



PORTLAND MAINE

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Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

November 1, 2012

Priscilla B. & Thomas Hennessey
83 Murray Street
Portland, ME 04103

RE: 83 Murray Street – 162-D-25 to 32 – R-3 Zone with a Shoreland Stream Protection Overlay Zone, along with a FEMA Floodplain Overlay Zone

Dear Mr. & Mrs. Hennessey,

It has come to the attention of the City that you have recently cut down trees, shrubs and other undergrowth on your property located at 83 Murray Street. Your property is located in a protected Shoreland Stream protected area. Section 14-449(c) prohibits the clearing and the removal of vegetation within the Shoreland Stream protection area. In all areas located within the 75' protected buffer, there shall be no cleared opening greater than 250 square foot in the forest canopy. Selective cutting is only allowed using the points system listed in the Ordinance. Also existing vegetation under 3 feet in height shall not be cut. Pruning of tree branches on the bottom one-third of a tree is allowed, *after* approval. Removal of storm-damage, diseased, unsafe or dead trees is allowed *after* inspection and approval. The cutting of such trees and undergrowth are in violation of section 14-449(c) of the Land Use Ordinance for the City of Portland and the State of Maine Shoreland Ordinance.

At this time you will need to apply for a site plan review and also need to provide the City a stamped site plan provided by a surveyor showing a replanting schedule for the vegetation removal. Such site plan shall list all previous trees removed and indicate where the new replanting will be placed. All types of trees and vegetation shall be named by species and shall be acceptable by the City's arborist upon review of your plan.

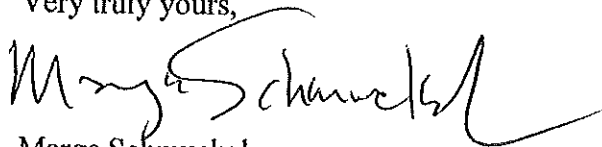
It will be necessary to contact the City immediately within 10 days of the date of this letter concerning your actions to comply with the requirements of the Ordinances. If the City does not hear from you within the 10 days of the date of this letter, this matter will be referred to the City Corporation Counsel's office for further legal action.

Please be aware that violation fees may be assessed as provided under the Shoreland Stream Protection Ordinance.

*Sent in a tree
replacement/replanting
GNOME
LANDSCAPING*

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Marge Schmuckal
Zoning Administrator

Certified mail

Cc: Michael J. Morse, Maine DEP

PLACE STICKER TOP OF ENVELOPE ADDRESS LABEL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PRISCILLA & THOMAS HENNESSEY
83 MURRAY STREET
PORTLAND ME 04103

MARGE

2. Article Number
 (Transfer from service label)
 PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Signature Agent
- B. Received by (Printed Name) Addressee
- C. Date of Delivery
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes No

Postmark Here

Postage

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees

U.S. Postal Service **CERTIFIED MAIL** RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL US

Certified Mail Registered Insured Mail

NO INSURANCE for valuables, please

For an additional delivery To obtain Receipt (PS Form 3811, February 2004) fee. Enclose a duplicate return receipt.

For an additional addressee's endorsement "I

If a postmark is not at the post office at the time of receipt, receipt is not valid.

Sent to **Priscilla + Thomas Hennessey**
 Street, Apt. No., or PO Box No. **83 Murray Street**
 City, State, ZIP+4 **Portland, ME 04103**

IMPORTANT: See Reverse for Instructions

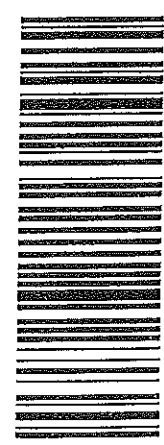
PS Form 3800, August 2006

RECEIVED
NOV 01 2012

Dept. of Building Inspections
 City of Portland Maine

Thomas Hennessey

0095 3274 0095
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CERTIFIED MAIL™

