



M.J. STOREY, INC.
INNOVATIVE OUTDOOR SOLUTIONS

www.mjstoreyinc.com

May 11, 2017

Hand Delivered

Peter and Lauren Genova
79 Winding Way
Portland, ME 04102

Re: Global Stability of your Backyard and Potential for Collapse

Dear Mr. & Mrs. Genova,

With the heavy rains predicted for this weekend, we have become concerned of a potential issue with regard to the global stability of your backyard, as discussed in the April 12, 2012 Woodard & Curran Report enclosed herewith. The heavy rains could cause a failure resulting in not only the loss of your backyard, but also damage or even collapse of your home. If you or your family were to be in your home at the time of such failure, you and your family could suffer serious injuries. We strongly urge you to find alternate accommodations until the heavy rains pass and your property is assessed and deemed safe for habitation by the City of Portland or a professional engineer with expertise in this area.

If you have any questions, please contact the City of Portland's Public Works Department at 207-874-8493 or the Red Cross at (207) 874-1192.

Sincerely,



Michael J. Storey
President

Enclosure

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Photo 9. Stream Channel



Photo 10. Stream Channel as seen from the bridge



Photo 1. Surface Tension Crack behind house #73



Photo 2. Surface Tension Crack behind house #79



Photo 3. Surface Tension Crack behind house #81



Photo 4. Project Purpose – Address poor drainage on and around the properties (including within Winding Way)



Photo 7. Erosion across the trail at the proposed outfall location



Photo 8. Existing outfall to receive riprap located northwest of 73 Winding Way



Photo 5. Project Need – Stabilize the slope failure condition (Surface Tension Crack behind house #81)

