



ALEX SIROIS
CODE ENFORCEMENT OFFICER
(207) 655-4742 x161
alex.sirois@raymondmaine.org

401 WEBBS MILLS ROAD
RAYMOND, MAINE 04071

KIRSTEN SUDBURY
ADMINISTRATIVE ASSISTANT
(207) 655-4742 x161
kirsten.sudbury@raymondmaine.org

1/4/2022

Q-TEAM INC. D/B/A Q-TEAM TREE SERVICE
ATTN: MR. ROBERT FOGG
P.O. BOX 4096
NAPLES, ME 04055

Notice of Violation

Location: 18 FERNWOOD ROAD
Parcel ID: 001022000000
Zoning: Limited Residential Recreational 2 (LRR2)

SENT VIA CERTIFIED MAIL & US FIRST CLASS MAIL

Dear Mr. Fogg,

Pursuant to the Town of Raymond's Shoreland Zoning Provisions, as amended from time to time, and 30-A M.R.S. § 4452, and on behalf of the Town of Raymond, I hereby provide Q-Team Inc. ("you" or "your") this **NOTICE OF VIOLATION** relating to the parcel identified above.

On October 14, 2021, I was notified by Maine Department of Environmental Protection Environmental Specialist Alexis Sivovlos that a shoreline stabilization project and tree removal had taken place at the above-mentioned parcel that exceeded what is allowed by State law and local ordinance. After a review of the parcel file, I was unable to find a recent pending application or approved permit for any tree removal or shoreline stabilization projects.

On October 26, 2021, I met on-site with contractor Rob Durant, Alexis Sivovlos, and Nathan Whalen from the Portland Water District. At that time we observed numerous violations.

On November 15, 2021, my office received a letter from Aaron Gosselin stating that you were under the impression that the owner had obtained a permit on your behalf, and you proceeded to cut the trees without seeking adequate confirmation. See EXHIBIT D.

Below is a list of the violations and the related ordinance sections:

1. Removal of Vegetation Less Than 3' in Height

All existing vegetation less than three feet (3') in height including shrubs and ground cover has been removed within one hundred feet (100') of the normal high-water level ("NHWL") of Sebago Lake for a majority of the lot's shorefront. Removed vegetation was stabilizing this segment of the shoreline and protecting water quality. See EXHIBIT A and EXHIBIT B.

Shoreland Zoning Provisions

Section 15. Land Use Standards

Q. Clearing or Removal of Vegetation Activities Other Than Timber Harvesting

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Section 15(Q) paragraphs (2) and (2)(a) above.

2. Removal of Vegetation Less than 3' in Height Without a Permit.

All existing vegetation less than 3' in height including shrubs and ground cover has been removed within 100' of the NHWL of Sebago Lake for a majority of the lot's shorefront, without a permit from the Code Enforcement Officer.

Shoreland Zoning Provisions

Section 14. Table of Land Uses

5.

Clearing or removal of vegetation for activities other than timber harvesting.

3. Unpermitted Tree Removal Within 100' of Sebago Lake

Multiple trees have been removed within 100' of the NHWL of Sebago Lake, creating an illegal opening in excess of 250 square feet. See EXHIBIT C.

While the ordinance does allow for removal of Hazard Trees as defined, this is only allowed AFTER inspection by the Code Enforcement Officer, as described in Shoreland Zoning Provisions Section 15.R.1:

Hazard trees in the shoreland zone may be removed without a permit after consultation with the CEO if the following requirements are met:

a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

Shoreland Zoning Provisions

Section 15. Land Use Standards

§ Q. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

Q. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

2. Except in areas as described in Paragraph 1, above, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, or within a strip extending one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

4. Vegetation Removal in Excess of What is Allowed by the Point System

Between the house and the water, vegetation has been removed from a 6,000 square foot area. Tree removal has taken place in what would have been three 25' x 50' grids. The three grids did not contain enough points to support the selective removal of otherwise healthy trees. See EXHIBIT C.

Shoreland Zoning Provisions

Section 15. Land Use Standards

Q. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

2.b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees " adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25 foot by 50 foot rectangular (1,250 square feet) area as determined by the following rating system.