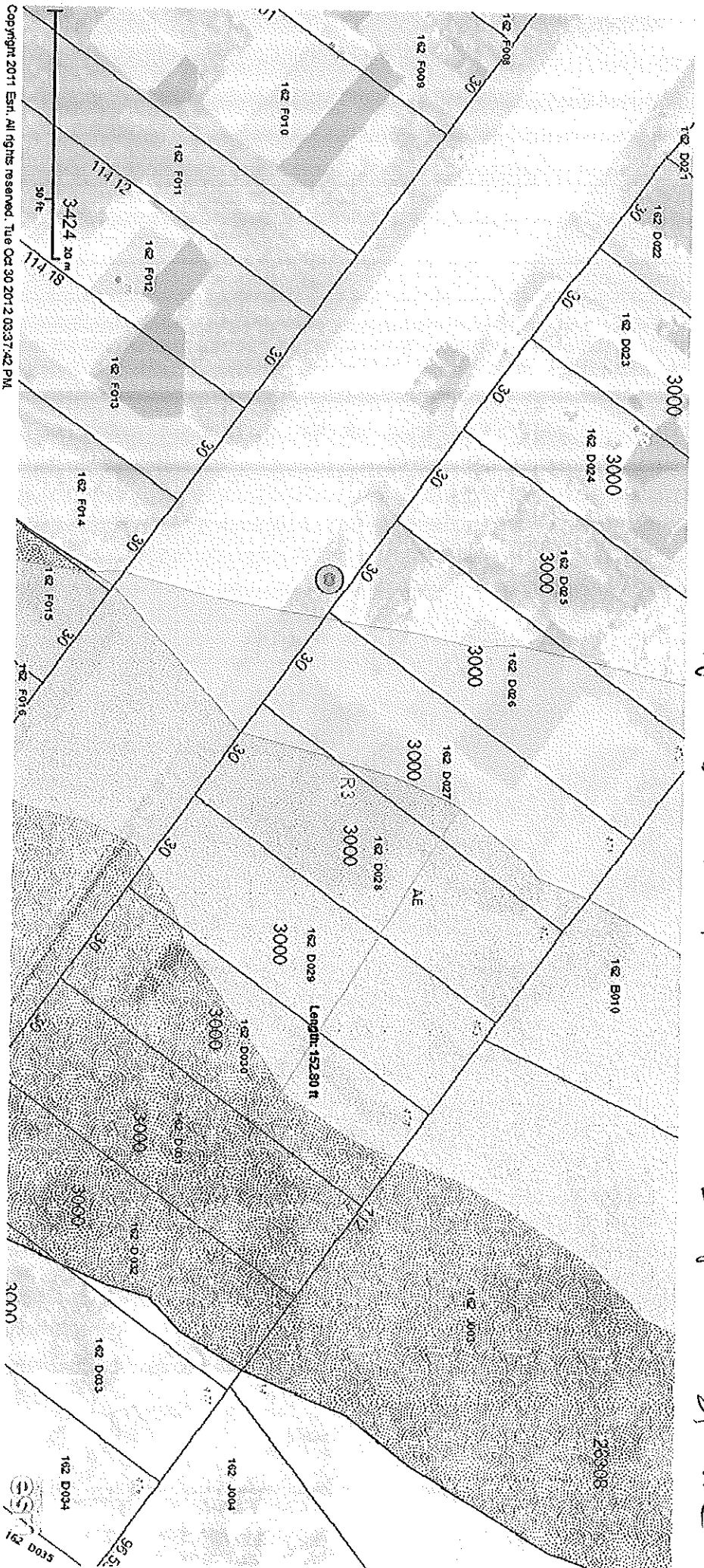
Strengthening a Remarkable City.
 Building a Community for Life

