

City of Portland

LMAC Waiver Committee



Thursday, May 16, 2024 at 9:00 AM The LMAC Waiver Committee will conduct this meeting remotely via Zoom. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

To access the meeting please use the link below:

<https://portlandmaine-gov.zoom.us/j/87229262720?pwd=MDFrbVFkV2kwYkNmVkdTUitJRTJkZz09>

To submit written public comment on an agenda item, email landcare@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

1. Introduction / Review purpose of the meeting
2. Applicant presentation
 - a. 8 Chester St. Application Materials
3. Discussion
4. Committee Decision
5. Adjournment





JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

May 2, 2024

Noah Tucker
F A Bartlett Tree Expert Co.
9 Washington Ave, Ste. 3
Scarborough, ME 04074

RE: Variance permit for CMR 01-026 Chapter 29, F A Bartlett Tree Expert Co.

Dear Mr. Tucker,

The Board of Pesticides Control considered your application for variance from Chapter 29. The variance is approved, with the condition that all products to be used are currently registered in the State of Maine or were registered at the time of purchase. Cheetah Pro (EPA Reg. #228-743) requires four hours to become rainfast. To prevent the chance of runoff do not apply if rain is forecast within four hours of application.

The Board authorizes the issuance of two-year permits for Chapter 29, therefore this permit is valid until December 31, 2025, as long as applications are consistent with the information provided on the variance request. Please notify the Board in advance of changes, particularly if you plan to use a different product from those listed.

Please bear in mind that your permit is based upon your company adhering to the precautions listed in Section X of your Chapter 29 variance request.

I will alert the Board at its next meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

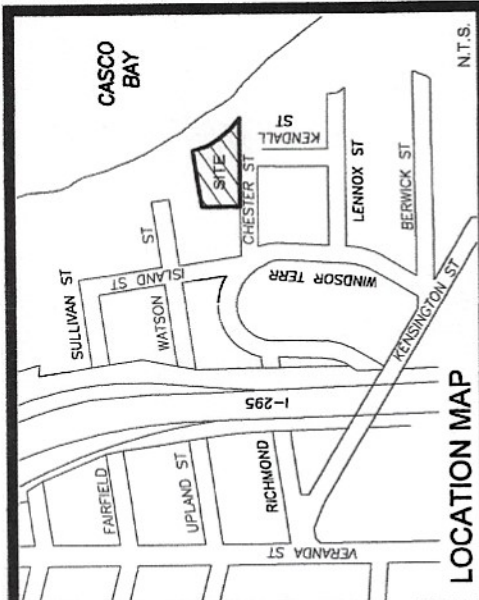
Alexander Peacock
Director

ALEXANDER PEACOCK, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
THINKFIRSTSPRAYLAST.ORG





PLAN REFERENCES

1. PLAN OF WINDSOR HEIGHTS, PORTLAND, MAINE, MADE FOR WINDSOR HEIGHTS, INC. BY OWEN HASKELL, INC., PROFESSIONAL LAND SURVEYORS, COUNTY RECORD OF DEEDS IN PLAN BOOK 10, PAGE 83.
2. RECONSTRUCTION PLANS & PROFILES MADE FOR THE CITY OF PORTLAND'S PUBLIC WORKS DEPARTMENT ENGINEERING SECTION DURING THE WINTER OF 2007/2008.
3. "BOUNDARY SURVEY ON #8 CHESTER STREET, PORTLAND, MAINE 04103 MADE FOR KATHRYN ELLIS" JUNE 21, 2012 REVISED JULY 10, 2012 BY OWEN HASKELL, INC.

GENERAL NOTES

1. OWNERS OF RECORD: ARON ENGELBERT & MATTHEW CUDWELL, 65 WINDSOR TERRACE, PORTLAND, MAINE 04103. TAX MAP #431, BLOCK C LOT 15. C.C.R.D. BOOK 37859 PAGE 159.
2. BEARINGS AND COORDINATES ARE BASED ON PLAN REFERENCE 2. MAINE STATE PLANE WEST NAD 83.
3. ELEVATIONS ARE BASED ON CITY DATUM PER PLAN REFERENCE 2. ELEVATIONS ARE BASED ON 2020 LIGHT DATA OBTAINED FROM THE NOAA DATA ACCESS VIEWER.

