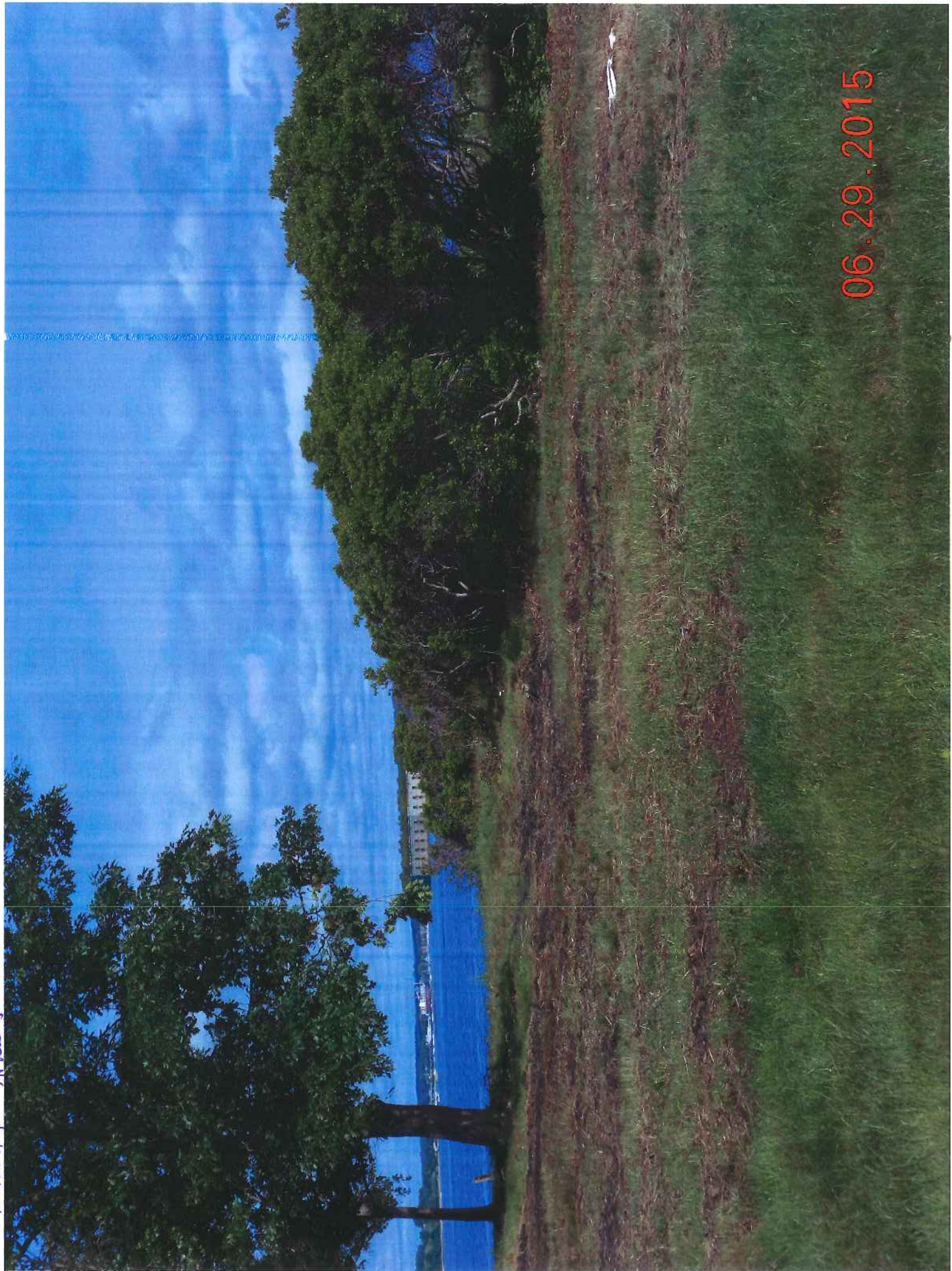
Exhibit B - Area S



06.29.2015



Exhibit B - Area 5



06.29.2015



Exhibit C



House Island  
9/27/2014

Legend

Google earth

500 ft





Exhibit D

**Ann Machado - Re: Brief Summary of House Island Inspection 6.29.15**

**From:** Cap Mona <capmona@aol.com>  
**To:** <Jennifer.H.Harris@maine.gov>  
**Date:** 6/29/2015 10:09 PM  
**Subject:** Re: Brief Summary of House Island Inspection 6.29.15  
**CC:** <jpdenison@denisonlandscaping.com>, <jhowell@denisonlandscaping.com>, <M...

