



Ann Machado <amachado@portlandmaine.gov>

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## Proposed Landscaping Improvements for 20, 22 and 24 Vail Street

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Ann Machado <amachado@portlandmaine.gov>

Wed, Oct 26, 2016 at 3:44 PM

To: Peter Stuckey <stuckey42@gmail.com>, philnotis@gmail.com

Peter and Phil -

Thank you for meeting with me last Thursday, October 20th. It was very helpful to get an understanding of what you would like to do with your properties. Unfortunately, you are limited by the fact that your properties are located in the Shoreland Zone. The first 75' horizontal distance from the highest annual tide or the upland edge of the coastal wetland has the most restrictions on what you are allowed to do. There are also restrictions for the area that is between the 75' setback and the 250' setback. Something that I did not mention at the meeting is the possibility that you may also need a Permit by Rule from the Department of Environmental Protection under the Natural Resources Protection Act for any work within the 75' setback. The work that both of you are proposing appears to be within 75' of the debris line on the survey from 2008. From our meeting, it seems as though you each have different concerns about your properties.

Peter, you want to address the issue of flooding on your property, but I'm not sure that adding fill would resolve the issue. To determine what the best method would be to prevent future flooding you really need to work with a professional like an engineer or a landscape architect. Someone from the Cumberland County Soil and Water Conservation District may also be able to help with this. Since the proposed work is within the 75' setback I would want a professional to determine what type of work should be done to prevent future flooding.

Phil, you seemed to be more concerned about leveling off the cleared area near the water and installing an impervious walkway. Under the Shoreland Zone, you are allowed to maintain a nonconforming cleared opening but there is a difference between adding a few inches of loam to maintain it and adding 6" to 8" of gravel and then loam. You also talked about needing a place to store your dock in the winter. Under the Shoreland Zone, you should not be storing your dock within the 75' setback from the highest annual tide.

We also talked about the possibility of needing to apply for a Level I Site Alteration from Planning. Here is a link to this application on the City website: <http://www.portlandmaine.gov/DocumentCenter/View/4544> .

All this being said, my coworker and I are willing to come out and take a look at your properties.

Please let me know if you want to schedule a time for us to make a site visit or if you have any other questions.

Ann

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine  
(207) 874-8709