5. Removal of Vegetation Without a Permit.

Between the house and the water, vegetation has been removed from a 6,000 square foot area without a permit from the Code Enforcement Officer.

*Shoreland Zoning Provisions
Section 14. Table of Land Uses*

5.

Clearing or removal of vegetation for activities other than timber harvesting.

These Violations Must Be Corrected Within Thirty (30) Days of the Date of This Notice

This is a notice of violation pursuant to Article 16(H) of the Shoreland Zoning Provisions of the Town of Raymond, Maine, and 30-A M.R.S. § 4452. All referenced violations must be corrected within thirty (30) days of the date of this notice. The corrections must include, but not be limited to, the submission of a plan compliant with the requirements of 30-A M.R.S. § 4452(3)(C-2). A follow-up inspection will be completed on or around February 4, 2022. Failure to comply will result in this office referring the matter to the Selectboard, which may consider legal action or fines, as provided for in Article 16(H)(4) of the Shoreland Zoning Provisions of the Town of Raymond, Maine, and 30-A M.R.S. § 4452. Fines of \$100.00 to \$5,000.00 per violation per day may be imposed.

This Notice of Violation constitutes an appealable decision pursuant to Article 16(G)(1)(a) of the Shoreland Zoning Provisions; however, filing an appeal to the Board of Appeals does not relieve you of your responsibility to correct the violations. If you wish to appeal this decision, the appeal application form is available at the Town Office, and we are open Tuesday through Friday. You must file the appeal within thirty (30) days of the date of this Notice; if you fail to appeal the decision within that time period, you will lose your right to challenge the decision included in this letter.

Please feel free to contact me if you wish to discuss the matter or have any questions. I can be contacted by phone at (207) 655-4742 ext. 161, or by email at alex.sirois@raymondmaine.org.