PORTLAND MAINE

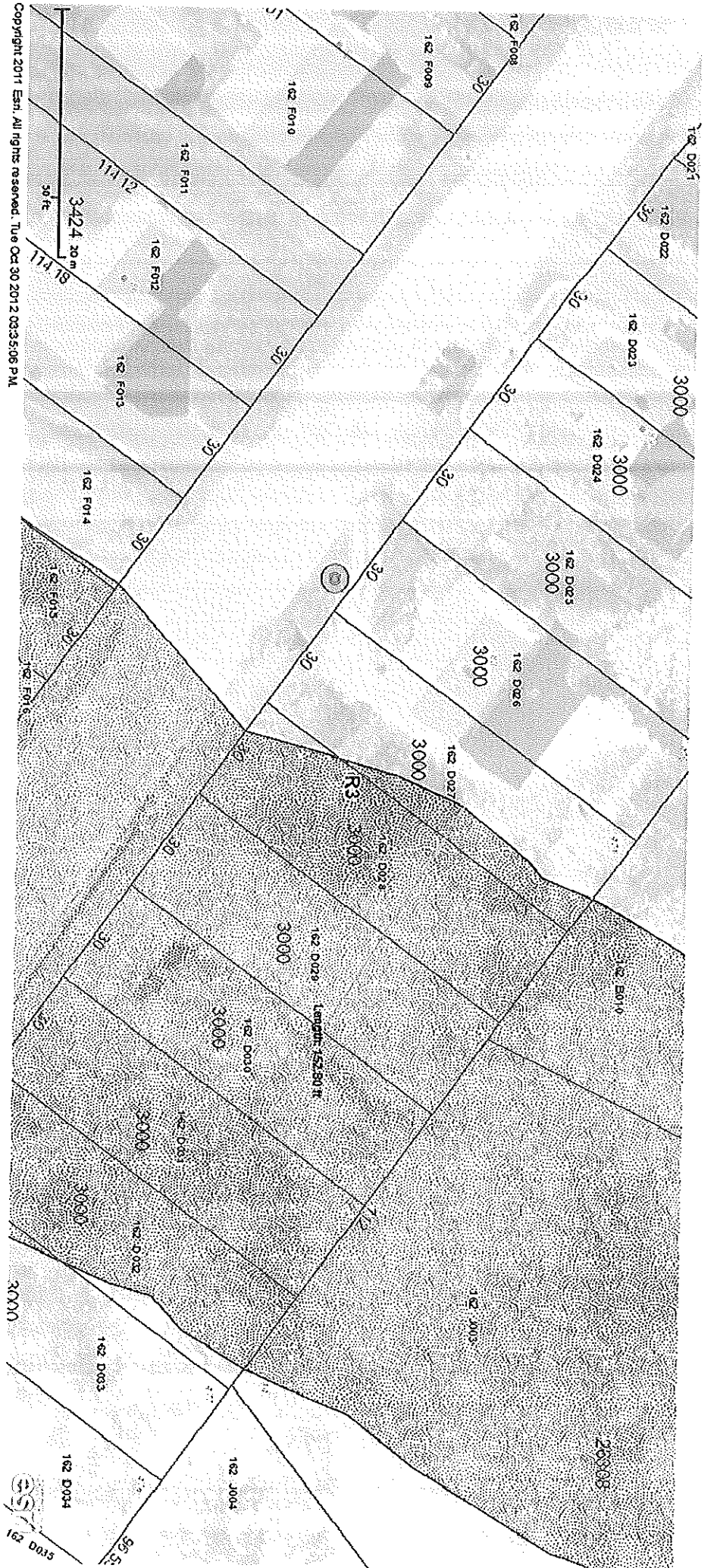
Inspections Division
 389 Congress Street, RM 315
 Portland, Maine 04101-3509

83 Murray Street

Part of Fallbrook & is in Urban Impervious Street



83 Murray Street



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Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

CBL 162 D028001
Land Use Type VACANT LAND
Property Location 67 MURRAY ST
Owner Information HENNESSEY THOMAS
 83 MURRAY ST
 PORTLAND ME 04103

Book and Page
Legal Description 162-D-28 TO 32
 MURRAY ST 67-77

Acres 15000 SF
 0.3444

Current Assessed Valuation:

TAX ACCT NO.	22784	OWNER OF RECORD AS OF APRIL 2012
		HENNESSEY THOMAS
LAND VALUE	\$7,600.00	83 MURRAY ST
BUILDING VALUE	\$0.00	PORTLAND ME 04103
NET TAXABLE - REAL ESTATE	\$7,600.00	
TAX AMOUNT	\$143.04	

