



Permitting and Inspections Department
Michael A. Russell, MS, Director

Department of Public Works
Christopher Branch, Director

Ann Machado, Zoning Administrator

May 24, 2017

NOTICE OF VIOLATION AND ORDER TO CORRECT
Sent by Certified and Regular Mail

Portlandom, LLC
100 Conifer Hill Drive, #402
Danvers, MA 01923

Re: 782 Forest Avenue – 137-F-001 – the “Property” – B-2c Community Business Zone & R-5
Residential Zone – illegal paving and City Right of way encroachment

To Whom It May Concern:

It has come to the City’s attention that, at some point in the recent past, pavement and additional parking spaces have been added to the above-referenced Property. Specifically, you have removed a grassed area on the Hartley Street side of the Property, and have also created parking spaces that encroach on the sidewalk on that side.

The portion of the property with the grassed area is in the B2c Zone, which has a maximum impervious surface ratio of 80% pursuant to City of Portland Code of Ordinances § 14-185. It appears that the Property was already non-conforming as to this requirement, and you have made it more so with the removal and paving of the grassed area.

With respect to the remaining parking spaces on the front side of the building, at least one of the spaces encroaches into the City’s right-of-way. You have created this space without any license or easement issued by the City, which is prohibited. Additionally, the constructed parking spaces do not meet the requirements of §§ 14-339 and 14-340, which set forth specific requirements for parking where off-street parking is provided for more than six vehicles. This includes providing a continuous curb guard or bumper guard, and getting the approval of the City traffic engineer.

Finally, users of your property have repeatedly driven over the City esplanade on the rear side of the building, destroying the grass and that area.

To bring the property into compliance you must complete the following within 30 days of this notice:

1. Remove the pavement covering the previously grassed area and reseed that area. You must obtain a street opening permit before beginning this work;
2. Submit a plan of action to the Department of Public works, describing your proposal for bringing the parking spaces on the front side of the building into compliance; and
3. Revegetate the Hartley Street esplanade area on the back side of the building, and install granite curbing or other approved structural barrier on your property to prevent further damage and to prevent individuals from using the City sidewalk for parking in the back lot.

If you do not bring the property into compliance within 30 days of the date of this letter, the City will refer this matter to the City's Corporation Counsel's office for enforcement action. The City may be entitled to an order to correct the violations, civil penalties in the minimum of \$100 per violation per day, costs and fees, and other relief under § 1-15 of the City's Code of Ordinances, 30-A M.R.S. § 4452, and other authority.

With respect to the violations cited under Chapter 14, you have the right to appeal this Notice of Violation and Order to Correct pursuant to section 14-472 within thirty days from the date of this letter. If you do not appeal, you may be barred from challenging my findings in the future. Please contact the Zoning Division for the necessary paperwork if you decide to file an appeal.

Please contact us with any questions. Thank you for your prompt attention to this matter.

Sincerely,



Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
207. 874.8709



Christopher Branch
Director
Public Works Department
City of Portland, Maine
207.874.8800