Sincerely,



Alex Sirois

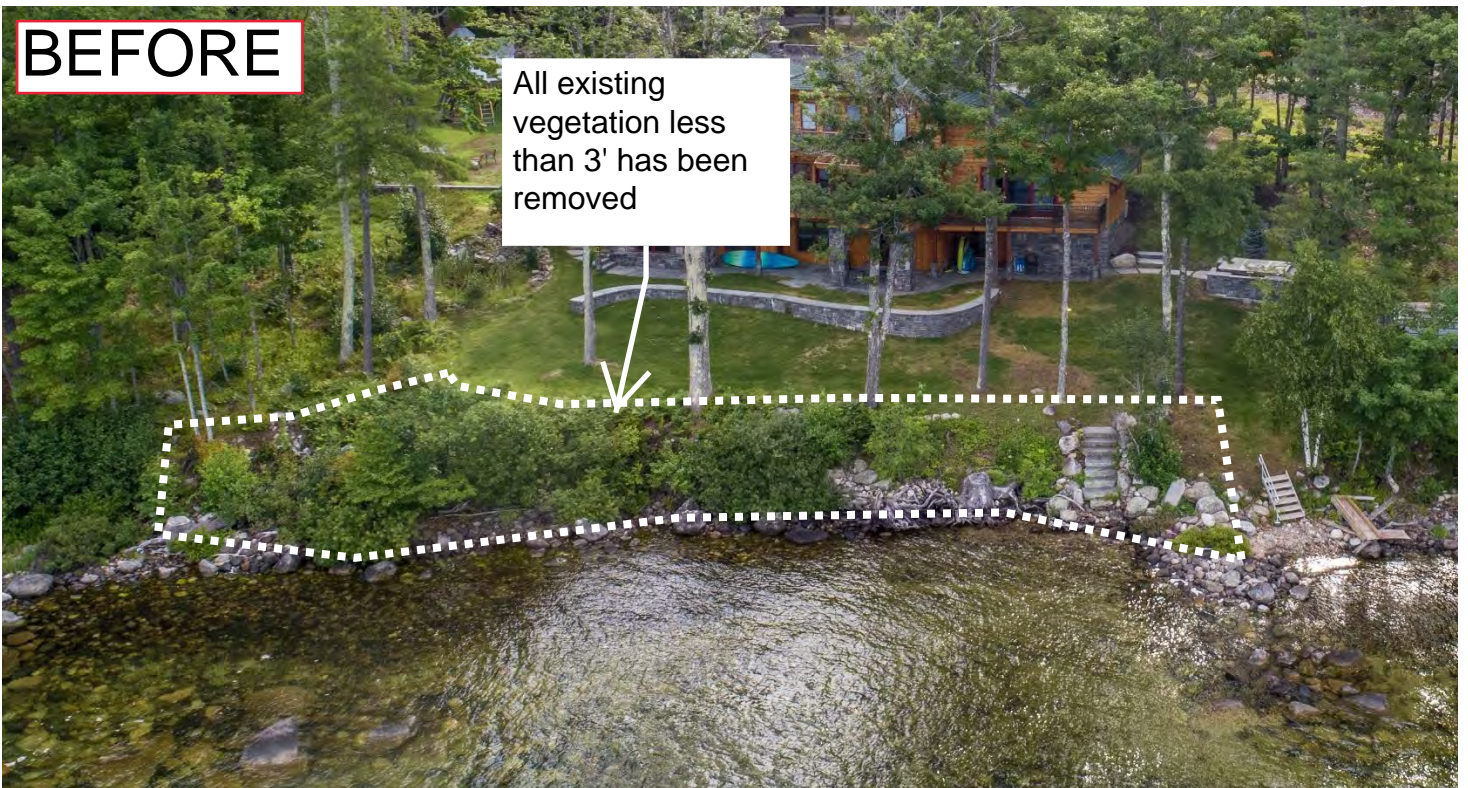
Enclosures

cc: Management Controls LLC, Attn: Mr. Donald Buteau, Manager
Eric J. Wycoff, Esq.