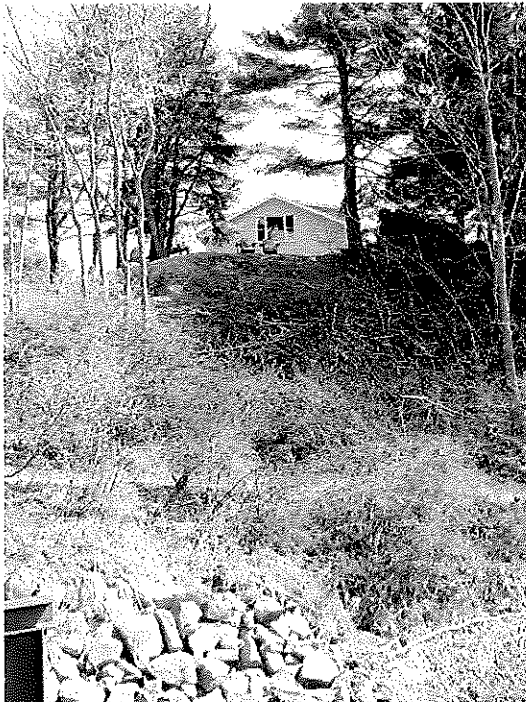
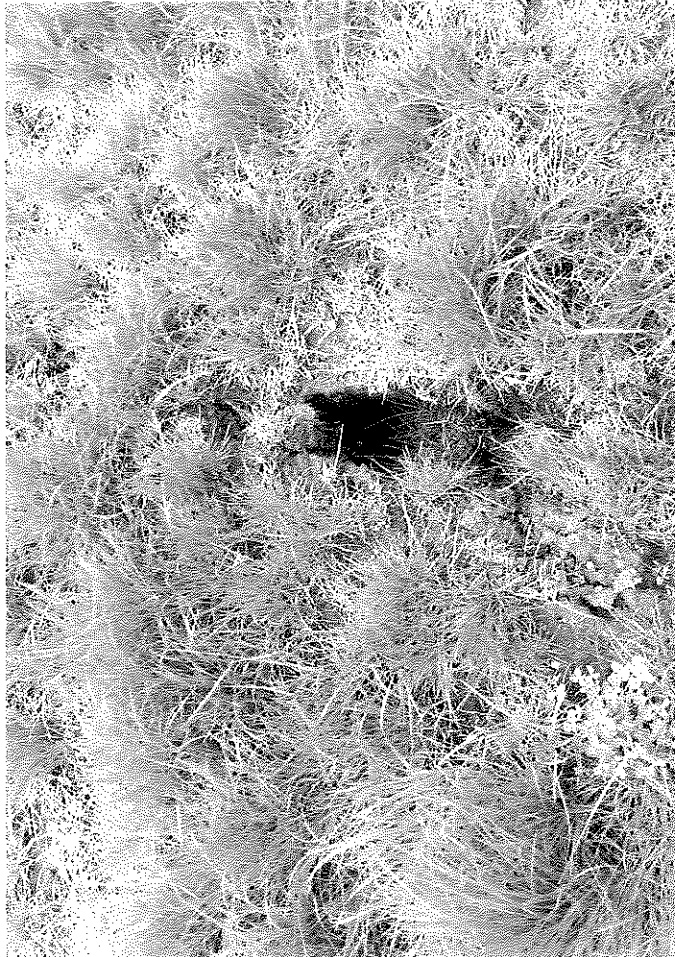
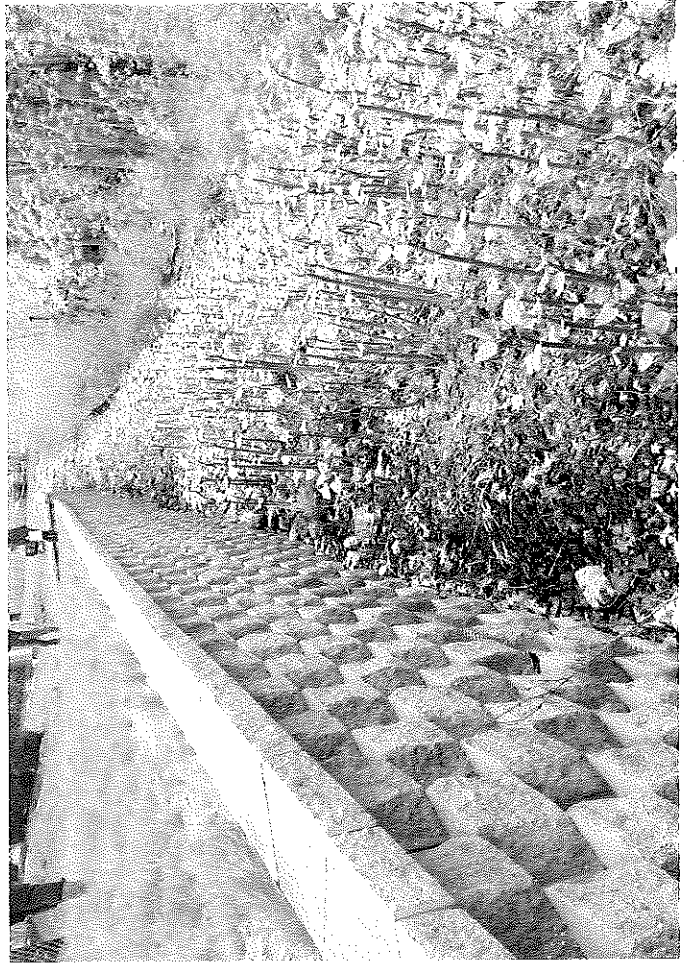