ZONING

THE SUBJECT PARCEL IS LOCATED IN R-3 RESIDENTIAL ZONE AS SHOWN ON THE CITY OF PORTLAND ZONING MAP.

MINIMUM YARD DIMENSIONS:

FRONT YARD: 25 FT.
REAR YARD: 25 FT.
SIDE YARD: 8 FT. OR FOR 1 STORY STRUCTURE: 35 FT.
MAXIMUM HEIGHT (PRINCIPAL STRUCTURES OF ADJACENT): 35 FT.
MAXIMUM HEIGHT (DETACHED SINGLE-FAMILY RESIDENTIAL STRUCTURES): 18 FT.
LOT COVERAGE: 75 PERCENT
MINIMUM LOT SIZE: 6,500 S.F.
MINIMUM STREET FRONTAGE: 50 FT.
MINIMUM LOT WIDTH: 50 FT.

FOR ADDITIONAL ZONING INFORMATION, SEE THE CITY OF PORTLAND CODE OF ORDINANCES.

FLOOD ZONE NOTE

BY GRADING PLATTING ONLY, THIS PROPERTY IS IN ZONE C, ZONE A2 (ELEV. 141) AND ZONE X2 (ELEV. 14) OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 220051 0088B, WHICH BEARS AN EFFECTIVE DATE OF JULY 17, 1986.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO WARRANTY AS TO THE ACCURACY OF THE UTILITIES SHOWN. THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DATES CERTIFY THAT HE HAS CONDUCTED A REASONABLE SEARCH FOR UTILITIES. THE SURVEYOR IS AVAILABLE TO CONDUCT A UTILITY LOCATING SERVICE AT AN ADDITIONAL FEE. CALL 1-888-OSHA-4567 FOR MORE INFORMATION. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-OSHA-4567 FOR MORE INFORMATION. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-OSHA-4567 FOR MORE INFORMATION. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-OSHA-4567 FOR MORE INFORMATION.

