

October 11, 2006

Eric Cianchette
Cianchette Family LLC
42 Market Street
Portland, ME 04102

RE: Letter of Warning

- 238 A B 003 -

Dear Mr. Cianchette:

On August 9, 2006, I inspected property that you own located at 34 Hutchins Drive in Portland and found that you had performed, or caused to be performed, soil disturbance activities within 75 feet of an adjacent stream. I also found that the erosion control measures at this site were insufficient. During this site visit I was accompanied by Jay Reynolds and Jean Fraser of the City of Portland.

The Natural Resources Protection Act (38 M.R.S.A. § 480-C) requires that a permit be obtained for all regulated activities within 75 feet of a protected natural resource. I have searched our files and found that no permit was obtained for the work you have performed.

By no later than November 1, 2006, submit an after-the-fact Permit By Rule to the Department for soil disturbance activities that have occurred within the 75-foot setback of the stream.

The Department has received notification from the City of Portland that you have been requested to immediately touch up and complete the wood waste berm, mulch all disturbed areas, and install a temporary riser on the culvert above the sewer easement to create a sedimentation basin. These action items must also be completed to satisfy the Departments concerns regarding erosion control at this site.

The Department views the violations on this parcel as a serious matter. Provided that you complete all required restoration as detailed above the Department is willing to resolve this matter without formal enforcement action. If all required restoration is not completed by the required deadline, the Department will initiate formal enforcement action to resolve this violation.

If you have any questions about the requirements of this project, please give me a call at 822-6351.

Sincerely,



Kara Moody
Division of Land Resource Regulation
Bureau of Land and Water Quality

cc: City of Portland CEO
Steve Mohr, Mohr and Seredin
Jay Reynolds, City of Portland Development Review Coordinator
Jean Fraser, City of Portland Planner
file

238 A B 003

5/2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT BY RULE NOTIFICATION FORM
(For use with DEP Regulation, Chapter 305)

RECEIVED DEP - SMRC

2006 OCT 10 PM 2:57

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant: (owner)		Cianchette Family LLC		Applicant Mailing Address:		42 Market Street	
Town/City:		Portland		State:		Maine	
Zip Code:		04101		Daytime Telephone No: (Include area code)		207-871-0003	
County:		Cumberland		Project Location: (town)		Portland, Maine	
Map /Lot #:		238A-B-3 239A-A-5		Name of Wetland or Waterbody:		Unnamed Drainage Swale/Stream	
Name of Agent:		Stephen B. Mohr Mohr & Seredin Landscape Architects, Inc.		Agents Telephone No: (include area code)		207-871-0003	
Detailed Directions to Site:		Follow I-295 south to the Congress St. West Exit, follow approximately 2.5 miles to Hutchins Drive (on Right). Turn onto Hutchins Drive and proceed to the site (on left) located directly opposite of the existing Woodard & Curran parking lot. 34					
Description of Project:		UTM Northing: (if known)		UTM Easting: (if known)			
After-the-fact application for Soil disturbance for construction of a 140' x 67' gravel parking area and construction staging area adjacent to a protected natural resource. Grading is necessary within the 75ft setback from an existing drainage swale/stream. Due to site constraints including natural resources, easements and a wedge shaped lot, there is no practicable alternative location for the parking/staging area. See attached cover letter.		Part of a larger project? Site is Lot 9 of Stroudwater Estates (DEP L-010223-39:F.M)		X		Yes	
						No	

(CHECK ONE) This project: does does not involve work below mean low water.

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, **have read** and will comply with all of the standards in the Sections checked below.

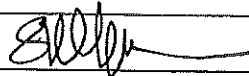
- Sec. (2) Act. Adjacent to Protected Natural Res.
- Sec. (3) Intake Pipes
- Sec. (4) Replacement of Structures
- Sec. (5) REPEALED
- Sec. (6) Movement of Rocks or Vegetation
- Sec. (7) Outfall Pipes
- Sec. (8) Shoreline stabilization
- Sec. (9) Utility Crossing
- Sec. (10) Stream Crossing
- Sec. (11) State Transportation Facilities
- Sec. (12) Restoration of Natural Areas
- Sec. (13) F&W Creation/Enhance/Water Quality Improvement
- Sec. (14) REPEALED
- Sec. (15) Public Boat Ramps
- Sec. (16) Coastal Sand Dune Projects
- Sec. (17) Transfers/Permit Extension
- Sec. (18) Maintenance Dredging

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

I have attached the following required submittals. NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- Attach** a check for \$110 (non-refundable) made payable to: "Treasurer, State of Maine".
- Attach** a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach** all other required submissions as outlined in the PBR Sections checked above.

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant:		Date:	10.10.2006
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Keep a copy as a record of permit. Send the form with attachments via certified mail to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement action.

AUGUSTA DEP
STATE HOUSE STATION 17
AUGUSTA, ME 04333-0017
(207)287-2111

PORTLAND DEP
312 CANCO ROAD
PORTLAND, ME 04103
(207)822-6300

BANGOR DEP
106 HOGAN ROAD
BANGOR, ME 04401
(207)941-1570

PRESQUE ISLE DEP
1235 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207)764-0477

OFFICE USE ONLY	Ck.#	12583	Staff	Staff	
PBR #	FP	110.00	Acc. Date	Def. Date	After Photos
			10.18.06		