

Peter L. Murray
89 West Street
Portland, Maine 04102

Phone: 207 772-3811

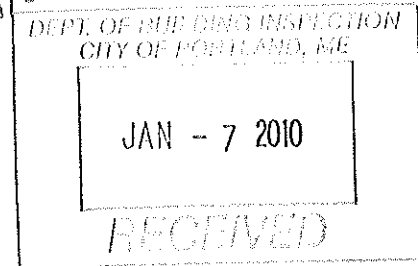
Fax 207 879-9073

January 5, 2010

Ms. Marge Schmuckal
Zoning Administrator
Room 315
389 Congress Street
Portland, ME 04101

12/10/09 -
Vio LAF

258-B-2
259-C-20



This is in response to your letter of December 10 and follows our various discussions about the recent dead tree removal on our property at 456 Capisic Street.

As you know, Debby and I were quite surprised when you called a halt the work being done by T.W. Enterprises in the removal of dead and fallen trees from a part of our lot on November 23 and 24, 2009. When we bought the lot and considered building a house there, we consulted with Jeff Tarling, City Arborist, about permissible tree removal. Based on our conversations with him and based on a review of the shoreland zoning ordinance, it has been our understanding that there is no prohibition on the removal of dead and fallen trees and limbs from within the 250' shoreland zone.

As we advised you, T.W Enterprises also removed a certain number of small saplings that had sprung up in the area where we are considering locating a new home. These were all under 4" in diameter, most were under 2" in diameter.

There was no intentional cutting of any healthy tree more than 4" in diameter.

Early on we had the boundary of the 75' buffer strip surveyed and staked. There was absolutely no cutting or removal of any material, alive or dead, from the 75' buffer strip.

Enclosed herewith is a surveyor's plan of the property on which we have indicated the location of the 75-foot line, the location of the 250-foot line, the locations of the principal dead trees removed as well as the general location of the saplings and the currently planned house location.

As you can see from the plan the dead tree removal affected a very small portion of the entire 1½-acre lot and a small portion of the area of the lot located in the 250-foot shoreland zone. This cannot be in any way considered clearing of the lot or any significant portion of it. The numbers on the plan can be correlated with the key, which

indicates the kind of dead or fallen tree removed at the approximate locations indicated by the numbers on the plan. The yellow delineates the approximate area in which saplings were removed.

We have also indicated on the plan the planned location of the home we are planning to build on the lot. As you can see, most of the saplings cut were from the planned footprint of the house.

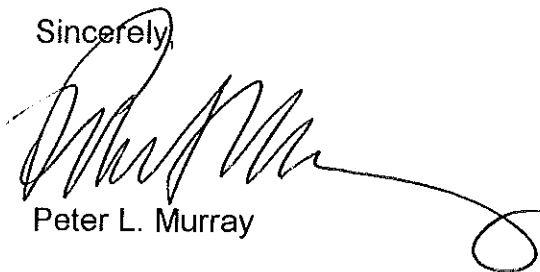
Rather than require us to submit a complete site plan review application for the work that was done on the property on November 23 and 24, will you accept this letter and plan as a report of the work done to date along with our assurance that there will be no more tree cutting until we submit a site plan application in connection with our application for a building permit for the small house we are planning to construct? In that application we will include the work done on November 23 and 24 as well as any additional tree cutting needed to build the house. At the present time, we are working intensively with the house designer and are planning to go forward with this project in the next few months.

If we do not go forward with a building project within the next several months, then we would propose to treat the cutting as a separate project and would then ask that it be approved retroactively.

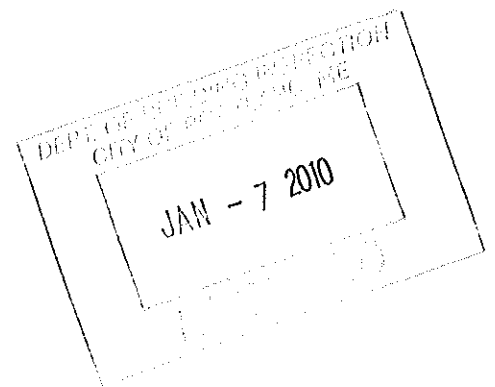
Thank you again for your cooperation and understanding. We certainly do not want to violate any building or zoning regulation of the City of Portland.