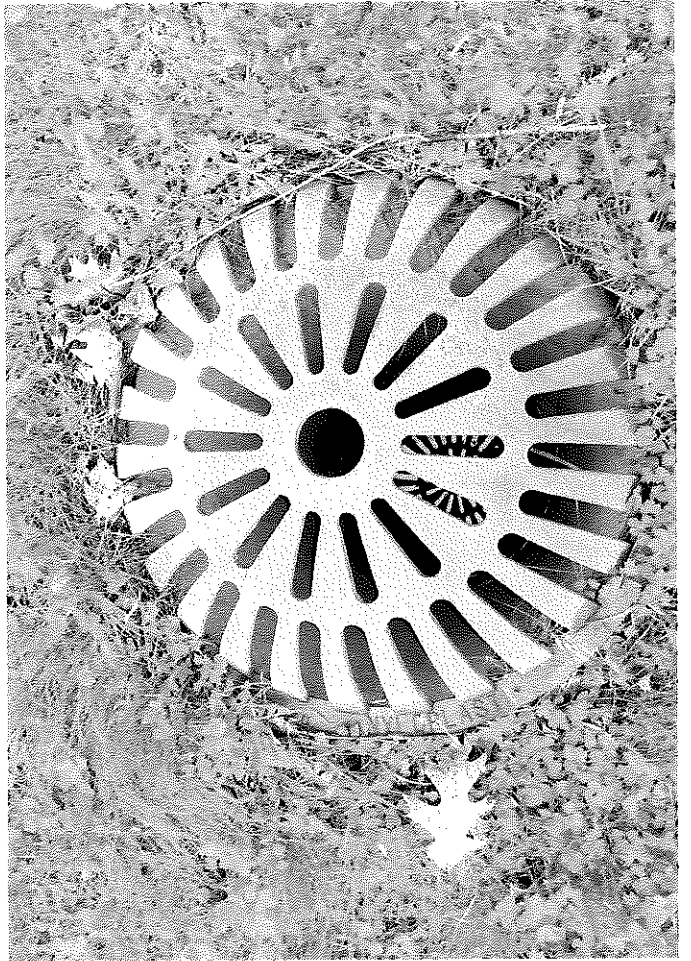
Photo 6. Proposed pipe run to outfall southwest of 81 Winding Way (proposed outfall just right of existing rip rap)

