



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Ann Machado, Zoning Administrator*

July 9, 2015

Three Palms Design Build, LLC  
c/o Vincent Mona  
16 Running Tide Road  
Cape Elizabeth, ME 04107

**Certified Letter 7010 1870000281368787**

Re: Northern Half of House Island - 110-A-001-001 (the "Property") - I-B Island Business Zone with a Shoreland Overlay

Dear Mr. Mona,

This letter is in response to the actions that you have taken on your property that are in violation of the City of Portland's Land Use Ordinance. The Property is located in the I-B zone and almost entirely within the Shoreland Zone. § 14-449(c)(4)(a) outlines what is allowed regarding the cutting or removal of vegetation within seventy-five feet of the highest annual tide or upland edge of a coastal wetland. In this section 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 ½ feet above ground level". § 14-449(c)(4)(a)(iii) also states "existing vegetation under three (3) feet in height and other groundcover, including leaf litter and the forest duff layer, shall not be cut". You are allowed to maintain legally existing nonconforming cleared openings, but you are not allowed to enlarge such areas.

I made a site visit on June 29, 2015 with Jennifer Harris and Michael Morse from the Maine Department of Environmental Protection to determine if clearing had taken place within the seventy-five foot setback of the Shoreland Zone. We observed that clearing of vegetation had taken place within this zone. We identified five cleared areas of particular concern. Three are located on the east side of the Property and two are located on the west side of the Property (Exhibit A). Area 1 measured approximately 45' long x 56' deep; area 2 measured approximately 270' long x 65' deep, area 3 measured approximately 40' long x 20' deep, area 4 could not be measured easily but it was even with the cove heading north towards an existing opening; and area 5 measured approximately 200' long x 20' deep. Within area 3 we found the stumps of ten trees that had been cut. We did not take pictures of area 1, but I have included pictures of areas 2-5 (Exhibit B).

When we spoke to you at the conclusion of our site visit you told us that you were only reseeding what "had been cleared by the previous owner". You told us that you purchased the Property on October 1, 2014. A Google Earth aerial photo of the Property taken on September 27, 2014 (Exhibit C) shows the vegetation that existed when you purchased the Property which was subsequently cleared. You have since admitted in an email to Jennifer Harris (Exhibit D) that you did clear the areas but that it was the