With best wishes,

Sincerely,



Peter L. Murray



456 Capisic Street
Removal of Dead and Fallen Trees
November 23 & 24, 2009

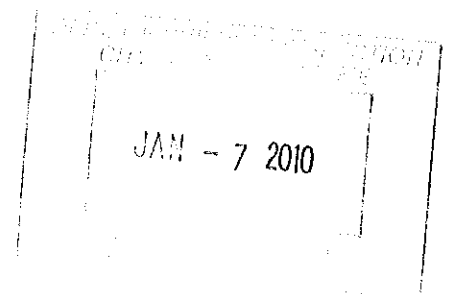
Key to Plan

1. Standing dead red pines - some rotted and dangerous, one large one entangled with live oak tree..
2. Standing dead cherry.
3. Standing dead poplar.
4. Leaning dead birch.
5. Leaning dead maple.
6. Dead maple on ground.
7. Dead (split) apple.
8. Dead elms.



Area of saplings 1" -2" (none over 4").

----- Approximate location of planned home footprint.



From: "Peter L. Murray" <pmurray@law.harvard.edu>
To: "Marge Schmuckal" <MES@portlandmaine.gov>
Date: 12/9/2009 12:16:34 PM
Subject: RE: 456 Capisic - Site Plan

Dear Marge -

Thanks for meeting with me the other day.

I had hoped to get the site plan application to you by today, but we do not yet have the final plan from the surveyor.

We should get the plan in the next day or so. However I will be gone from Thursday - Sunday in New York. Will it be ok if we submit the site plan for the dead tree early next week?

Thanks again for your understanding and cooperation,

Best wishes,

PLM

Peter L. Murray
89 West Street
Portland, ME 04102
207 772-3811
pmurray@mpmlaw.com