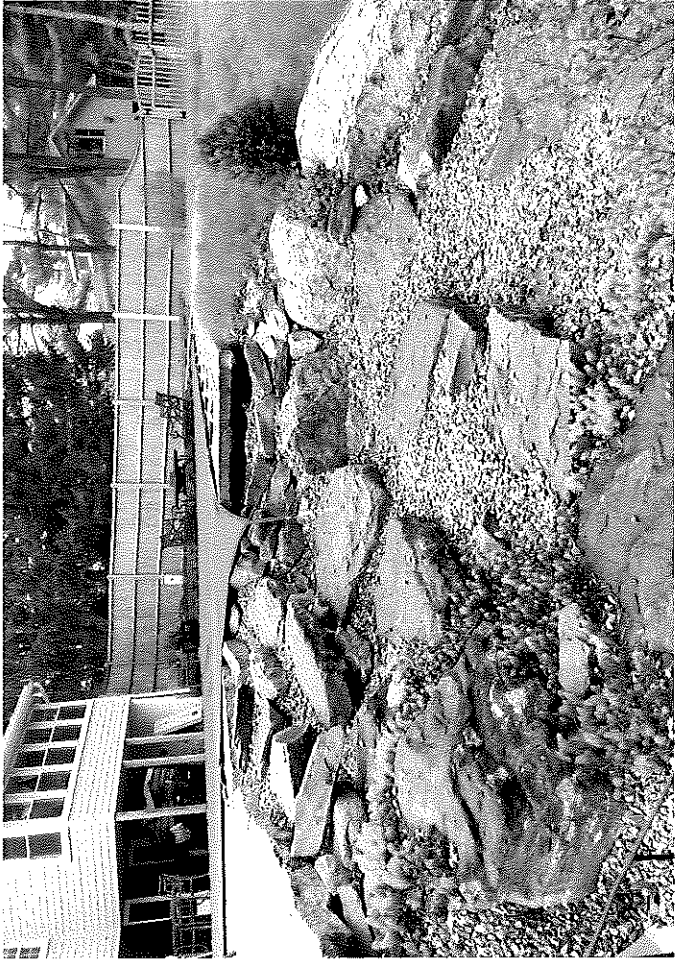




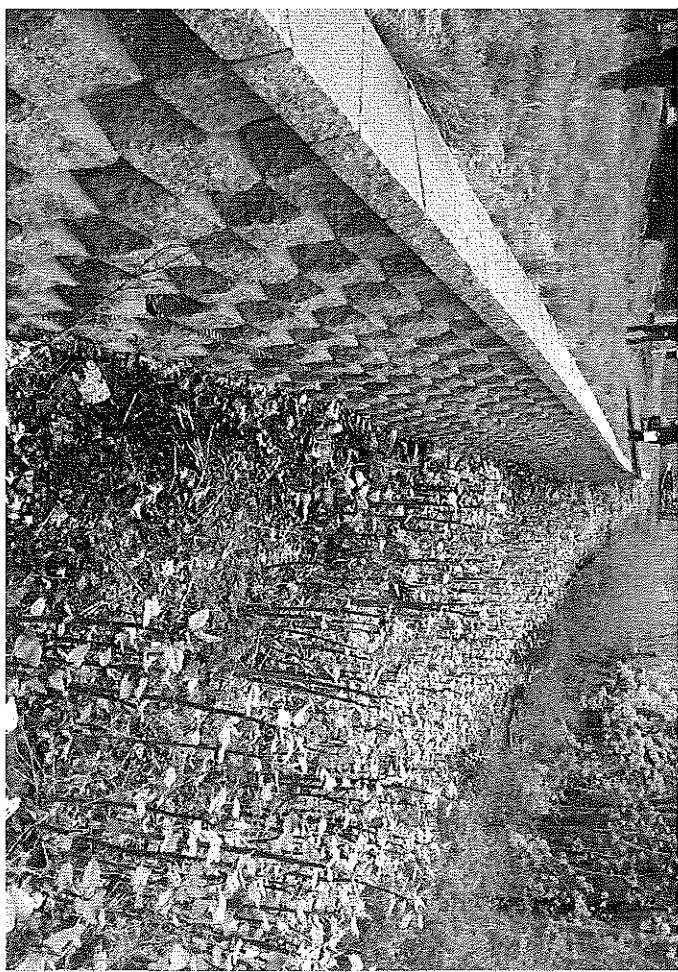
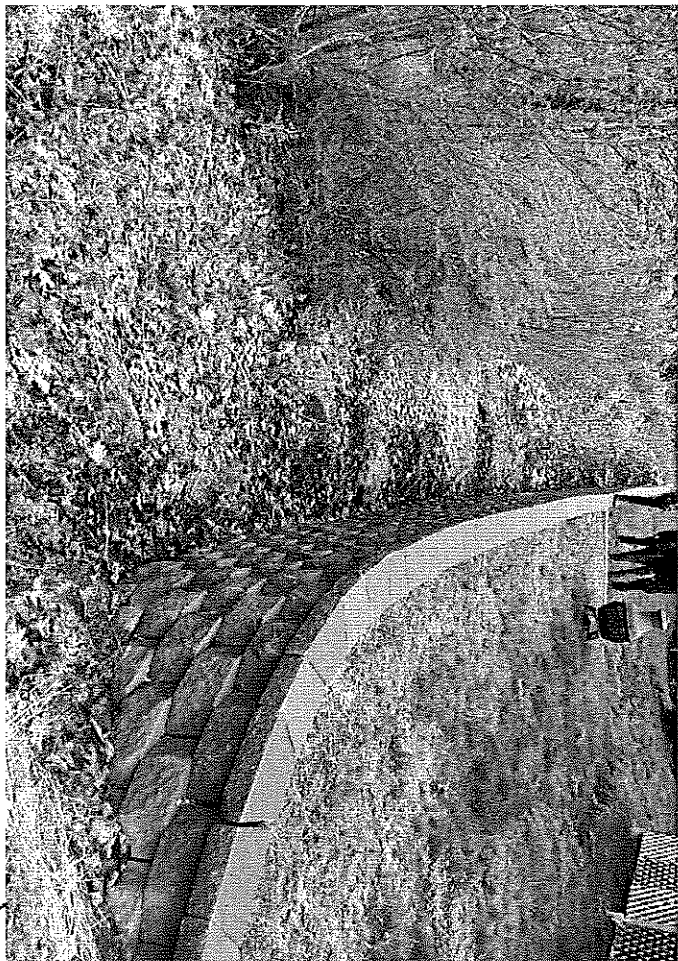


