Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 07/07/14

Ann Machado - RE: 6 Samuel Road - proposed garage encroaching into the Shoreland Zon

From: "Morse, Michael J" <Michael.J.Morse@maine.gov>
To: 'Ann Machado' <AMACHADO@portlandmaine.gov>
Date: 5/21/2014 2:47 PM
Subject: RE: 6 Samuel Road - proposed garage encroaching into the Shoreland Zone
CC: Barbara Barhydt <BAB@portlandmaine.gov>

Ann, thank you for forwarding the information. Whereas the non-forested wetland area is less than 10 acres, and therefore is not required to be regulated under State minimum shoreland zoning requirements, the Department has no comment regarding the project or Planning Board's decision.

Thank you,

Mike

Mike Morse
Assistant Shoreland Zoning Coordinator
MDEP
312 Canco Road
Portland, Maine 04103
207-822-6328 (ph)
207-822-6303 (fax)

From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Wednesday, May 21, 2014 2:17 PM
To: Morse, Michael J
Cc: Barbara Barhydt
Subject: 6 Samuel Road - proposed garage encroaching into the Shoreland Zone

Mike -

I left you a voicemail earlier about this.

Anthony Napolitano would like to build a garage at 6 Samuel Road. The property is in the Shoreland Zone. A corner of the proposed garage encroaches into the 75' setback from the freshwater wetland. Portland's ordinance [section 14-449(1)] requires an applicant to go to the Planning Board to request a variance to expand up to 25' toward a freshwater wetland as long as the setback from the wetland is not reduced to less than 40' and the floor area or volume is not increased by more than 30%. Mr Napolitano went to the Planning Board on May 6, 2014 to get a variance for the encroachment of the garage into the 75' setback. The Planning Board granted the variance.

Since it was the Planning Board and not the Board of Appeals which usually hears variance requests, , the

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Planning Division did not realize that they were supposed to notify DEP 20 days before a hearing regarding Shoreland Zone. I have attached the application and information that went to the Planning Board. The Plan Division would like you to consider this appeal after the fact. If you have objection to it, then the decision would be nullified.

Barbara Barhydt,, Development Review Coordinator, is the contact person in the Planing Division. Her phone number is 874-8699 and her eamil is bab@portlandmaine.gov if you have any questions.

Thank you.

Ann Machado

Ann Machado
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