

Office of:

Town Manager
Tax Assessor
Tax Collector
Town Clerk
Treasurer
Code Officer
Finance Director
Harbor Clerk

November 28, 2022



Town Office

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BOND, AMELIA A J & ARTHUR D, III
THE BOND REVOCABLE TRUST 6/23/2017
100 ARUNDEL PL
ST LOUIS, MO 63105

*****NOTICE OF VIOLATION*****

3 Metcalf Road, Camden ME – Map 126 Lot 21

TAKE NOTICE that on or about October 24, 2022 it came to the attention of the Camden Code and Planning Office that an herbicide was used by you or an agent of yours to defoliate and kill numerous woody trees and plants on land not owned by you at 3 Metcalf Road. In addition, it was also brought to our attention that numerous hemlocks that were also on the property of 3 Metcalf were “topped” by you or and agent of yours. The Town of Camden is alarmed at such blatant disregard for the environment and for an abutter’s property, and in such close proximity to the Atlantic Ocean.

You are hereby Ordered to provide a detailed description of the chemicals used, the dates of application, and the name of the persons and companies who applied the chemicals. Please have the applicator provide of copy of the State of Maine License(s) under which the application(s) was made. You must provide this information within the next five (5) business days, along with a copy of all estimates and or contracts which describe or depict the applications conducted. As the public health and safety is involved, your cooperation with this Order is of the utmost importance.

Absent the information above, which may serve for a modification of this letter, and based upon the best information the Town has available, which is information from experts hired by the owner of 3 Metcalf Road, it appears you or your agent used an herbicide that under the manufacturer’s label is “Not for Residential Use.” By applying such a toxic herbicide, you have in essence caused the defoliation of a significant number of deciduous species, which will ultimately kill the trees and woody vegetation. In so doing, it is necessary for the removal of the

deciduous trees and other woody vegetation in this specific area. You have violated two specific regulations contained in Chapter 290 – 10.2 (S) (3) of the Town of Camden's Code of Ordinances.

Specifically, 290-10.2 (S) (3) states ***“At distances greater...greater than 75 feet, horizontal distance, from the normal high waterline of any other water body, tributary stream, or the upland edge of a wetland, there shall be permitted on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter measured 4 1/2 feet above ground level. Tree removal in connection with the development of permitted uses shall be included in the 40% calculation.*** For purposes of these standards, "volume" may be considered to be the equivalent to basal area. ***In no event shall cleared openings for any purpose, including, but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate 25% of the lot area or 10,000 square feet, whichever is greater,*** including land previously cleared.

In this instance more than 40% of the volume of trees 4" or more at diameter at breast height will need to be removed due to your egregious application of herbicide. As more than 40% of the volume of trees have been impacted by the herbicide application. In addition, it is evident that by applying the herbicide you have caused the creation of cleared openings that exceed 10,000 square feet or exceed the aggregate of 25% of the lot area (whichever is greater)

I have conferred with the owner of 3 Metcalf Road's legal counsel and their land management consultants, in addition to the Maine Department of Environmental Protection's Shoreland Zoning Coordinator. The consultants are currently further assessing the damage that you or your agents may have caused. They are exploring the need to conduct soil removal operations on the property and will need to develop a replanting / revegetation plan for the trees that will need to be removed. Your prompt and immediate response to these very serious violations is anticipated.

Corrective Actions: In order abate these violations you must work with the owner of 3 Metcalf Road, their legal counsel and consultants on developing a replanting / revegetation plan that will need to be submitted and approved by the Town of Camden within thirty (30) days of your receipt of this notice. The planting plan must be prepared by a licensed arborist or licensed landscape architect, and must provide for full and complete resolution to the ordinance violations. In this instance you must plant the same volume of trees that were removed and must ensure that the cleared opening standard that has been violated, must be resolved by recreating the canopy/cleared opening that was created. In addition, you must work with the owner of 3 Metcalf Road to address soil removal as they deem necessary to remove any potentially contaminated soil(s).

Violations of the Town's Zoning Ordinance carry financial penalties from \$100 a day per violation to \$2,500 per day violation per Chapter 290 5.7 and Title 30-A Maine Revised Statutes, Section 4452. In this instance, this was a serious and willful act that has the potential to harm the natural environment. Therefore, the Town will be seeking the maximum penalties allowed of \$2,500 per day per violation. As indicated above, there are two specific code violations and the

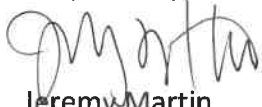
violations will remain as active violations under enforcement action until the property at 3 Metcalf Road property is brought into compliance with the Town's Code of Ordinances, and will only occur when the replanting / revegetation has occurred.

It is our intent to work with you through a consent agreement to resolve this issue, after the Town has a full accounting of what has transpired and all damages are fully known. Again, your prompt attention to this matter is anticipated, and you must provide the requested information detailed in paragraph 2 of this notice within five (5) business days, and a replanting / revegetation plan within thirty (30) days of your receipt of this notice.

You have the right to appeal this Notice per Chapter 290, Article VII of the Camden Code of Ordinances.

If you have any questions do not hesitate to contact.

Respectfully,



Jeremy Martin

Planning and Development Director
Alt. Code Enforcement Officer

Cc: Clint Beveridge, Code Enforcement Officer
Audra Caler, Town Manager
Bill Kelly, Town Attorney
Daniel Nuzzi, Attorney
Colin Clark, Shoreland Zoning Coordinator, Maine DEP
Alexander Peacock, Inspector, Maine Board of Pesticide Control
Lisa Gorman, Property Owner – 3 Metcalf Road