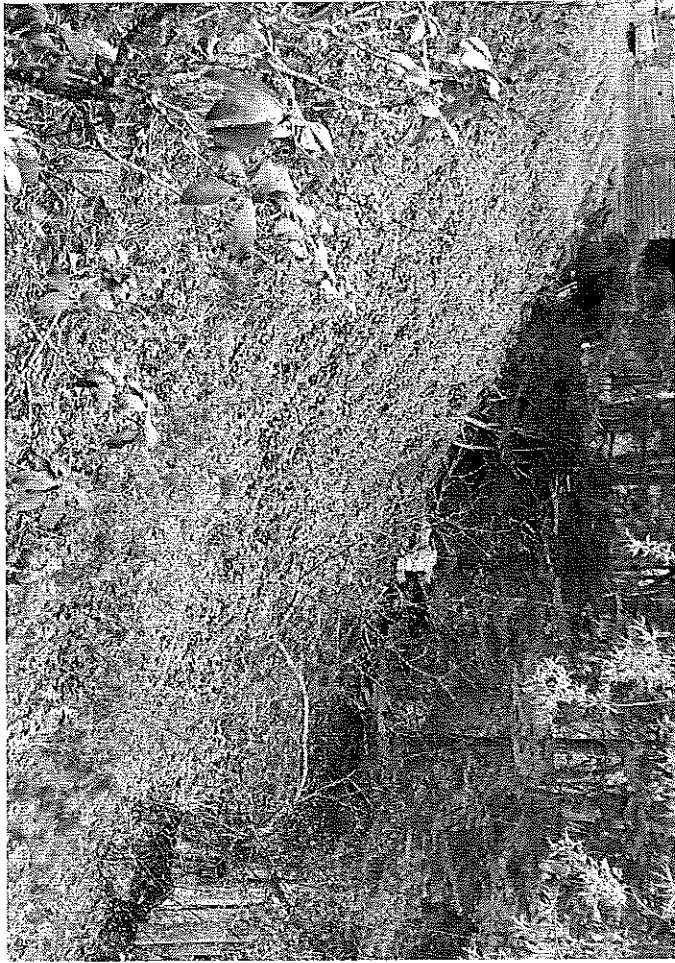


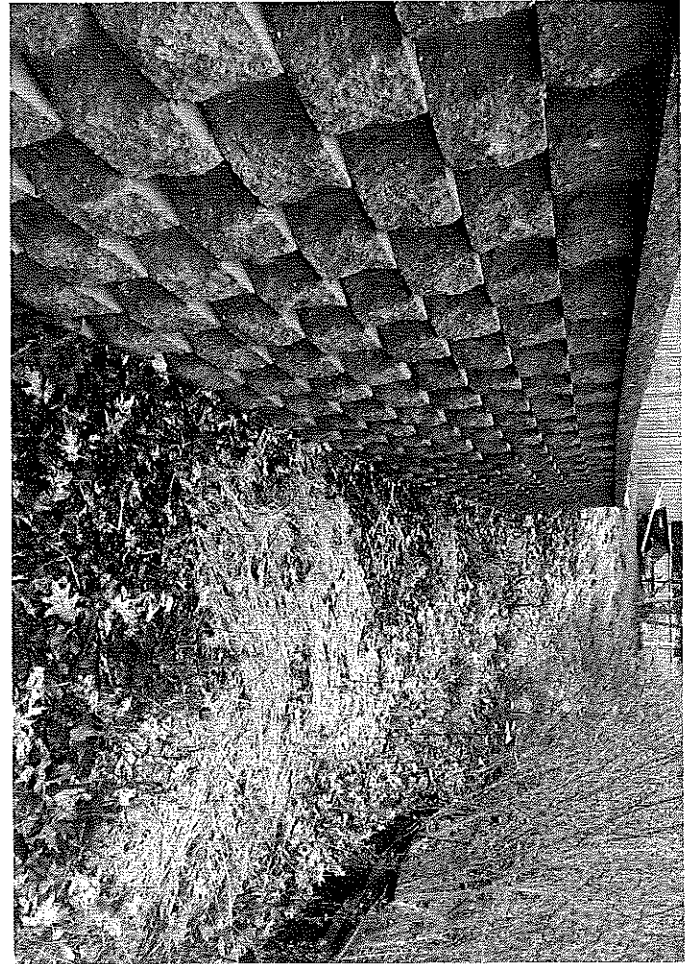