CC: <pmurray@law.harvard.edu>, "Debby Murray" <debby@gwi.net>

2-2

12/4/09

12/4/09

①

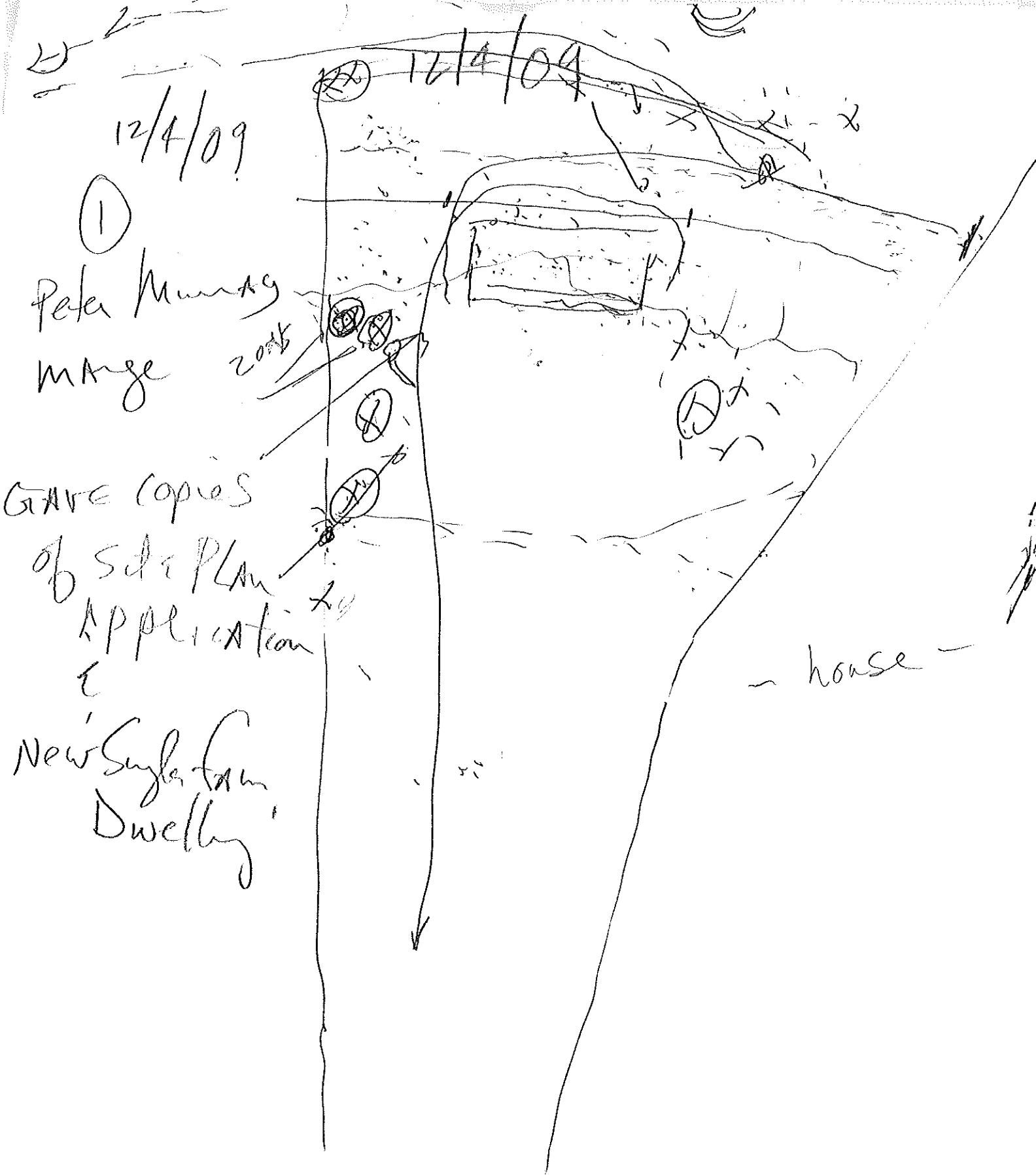
Peter Murray
Mange

2005

Grave copies
of S&P Plan
Application

New Style
Dwelling

house



10:15 AM 11/24/09 - notice of complaint
856-0046 Tree Company

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

City Home Departments City Council E-Services Calendar Jobs

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 258 B002001
Land Use Type VACANT LAND
Property Location 456 CAPISIC ST
Owner Information MURRAY PETER L & DEBORAH D MURRAY JTS
Doing Business 89 WEST ST
PORTLAND ME 04102
Book and Page 24716/236
Legal Description 258-B-2 259-C-20
CAPISIC ST 456-460
Tax Roll 70289 SF
Acres 1.614

after # 773-5651
10:20 AM
Tree iLandscape
TW Enterprise
700 Shoreway
Westbrook
ME
R-3
Shoreland

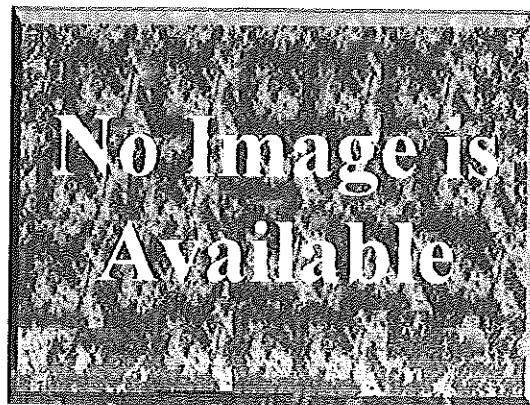
Current Assessed Valuation:

browse city services a-z

TAX ACCT NO. 30078 **OWNER OF RECORD AS OF APRIL 2009**
MURRAY PETER L &
DEBORAH D MURRAY JTS
89 WEST ST
PORTLAND ME 04102
LAND VALUE \$106,500.00
BUILDING VALUE \$0.00
NET TAXABLE - REAL ESTATE \$106,500.00
TAX AMOUNT \$1,889.32