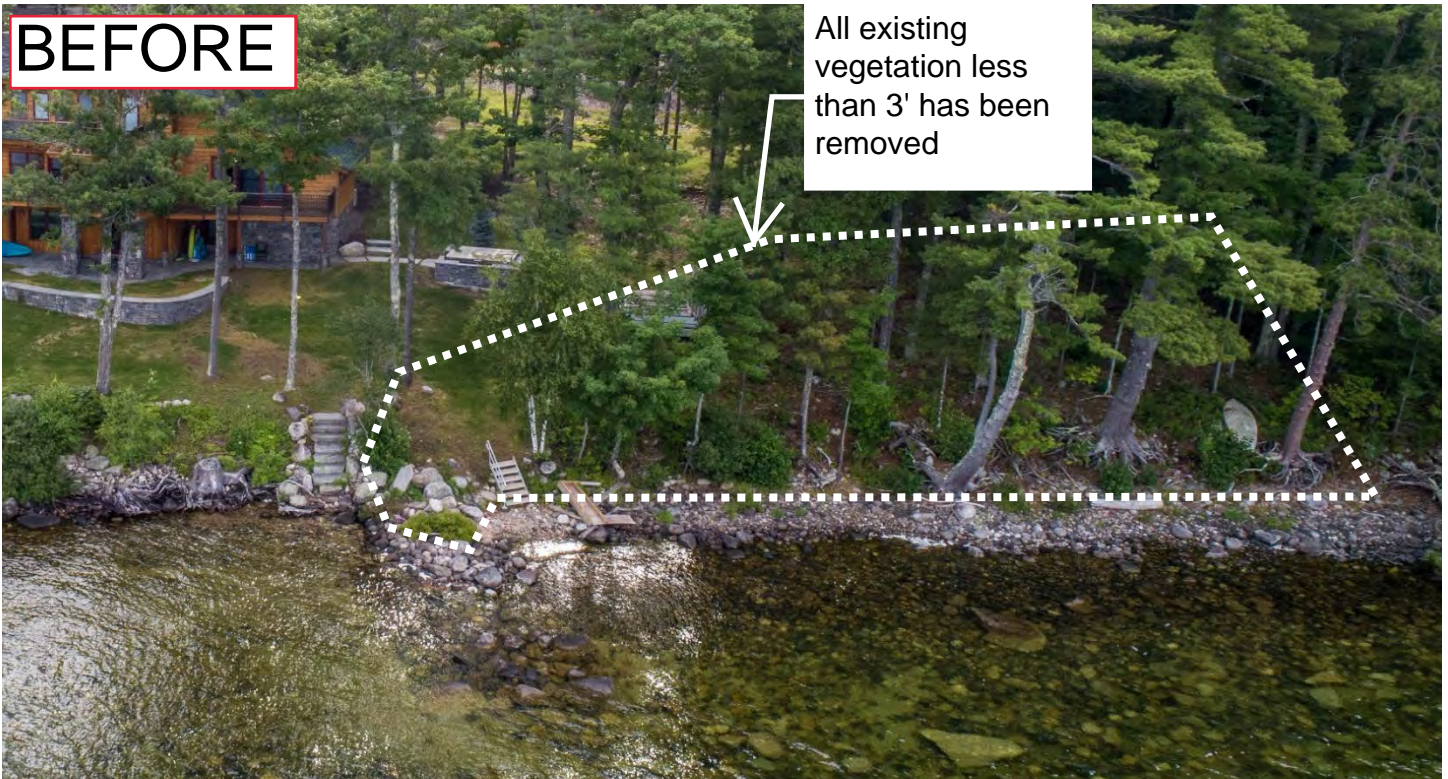
BEFORE

All existing
vegetation less
than 3'
has been
removed

**AFTER**

BEFORE

All existing
vegetation less
than 3' has been
removed



AFTER



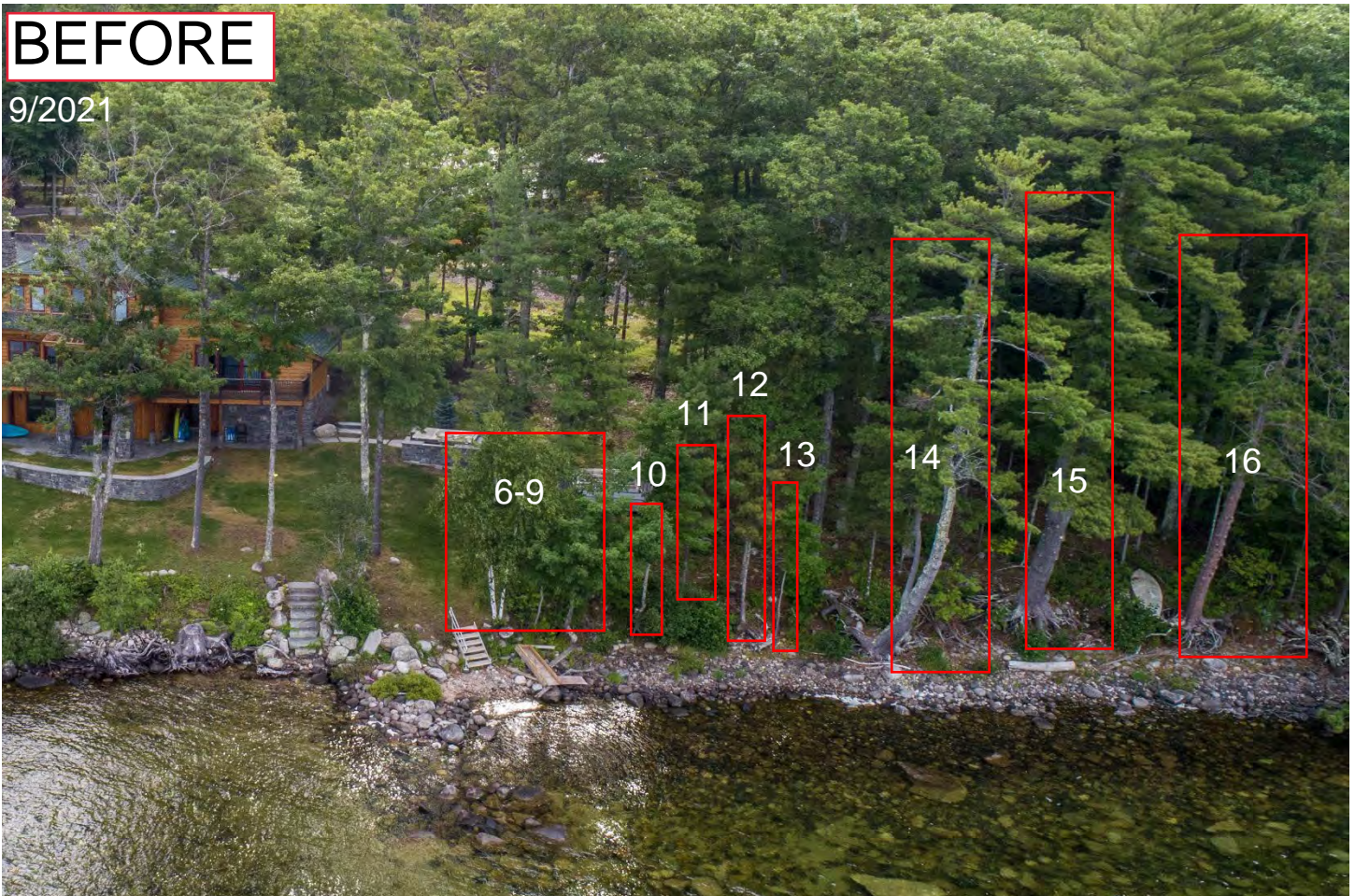
BEFORE

9/2021



BEFORE

9/2021



AFTER

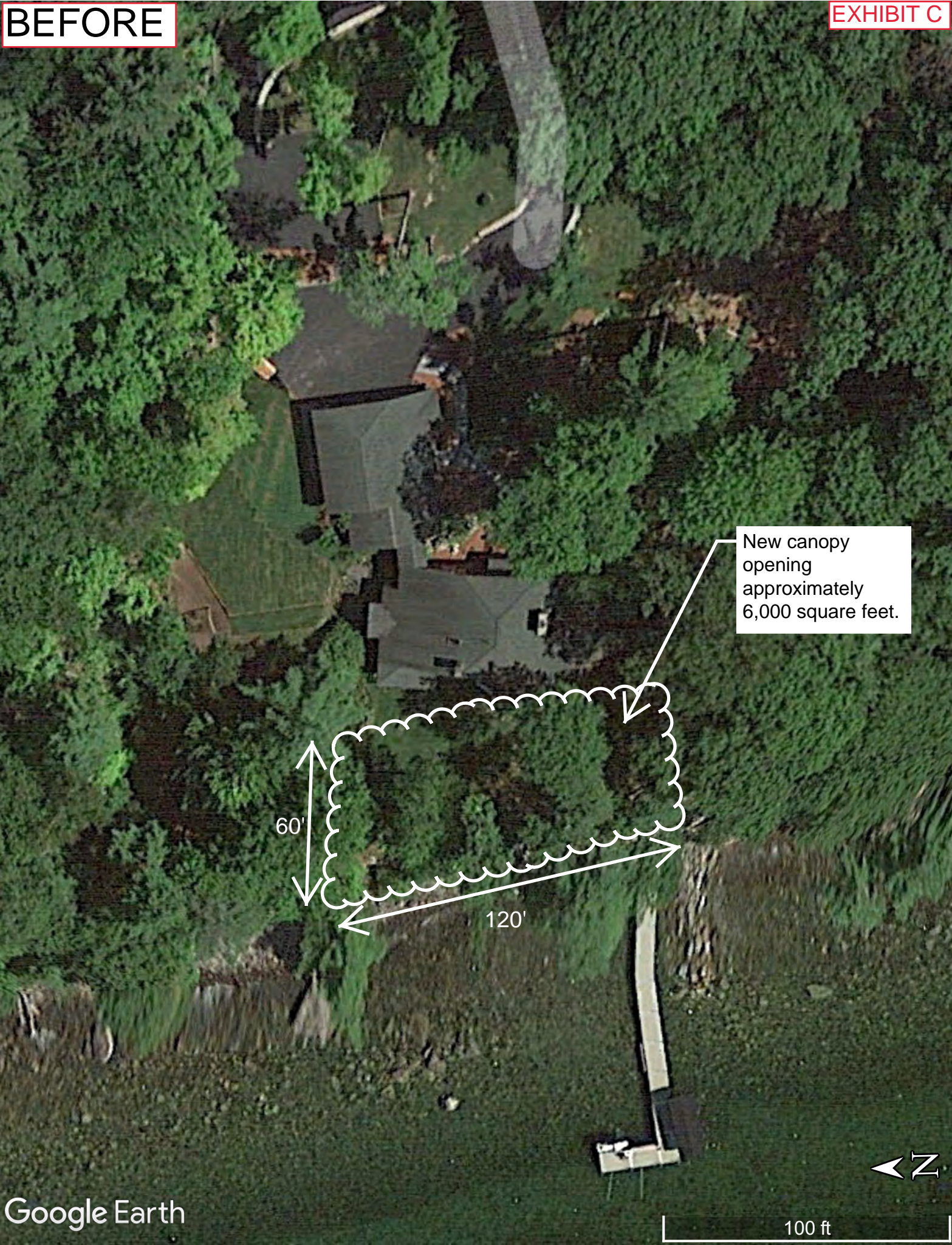
10/2021

New canopy opening

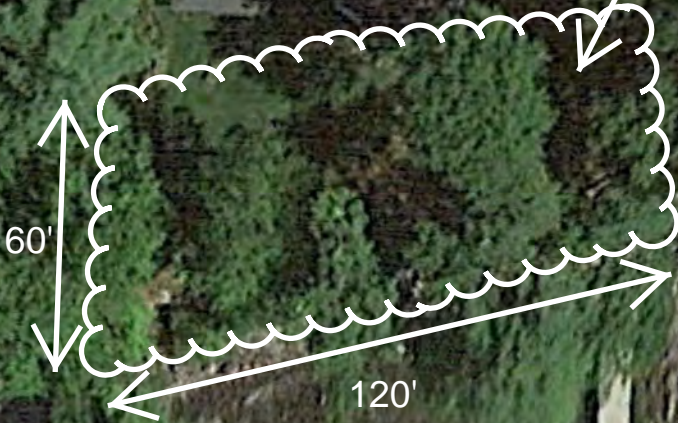


BEFORE

EXHIBIT C



New canopy opening
approximately
6,000 square feet.





November 15, 2021

Re: Don & Linda Buteau Property

To Whom It May Concern;

Earlier this year, I met with the property owner, Don Buteau, about removing 2 storm-damaged trees and 1 dead pine tree outside of the 100-foot zone. We also discussed tree removal for an upcoming project within the 100-foot shoreland zone which, I was told by the property owner that the project, including the tree removal, was covered under a D.E.P. permit obtained by his contractor.

I later took a crew to the site to take down approximately 8-10 large trees within the 100-foot zone. Each of these trees were either partially dead or undermined by wave action, and it seemed perfectly reasonable to take them down as a part of a proposed larger project. Only a minimal number of small trees and saplings were cut to allow us access to remove the larger trees that had been undermined. We did not cut and/or remove any ground cover or underbrush.

We are now told that the contractor's permit was not adequate to cover all the work at the site, possibly including some or all of the tree removal that we did. We plan to use this as a learning experience, and in the future, always require positive proof that adequate permits have been pulled that will cover any work that we are asked to do.

Sincerely,

A handwritten signature in black ink that reads 'Aaron Gosselin'.

Aaron Gosselin

Q-Team Tree Service

207-693-3831



We did remove the 6 trees marked above. The 4 on the left were dying (as evident by their partially dead tops) and the 2 on the right were undermined by wave action. We also removed 2 additional undermined trees that were to the right of those shown in the photo and possibly 1 or 2 others that we cannot identify in the photo. We did not remove any of the underbrush or small trees, shown in the photo, along the lake.