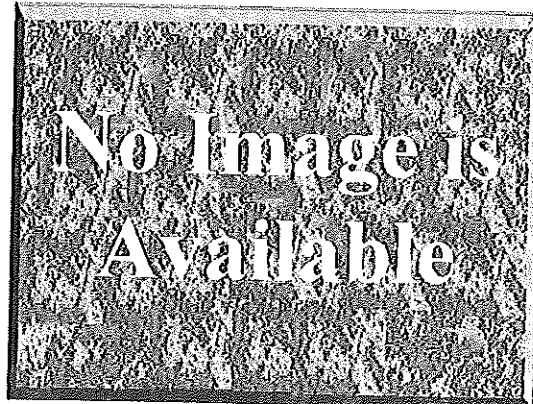
browse city services a-z

browse facts and links a-z

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



Best viewed at 800x600, with Internet Explorer



[View Map](#)

[New Search](#)

Marge Schmuckal - Re: Murray St - Clearing Vegetation in Fall Brook Shoreland Zone

From: Marge Schmuckal
To: Doug Roncarati
Date: 3/26/2012 9:39 AM
Subject: Re: Murray St - Clearing Vegetation in Fall Brook Shoreland Zone
CC: David Margolis-Pineo

Hi Doug,

I am aware of this - Mike Murray of DEP reported it to me a couple of weeks ago. Mike and I are actually thinking of doing some joint inspections this week and that site will probably be one of the ones on the list.
Marge