CERTIFICATE

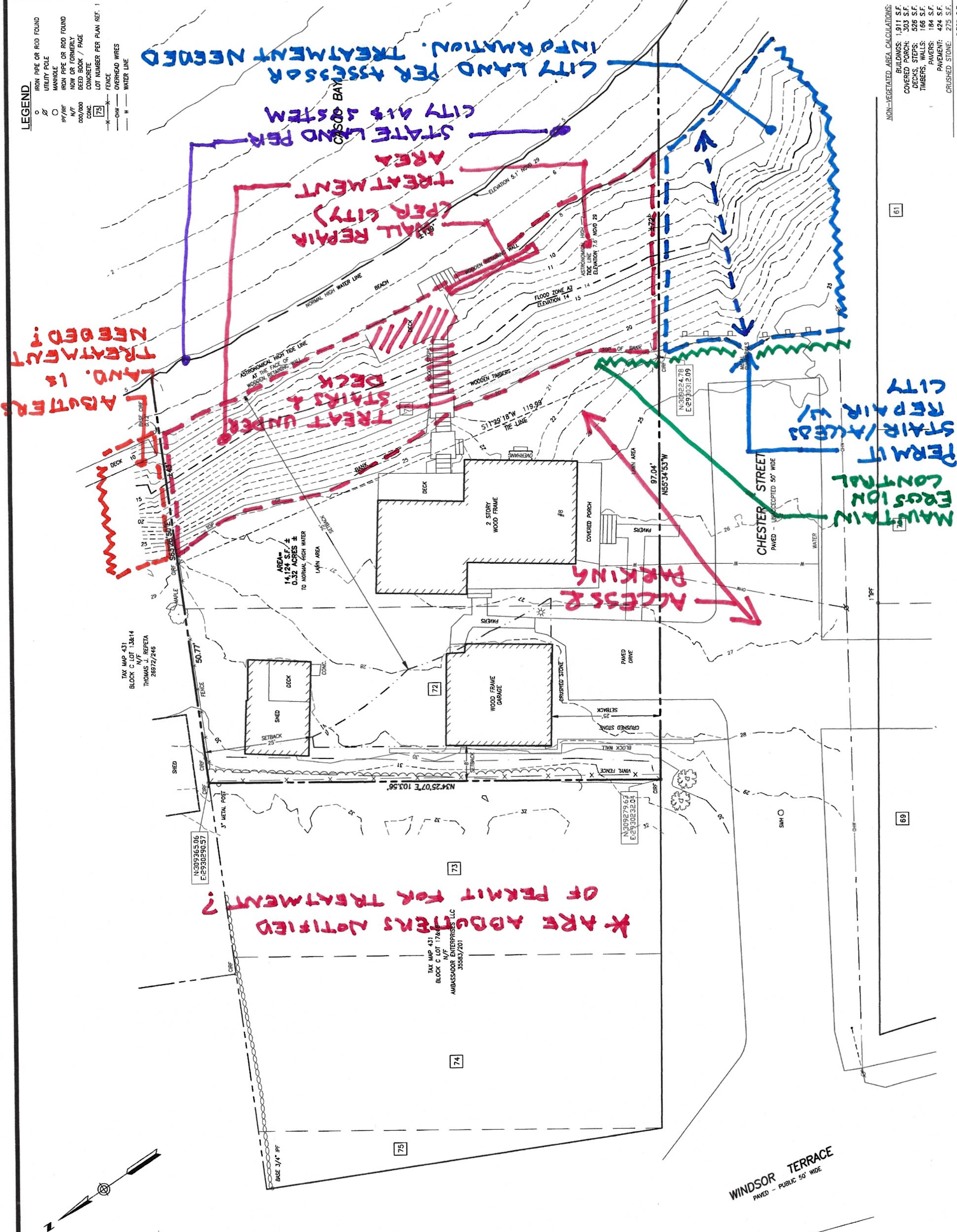
OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY OF THE PROPERTY AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY OF THE PROPERTY AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY OF THE PROPERTY. TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

BOUNDARY SURVEY

At
8 Chester Street, Portland, Maine

Made for
Knickerbocker Group
P.O. Box 142, Boothbay, Maine 04537

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL: 207-774-0424
DRAWN BY: RS/JLW DATE: DEC. 9, 2021 JOB NO. 2021-284 P
CHECKED BY: RRL SCALE: 1" = 10' DRWG. NO. 1



LOT COVERAGE: 14,124 S.F. = 26.8%

NON-VEGETATED AREA CALCULATIONS:

BUILDINGS:	1,911 S.F.
COVERED PORCH:	303 S.F.
DECKS, STEPS:	526 S.F.
TIMBERS, WALLS:	166 S.F.
PAVERS:	184 S.F.
PAVEMENT:	424 S.F.
CRUSHED STONE:	275 S.F.
TOTAL:	3,789 S.F.

SCALE: 1" = 10'



LANDCARE ORDINANCE WAIVER APPLICATION

Landcare Management Advisory Committee (LMAC)

APPLICANT INFORMATION

Applicant Name: _____

Address: _____

Email Address: _____

Telephone Number: _____

Submission Date: _____

I am a: ☐ Resident ☐ Landlord ☐ Business ☐ Municipality ☐ Landscape company

Are you a licensed commercial applicator? ☐ Yes ☐ No

REASON FOR REQUESTING THE USE OF A PROHIBITED FERTILIZER OR PESTICIDE:

- ☐ Is an emergency and threatens the public health and safety
- ☐ For the control of invasive plants that pose a threat to the environment (*For a list of Maine Invasive Plants visit: http://www.maine.gov/dacf/mnap/features/invasive_plants/invsheets.htm*)
- ☐ Required to protect buildings or structures from damage
- ☐ Using a synthetic fertilizer on performance turf or for new development, with one or more the following conditions:
 - I. The soil temperature is less than 55 degrees Fahrenheit and reasonable grounds exist to justify fertilizer use at that location and at that time;
 - II. The turf is experiencing high stress due to high use and must be ready for high performance play when the sports season(s) begin; or
 - III. A suitable organic product that meets the nutrient needs of the soil as specified in a soil test is unavailable.

