



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

Ann Machado, Zoning Administrator

July 7, 2017

NOTICE OF VIOLATION AND ORDER TO CORRECT

Diversified Properties, Inc.
PO Box 10127
Portland, ME 04104

Deborah Fowler
55 Riverview Street
Portland, ME 04102

Certified Mail: 7015 3010 0000 0201 0747

Re: 55 Riverview Street – 223-C-013 & 014 – R-3 Residential Zone and Shoreland Overlay Zone – Clearing in the Shoreland Zone beyond the approved site plan – Level I Minor Residential Site Plan & Building Permit 2015-03056

To Whom It May Concern:

On June 29, 2016 you were issued a Level I Minor Residential Site Plan & building permit (#2015-03056) to build a new single family home at 55 Riverview Street, which is shown as Chart 223, Block C, Lots 013 & 014 on the City tax map (the "Property"). When the Development Review Coordinator did his final inspection on October 17, 2016 for the certificate of occupancy, he noted that the slope behind the house and to the rear of the Property had been cleared and riprap had been installed. The clearing and installation of riprap was not part of the approved site plan for this project, and did not receive separate approval. Portions of the clearing and riprap were also done on City property.

The clearing and installation of riprap was done without site plan approval in violation of § 14-532(a)(4) of the City Code. The Property is located in a Shoreland Overlay Zone, which restricts the clearing of vegetation, and the additional clearing is in violation of § 14-449(c) of the City Code. Lastly, the clearing and installation of riprap on City property was done without permission or approvals and appears it was installed improperly.

You are hereby ordered to remedy the violations on the Property and the adjacent City property within 30 days from the date of this letter. You must complete the following:

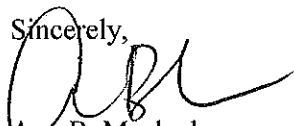
1. Submit a new site plan that shows the previously permitted clearing, as well as the total area that was cleared beyond what was approved, including City property. This is not limited to only the area where the rip rap was added, but includes all additional area cleared.
2. Submit an after-the-fact permit application to install riprap on the slope for the Property and City property. This application must include a plan stamped by a licensed engineer to correct the improper installation of riprap.
3. Submit a restoration plan to revegetate the cleared areas, including plantings among the riprap.
4. Complete all approved remediation actions to correct the violations.

If you do not submit the above plans and applications for approval within 30 days of the date of this letter, the City will refer this matter to the City's Corporation Counsel 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 Code and 30-A M.R.S. § 4452. Additionally, removal of vegetation from City property without permission is subject to civil damages pursuant to 14 M.R.S. § 7552.

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 me with any questions. Thank you for your prompt attention to this matter.

Sincerely,



Ann B. Machado
Zoning Administrator
Permitting and Inspections Division
City of Portland Maine
207-874-8709
amachado@portlandmaine.gov