>>> Doug Roncarati 3/23/2012 3:32 PM >>>

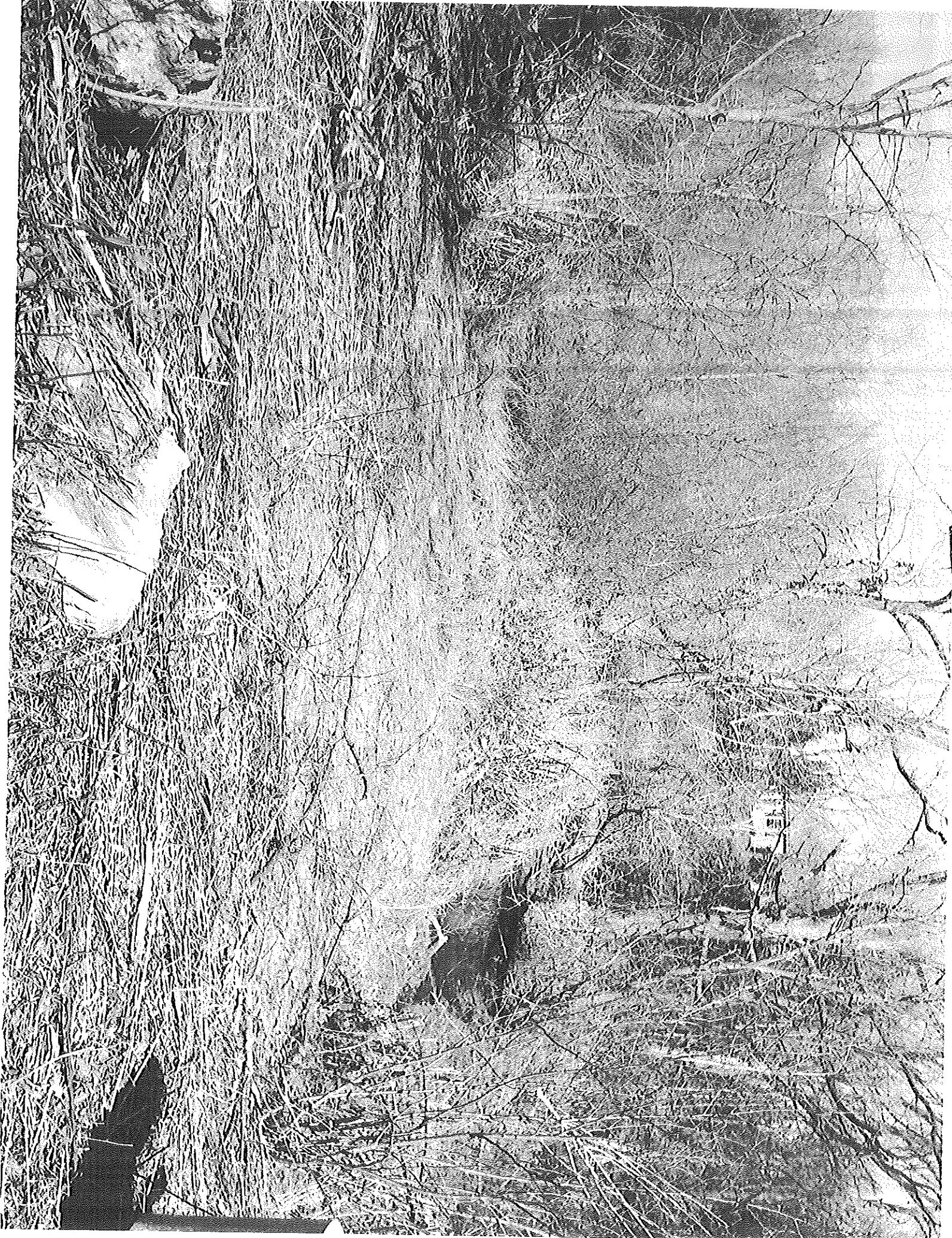
Hi Marge,

The owner of property at #83 (I pretty sure that's the number) Murray Street has been removing trees and clearing vegetation within the Shoreland Zone of Fall Brook. It's difficult to tell what brush was cleared and what might have been emergent vegetation like bamboo. It's probably worth a look-see. The house is on the right side of the street on the far side of the brook culvert. See attached photos.

Doug







Marge Schmuckal - Re: 83 Murray Street

From: Marge Schmuckal
To: Michael J Morse
Date: 2/28/2012 10:48 AM
Subject: Re: 83 Murray Street

Hi Mike,

I will go by and take a look. It may not be until next week, but I will go by and take a look.
Thank you.

>>> "Morse, Michael J" <Michael.J.Morse@maine.gov> 2/28/2012 10:19 AM >>>

Hi Marge. You may recall our brief conversation a few weeks ago about tree cutting on a property adjacent to Fall Brook. The property is 83 Murray Street, which is on the eastern side of Fall Brook (see attached). I haven't had the opportunity to inspect the site and take photographs, but passing by recently there are 4-6 very visible fresh tree stumps that can be seen from Murray Street. The trees were cut sometime within the past several months. Fall Brook is regulated by the City with a Stream Protection District.

It is not clear whether the trees were within 75' of the stream. If so, then the tree removal will be in violation of the City's shoreland zoning provisions (>250 square foot canopy opening, point system, possibly 40% volume removal), in which case the City should initiate enforcement action and at a minimum require the replanting of native trees. We can talk about what ought to be required to be replanted if you find this is in violation. If greater than 75' from the stream then obviously nothing further would be required from the State's standpoint since we would not consider it a violation.

Would you please inspect the site at your convenience, and please let us know the results of your investigation?

Thank you,
Mike

Mike Morse
MDEP
Asst. Shoreland Zoning Coordinator
312 Canco Rd, Portland, ME 04103
822-6328
822-6303 (fax)

Possible Zoning

Shoreland Violation

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 871-8486

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z



Best viewed at 800x600, with Internet Explorer

CBL 162 D025001
Land Use Type SINGLE FAMILY
Property Location 83 MURRAY ST
Owner Information HENNESSEY PRISCILLA B & THOMAS JTS
 83 MURRAY ST
 PORTLAND ME 04103
Book and Page
Legal Description 162-D-25 TO 27
 MURRAY ST 79-85
Acres 9000 SF
 0.207

Current Assessed Valuation:

