



PORTLAND MAINE

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Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

Sent Certified Mail

August 25, 2009

Mr. Peter Risbara
20 Anthoine Road
Windham, Maine 04064

RE: Site Plan Review Required for Site Work at 134 Allen Avenue, Portland, Maine, CBL #342 B 003001,

Dear Mr. Risbara:

On Tuesday, May 25, 2009 I met with you to discuss your plans for site work on your property at 134 Allen Avenue that involved building a retaining wall and adding fill to the site. During our meeting I advised you that prior to undertaking any work on your property a site plan application must be submitted.

On August 19, 2009 and again on August 21, 2009, City staff inspected the property at 134 Allen Avenue to investigate unauthorized site work, specifically the expansion of your parking lot, and the placement of fill in what appears to be an open water wetland. Chapter 14 of the Land Use Code requires site plan approval for "the construction of any parking area; or the alteration of a watercourse, drain or swale." Site work to date requires site plan review and approval. The site work may also require approval from the Maine Department of Environmental Protection (DEP). Also, there were no erosion control measures in place at the time of the site inspection, which is a violation of City and State ordinances.

This letter is a **STOP WORK ORDER** pursuant to Section 14-523 and 14-528 of the Land Use Ordinance. **All site work must stop immediately.**

You must immediately stabilize the site using Best Management Practices for Erosion Control, ie. adding silt fence around the wetlands, and applying hay mulch over all open disturbed areas. More information is available from the DEP. You can also access this information using the following internet link. <http://www.maine.gov/dep/blwq/docstand/escbmps/>

You must also apply for an after the fact minor site plan review by Friday, September 18, 2009. Enclosed is a checklist that will assist in what to submit on your site plan.

We are seeking your timely cooperation with the City's site plan submission, review and approval requirements. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. Ss 4452.

Please contact me at 874-8632 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip DiPierro". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Philip DiPierro
Development Review Coordinator

cc: Penny St. Louis Littell, Planning and Urban Development Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Tammy Munson, Inspection Services Manager
Danielle West-Chuta, Corporation Counsel

**CITY OF PORTLAND, MAINE
PUBLIC NOTICE**

To All Building Permit Applicants and/or Contractors:

Effective immediately all temporary erosion control measures as shown on submitted site plans or as made part of a conditional approval of a site plan shall be installed, maintained, and inspected for proper functioning. Erosion control measures include but are not limited to silt fencing, hay bales, stone check dams, earthen berms, stone lined swales, riprap embankments, riprap inlet/outlets of any pipe channel or culvert, sodded or grass strips, hay mulch cover on exposed soils, jute matting or erosion control blanket/matting, geotextile grids or webbing, and any provision approved by the City Engineer or Development Review Coordinator to decrease erosion or sedimentation.

All temporary and permanent erosion control measures shall be in conformance with the Maine Erosion and Sediment Control Handbook for construction: Best Management Practices as published by Cumberland County SWCD and the Maine Department of Environmental Protection (<http://www.maine.gov/dep/blwq/docstand/escbmps/>). Consistent failure to install, maintain, or construct in an acceptable manner will result in a stop work order on the building permit. All erosion control measures shall be established in proposed areas of disturbed soils resulting from construction activities prior to actual construction unless a specific deadline has been made a condition of approval or agreed to by a Public Works Engineer or the Development Review Coordinator.

Effective immediately any request for Certificate of Occupancy will be denied if the above measures have not been addressed or completed. Only under extreme conditions, due to weather, shall the omission of the erosion control standards be included on the conditions for a Certificate of Occupancy, otherwise the request for a Certificate will be refused.

The City of Portland Planning Department and Public Works Department consider Erosion and Sediment Control Planning to be an absolutely necessary initial construction activity that requires as much attention and enforcement as building construction. For the protection of sensitive waterbodies, undisturbed lands, neighboring properties, established vegetated areas, and municipal drainage systems please pay careful attention to erosion and sediment control measures and conform to the notes, details, and conditions of approval as noted on your approved site plan. These controls must be installed and maintained continuously throughout the construction period. The City may inspect the site at any time to ensure compliance, and violations could result in work stoppage orders as indicated above.

We appreciate your prompt compliance with these requirements.