Hi Jennifer;

I asked my wife about this situation and she recall.....this invasive plant that twisted and killed all in its grasp....and ....per Mr Scarks ....and the folks we had working last year.

We all were under the impression that removing the invasive was good for the environment ...  
 ....thus the amount of removal...that invasive is what actually took over the island...and covered the 1939 chevy truck....and was everywhere....  
 that's why I mentioned...we didn't feel we took that much bayberry,,,unless it was so dramatically wrapped with that invasive vine...

And the exact same response from the people working last year....the bayberry was definitely mixed in and taken over with this twisted vine plant...that they pulled out this & away from the bayberry that exist today , and at shore line areas where the bayberry still exist???

Why would we replant a native where an invasive was.....the invasive killed most of the bayberry,,,and what was left ...we were the one's who saved these remaining bayberry by pulling the invasive off

that's why we took out all the invasive...they were killing everything in their path...???

Sure ...please send a permit form to fill out...I will not decline someone willing to assist me...especially on something I don't know much about{ invasive etc....

My address  
 16 Running Tide Rd  
 Cape Elizabeth, Maine 04107

We sure want to do the right thing...but no more than what is legal and proper..."in these circumstances"

-----Original Message-----

From: Harris, Jennifer H <Jennifer.H.Harris@maine.gov>  
 To: 'Vincent \Cap\ Mona' <capmona@aol.com>  
 Cc: Morse, Michael J <Michael.J.Morse@maine.gov>; 'Ann Machado' <AMACHADO@portlandmaine.gov>  
 Sent: Mon, Jun 29, 2015 2:29 pm  
 Subject: Brief Summary of House Island Inspection 6.29.15

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](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 (*Cyanichium 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](mailto:jennifer.h.harris@maine.gov)





# DEP INFORMATION SHEET

## Guidelines for Restoration Plan for Shoreland Clearing Violations

issued: revised December 2007

contact: (800) 287-3901

See back page for other office numbers

Pursuant to the Mandatory Shoreland Zoning Act (Title 38 MRSA sections 435-449) and enforcement provisions of Title 30-A MRSA section 4452(3)(C-2), correction or mitigation of a violation that involves the cutting of a tree or trees must include but is not limited to replacement of each tree cut with a tree of substantially similar size and species to the extent available and feasible. Understory vegetation that is cut in violation of the shoreland zoning standards must also be replaced. The violator must submit a reforestation plan prepared by and signed by a forester licensed pursuant to 32 MRSA, Chapter 76 or other qualified professional that considers specified site conditions and addresses habitat and other riparian restoration, visual screening, understory vegetation and erosion and sedimentation control.

This information sheet is written to provide guidance in drafting the reforestation plan. The goal of the plan is to reestablish a forested buffer where the trees have been illegally cut. A landscaped buffer of shrubs and non-native species is not an acceptable alternative. However, where shrubs, saplings and ground cover have been significantly altered the plan must also address the restoration of this buffer component.

The purposes of the Mandatory Shoreland Zoning Act are varied. Of high importance is the protection of water quality. A buffer of trees, saplings, shrubs and the organic duff layer serves to filter rain and stormwater before it flows to surface waters, and also acts as a sponge to reduce overland flow. The buffer also provides habitat for many animal species, including small mammals and many song birds. A wooded buffer also maintains the natural beauty of our larger water bodies and keeps water temperatures down in our smaller streams.

In designing a planting plan the qualified professional, at a minimum, must address the following:

- The number of trees removed in violation of the Ordinance – at least one tree must be planted for each tree cut in violation. The location of the replanted trees shall be as near as feasible to the trees they are replacing.
- The size of the trees removed – The replanted trees must be as close in diameter and height to those that were removed as practical, taking into consideration the size available at nurseries, the type and depth of the soils, depth to the water table, slope of the land, exposure to sun and wind, and other factors that may affect the short and long-term survival of the trees. Regardless of the size of the tree when it is planted, it must be a species that will grow to a similar size as would the original tree.
- Tree species removed – Planted trees shall be native to the area where the planting will occur, and must be suited to the soil conditions at the planting site. Specific species planted may depend on the availability of nursery stock. However, deciduous and coniferous trees should be planted at essentially the same ratios as were cut, unless site conditions are prohibitive.
- Saplings and shrubs removed – Saplings and shrubs that were removed in violation of the Ordinance must be replaced with native species that will be effective in preventing erosion and maintaining water quality, will complement the visual screening provided by the replanted trees, and will provide habitat for riparian species. Preference should be given to shrub and sapling species that will provide food and shelter for animal species that frequent the riparian zone.
- Site conditions – Soil conditions are important to the establishment of planted trees. Each tree species has its own growing needs, and a particular tree may grow well on a dry site, but do poorly in moist soils. Site conditions can also be a factor in developing a planting plan if large trees are to be planted.