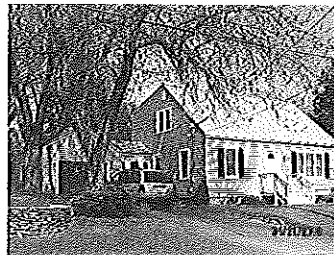
TAX ACCT NO.	22782	OWNER OF RECORD AS OF APRIL 2011
		HENNESSEY PRISCILLA B &
		THOMAS JTS
		83 MURRAY ST
		PORTLAND ME 04103
LAND VALUE	\$69,800.00	
BUILDING VALUE	\$134,600.00	
HOMESTEAD EXEMPTION	(\$10,000.00)	
NET TAXABLE - REAL ESTATE	\$194,400.00	
TAX AMOUNT	\$3,553.64	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 1

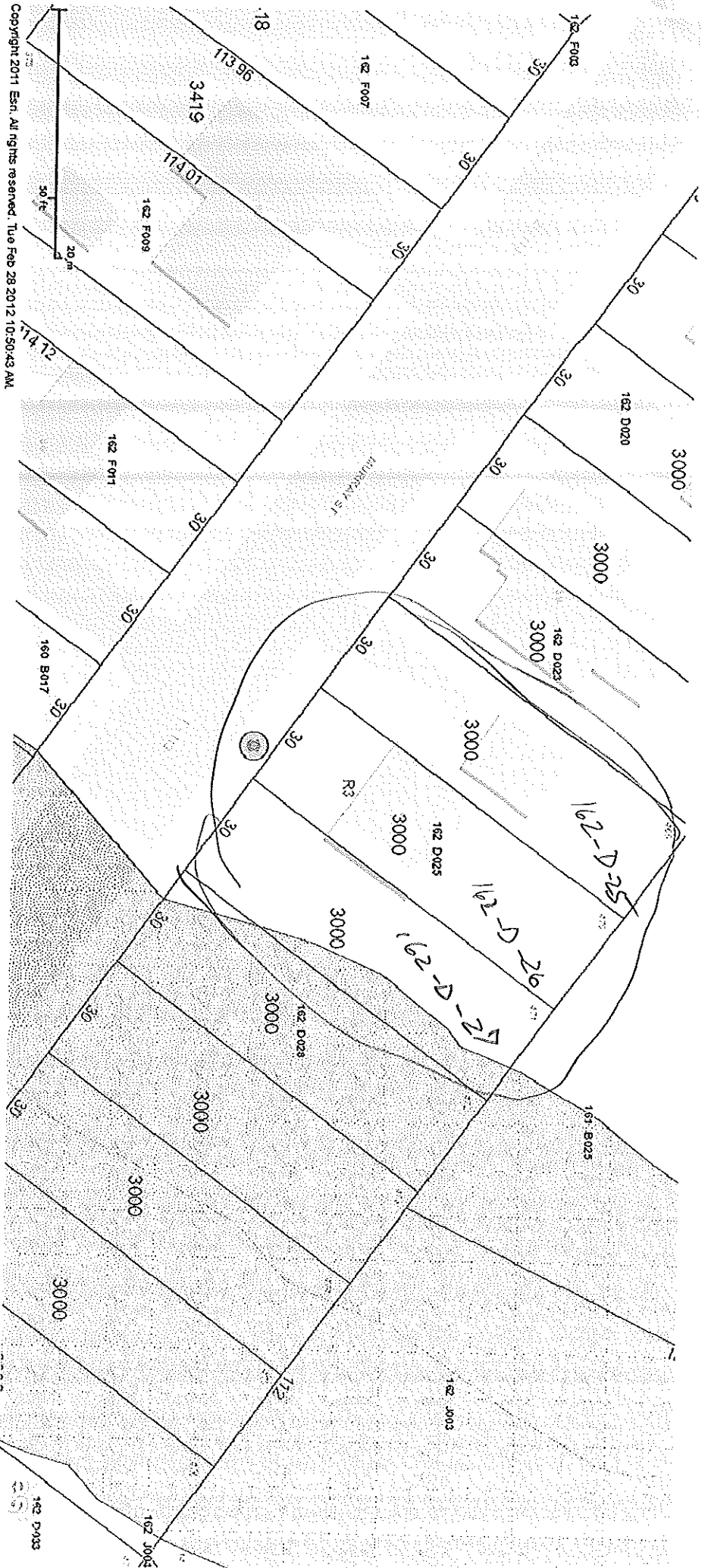
Year Built 1960
Style/Structure Type CAPE
Stories 1.5
Bedrooms 4
Full Baths 2
Total Rooms 6
Attic NONE
Basement FULL
Square Feet 1456