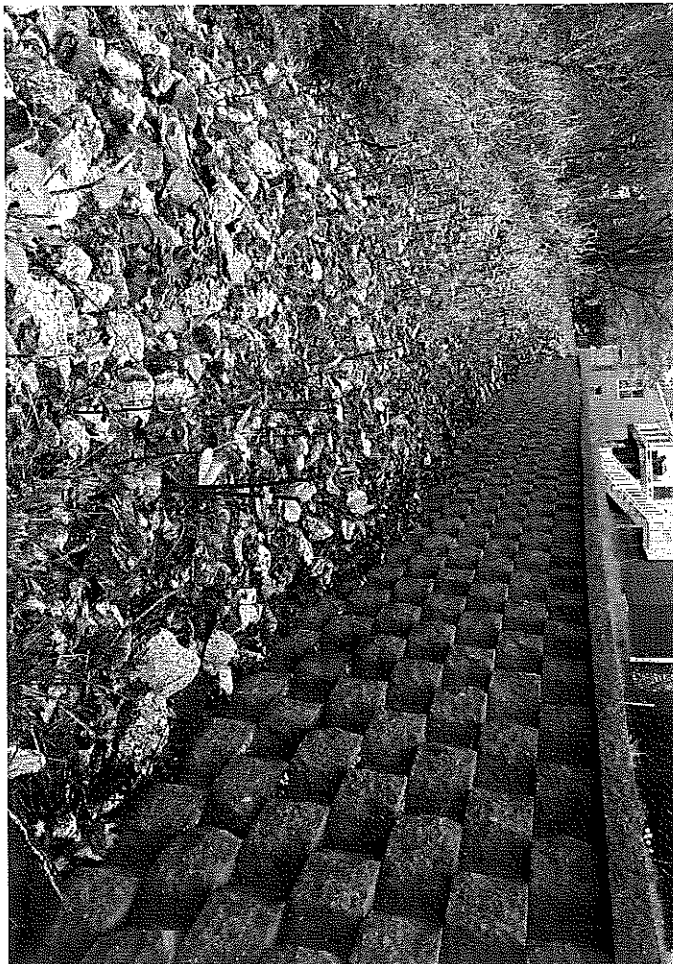
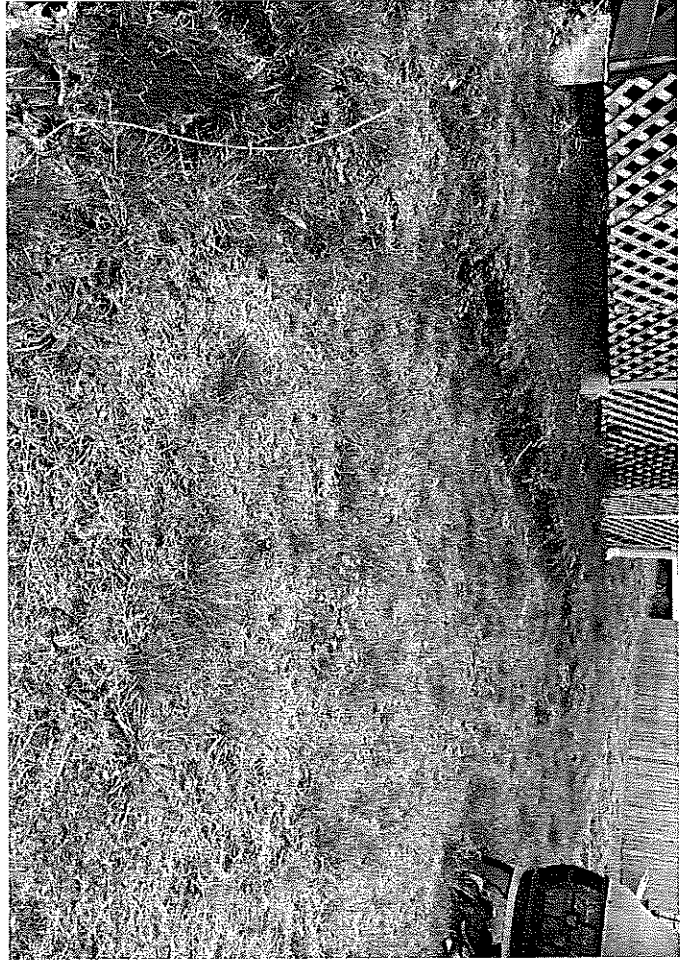




