



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

Jonathan Rioux, Inspections Division Manager

June 5, 2017

NOTICE OF VIOLATION AND ORDER TO CORRECT

Lauren and Peter Genova
79 Winding Way
Portland, Maine 04102

Cheryl Musgrave
73 Winding Way
Portland, Maine 04102

Re: 79 Winding Way (CBL 225 C026) and 81 Winding Way (CBL 225 C025)
Unpermitted Work in the Shoreland Zone

Dear Mr. and Ms. Genova and Ms. Musgrave:

It has come to the City's attention that last fall you installed a retaining wall extending across the properties at 73 Winding Way and 79 Winding Way (the "Retaining Wall"). The Retaining Wall was built within 75' of Nason's Brook in the shoreland zone without City site plan review or building permits, and without state permits. As part of the construction of the Retaining Wall, it is also clear that you brought fill to the area, also in the shoreland zone and without the appropriate permits. All of this is in violation of § 14-449.

The work done is also in violation of the settlement agreement with the City from 2012. That agreement specifically provided that, "73, 79, and 81 Winding Way likewise commit that any work done in the future with respect to the drainage infrastructure on their properties will be done in a good and workmanlike fashion and with appropriate engineering certifications."

To bring the property into compliance you must complete the following:

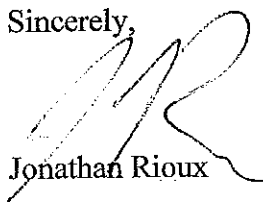
1. Within two weeks of the date of this letter, and in consultation with a geotechnical engineer, propose temporary measures to stabilize the site and, upon approval of the City, immediately implement those temporary measures;
2. Within thirty days, apply for Level II Site Plan Review and a building permit for the retaining wall and fill. This application must include a plan to address the drainage and stability issues and must be sealed by a licensed professional engineer, and the building permit plans must also be sealed;
3. Within 30 days, apply for all required state permits for the Retaining Wall, fill, and any other activity in the shoreland zone, including permits required by the Natural Resources Protection Act; and
4. Work under the permits required in section two above must be completed within 60 days from the time the permits are issued.

If you do not bring your properties into compliance within the timeframes provided, 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.

You have the right to appeal this Notice of Violation and Order to Correct pursuant to § 14-472 within 30 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,

A handwritten signature in black ink, appearing to read 'JR' with a stylized flourish at the end.

Jonathan Rioux