browse facts and links a-z

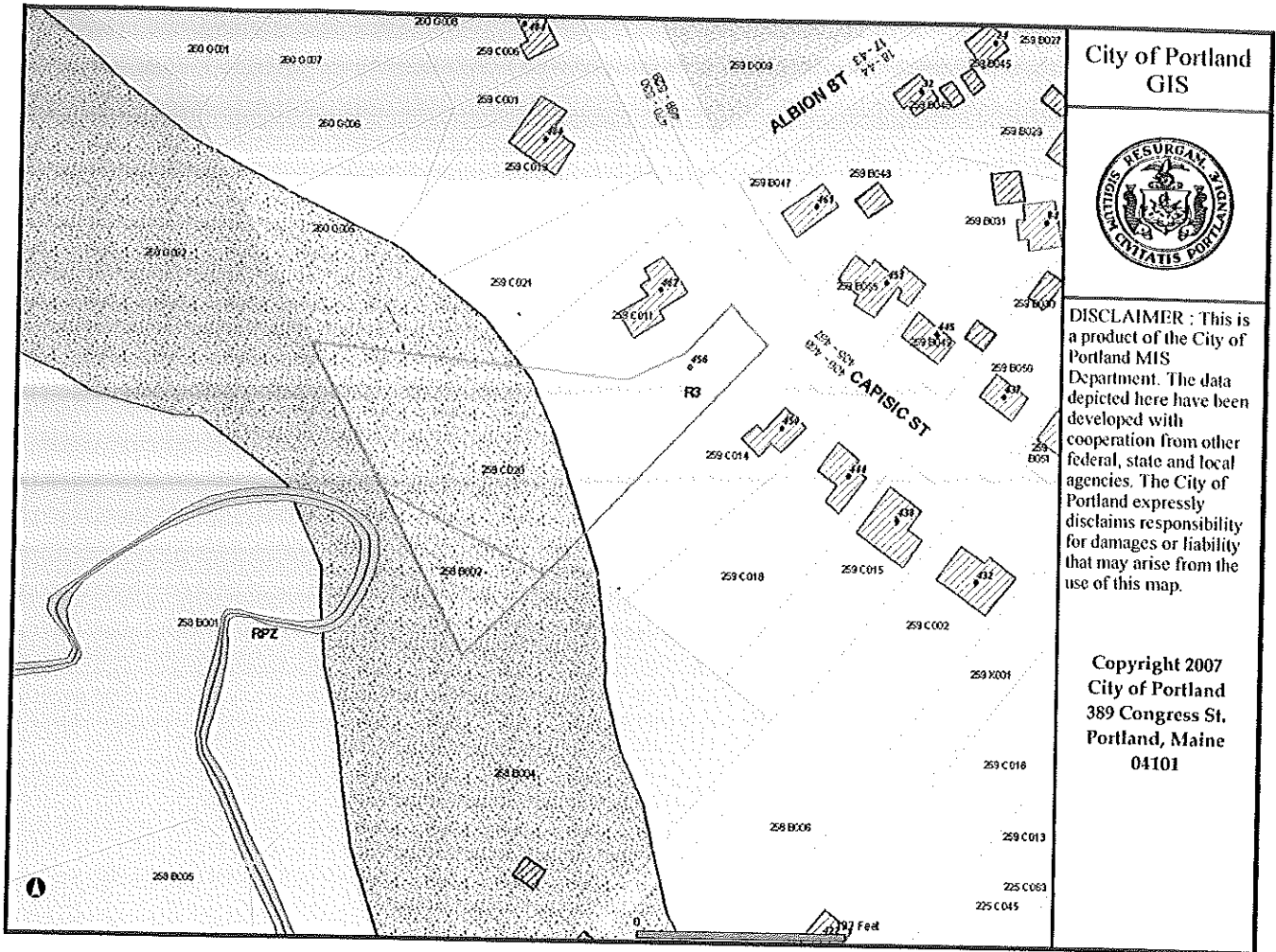
Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.



Sales Information:

Sale Date	Type	Price	Book/Page
1/3/2007	LAND	\$129,500.00	24716/236
5/12/2005	LAND	\$115,000.00	22625/311
2/12/1999	LAND	\$42,500.00	14542/89
10/14/1997	LAND	\$29,000.00	13374/283
9/5/1997	LAND	\$29,000.00	13304/19
7/22/1994	LAND	\$32,000.00	11547/229

[New Search!](#)



11/24/09 Peter Murray camera - 75' is marked
 11:15 am
 explained
 250' on boundary
 some sapling cut