[View Sketch](#) [View Map](#) [View Picture](#)

[New Search!](#)

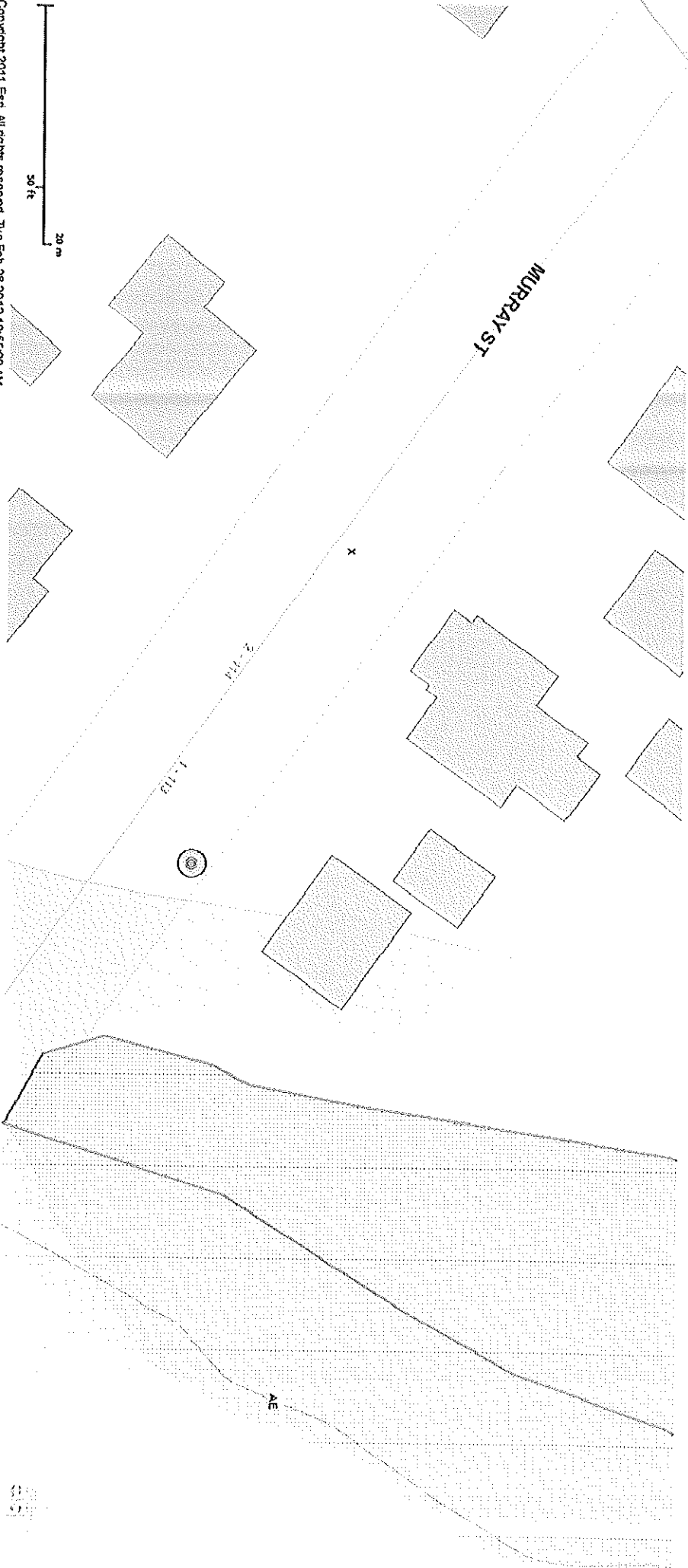
83 Murray St



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MURRAY ST

MURRAY ST