LEIGH CAMDEN 318-7559, (cell)







DrummondWoodsum

ATTORNEYS AT LAW

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June 19, 2017

Via e-mail (jrioux@portlandmaine.gov) & U.S. mail

Jonathan Rioux, Inspections Division Manager
City of Portland
389 Congress Street
Portland, ME 04101

RE: Notice of Violation and Order to Correct
79 Winding Way and 81 Winding Way

Dear Mr. Rioux:

I represent Lauren and Peter Genova and am in receipt of your Notice of Violation and Order to Correct dated June 5, 2017 (the "NOV"). As you may be aware, I have been in contact with Anne Torregrossa and have mentioned to her the possibility that the Genovas may require additional time to comply with the deadlines set forth in the NOV.

Initially, the NOV requires that within two weeks of its date (*i.e.*, by today), the Genovas are to "propose temporary measures to stabilize the site and, upon approval of the City, immediately implement those temporary measures." Although the Genovas are not yet in a position to comply with this deadline, I wanted to let you know that they have retained Owens McCullough of Sebago Technics and Timothy Boyce of S.W. Cole to evaluate the retaining wall and the slope condition, and to determine how best to address the slope instability at their property. After visiting the site and evaluating the slope, the engineers recommended as a temporary measure that the Genovas cover the tension crack above the wall with a tarp (which the Genovas have done) in order to reduce seepage potential while the engineers' evaluation continues.

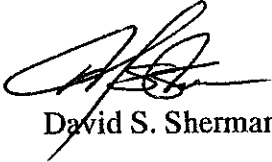
In addition, another engineer has been retained on behalf of M.J. Storey, Inc., the contractor that built the retaining wall. This engineer visited the site last week, and we are awaiting her evaluation of the wall and slope, as well as her opinion regarding what remedial measures should be pursued.

All of the engineers are aware of the NOV and are determining if the wall should be removed and, if so, what other steps should be taken. Unfortunately this process is taking longer than hoped, and additional time is needed to comply with the deadlines set forth in the NOV. On behalf of the Genovas, I am therefore requesting that each of the deadlines be extended by an additional 20 days. Please let me know if this is acceptable. If you require further information to consider this request, please call me at 253-0519.

Jonathan Rioux
June 19, 2017
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Finally, please note that I do not represent the Genovas' neighbors (Cheryl Musgrave and Steven Wiley). I am copying this letter to them as a courtesy.

Sincerely,



David S. Sherman, Jr.

cc: Timothy Boyce (via e-mail)
Asha Echeverria, Esq. (via e-mail)
Peter and Lauren Genova (via e-mail)
Owens McCullough (via e-mail)
Cheryl Musgrave and Steven Wiley (via U.S. mail)
Anne M. Torregrossa, Esq. (via e-mail – atorregrossa@portlandmaine.gov)