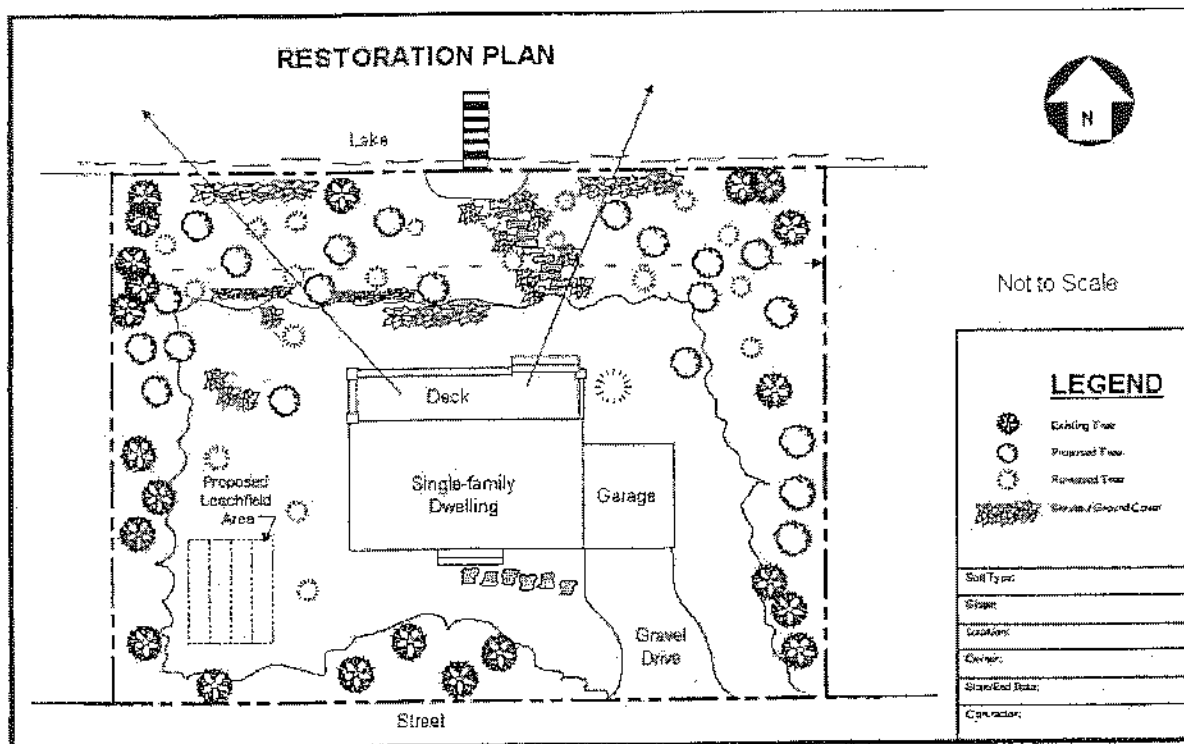


For example, in wetland areas it may not be feasible to use heavy equipment without subjecting the area to significant soil disturbance. In those cases it may be necessary to plant smaller trees than desirable.

- Planting time – The planting should be done at a time of the year when there is the greatest potential for survival of the plantings.
- Survival – The plan must address the replanting of trees that do not survive during the first three years after planting. An 80% survival rate should be guaranteed during the first three years following the planting.

The plan must also include, at least, the:

- Site location and a drawing of the planting locations (see drawing below);
- Waterbody;
- Tax map and lot number;
- Owner's name;
- Mailing address of owner; and
- Phone number of contact person.



Include setbacks and dimensions of existing and proposed structures. Stumps and their root systems must remain intact within 75 feet of the water, as the extent of soil disturbance must be minimized. An erosion control plan shall be included if soil disturbance or fill activities are conducted within the setback area.

**Where can I get additional information?**

For additional information, contact the DEP office closest to you and ask to speak with a staff person in the Shoreland Zoning program.

Augusta	17 State House Station, Augusta, ME 04333	(207) 287-2111; (800) 452-1942
Bangor	106 Hogan Road, Bangor, ME 04401	(207) 941-4570; (888) 769-1137
Portland	312 Canco Road, Portland, ME 04103	(207) 822-6300; (888) 769-1036
Presque Isle	1235 Central Drive, Presque Isle, ME 04769	(207) 764-0477; (888) 769-1053