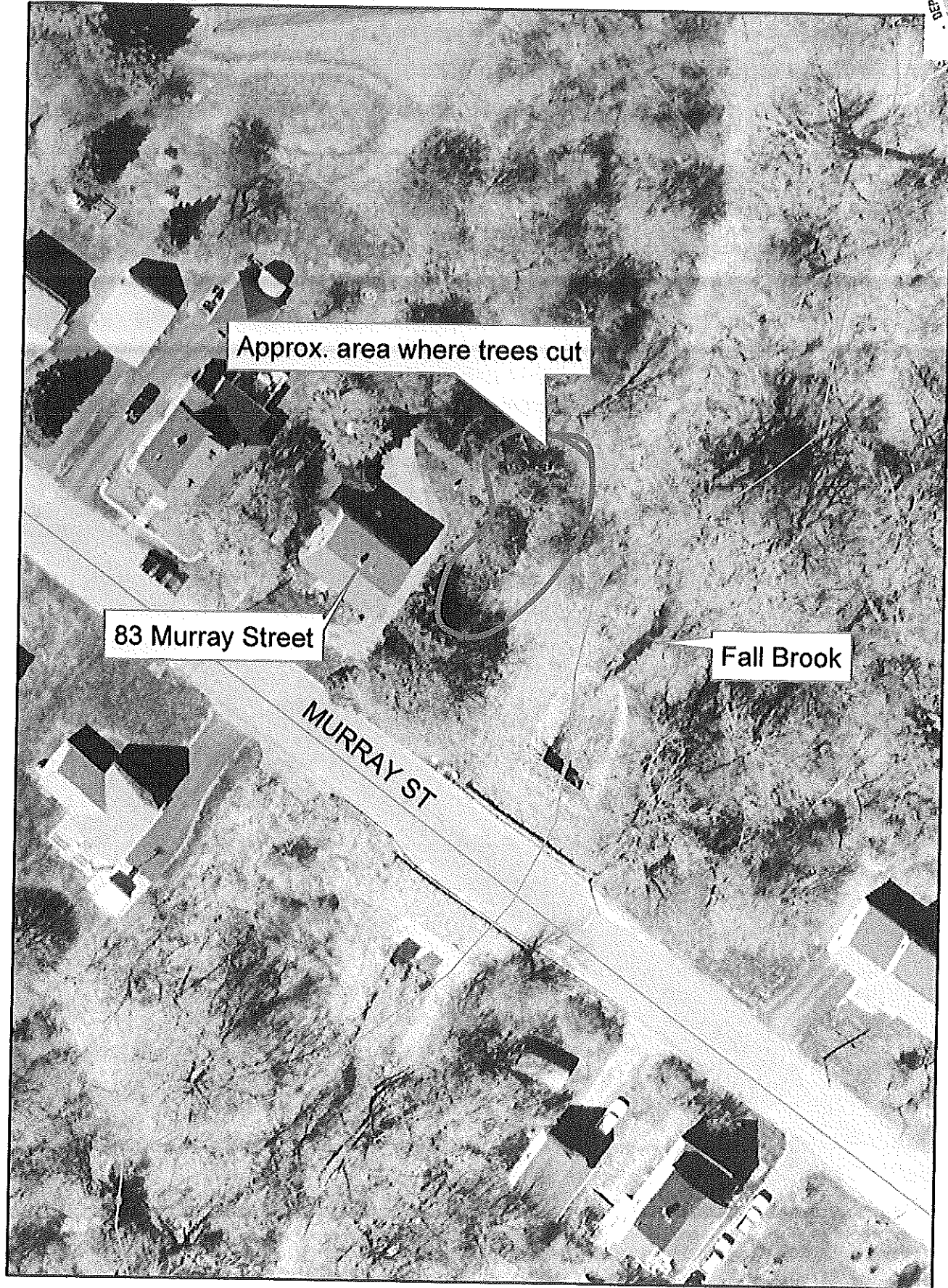


20 m
50 ft

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10:55:29

Tree cutting- 83 Murray Street



Approx. area where trees cut

83 Murray Street

Fall Brook

MURRAY ST