Making the right pest identification is important and can be difficult. Resources for pest identification are available at: <http://www.maine.gov/dacf/php/gotpests/invasive-pests.htm>. NOTE: Applications for poisonous plants such as poison ivy, pests of significant health importance such as ticks and mosquitos, and destructive pests such as carpenter ants and termites are exempted under the ordinance. No waiver is necessary to address these pests.

Please provide a detailed account of the problem you would like to address with the proposed fertilizer or pesticide application. Include photos of the problem/pest and of the extent of the problem (this may be number of pests or area covered):

What steps did you take to evaluate alternative methods to the proposed fertilizer or pesticide application, including but not limited to, non-fertilizer/pesticide management tactics, minimum risk fertilizers or pesticides, non-synthetic fertilizers or pesticides, and selecting the minimum amount of the least toxic, most effective fertilizer or pesticide necessary.

PROJECT INFORMATION

What are you treating? ☐ Turf ☐ Shrubs ☐ Trees ☐ Invasive Weeds

Address of proposed application: _____

Please attach a map of the proposed application area (*this may be a sketch, however it should be to scale and include property boundaries, structures, and water bodies*).

Is this application within 75ft. of a waterbody? ☐ Yes ☐ No

Proposed fertilizer or pesticide:

Amount to be applied: _____

Method of application: ☐ Liquid ☐ Granular ☐ Injection/systemic ☐ Cut stem treatment

Proposed timing(s)/frequency of use: _____

Proposed date of application: _____

Please provide a detailed management plan for your proposed application, including how you will minimize the impact of this application on abutting properties and, to the maximum extent possible, ensure that the grant of the waiver will not be detrimental to the public's health, safety or welfare.

NOTE: the following applications are prohibited:

- Broadcast applications: the spreading of pesticides over an entire area
- Preemptive applications: the application of pesticides as a measure against something possible, anticipated or feared, i.e., as a preventive or deterrent measure

In order for the waiver to be considered, all of the fields above must be completed. For questions, please contact Troy Moon in the Sustainability Office at 207-756-8362.

Completed forms may be emailed to landcare@portlandmaine.gov, or mailed or delivered to City Hall, 389 Congress Street, Portland, ME 04101.



**BOARD OF PESTICIDES CONTROL
APPLICATION FOR VARIANCE PERMIT
(Pursuant to Chapter 29, Section 6 of the Board's Regulations)**

I.	Aaron Engebretth	()	207-956-7430
	Name		Telephone Number
Company Name			
8 Chester Street Portland, ME 04103			
Address		City	State Zip
II.	Noah Tucker	CMA-4242	
	Master Applicator (if applicable)	License Number	
9 Washington Avenue Scarborough, ME 04074			
Address		City	State Zip
III.	As part of your application, please send a revegetation plan and digital photos showing the target site and/or plants and the surrounding area, particularly showing proximity to wetlands and water bodies, to pesticides@maine.gov		
IV.	Area(s) where pesticide will be applied:		
Product will be applied on the slope between the house and water from the northern most property line to the southern most property line.			
V.	Pesticide(s) to be applied:(Including EPA Registration Number)		
Cheetah Pro EPA REG NO: 228-743			
VI.	Purpose of pesticide application:		
Product will be used to eliminate the Japanese Knotweed that has completely taken over the hillside. The goal is to restore native vegetation to the area that has been suppressed by knotweed colony.			

VII. Approximate dates of spray application:

Product will be applied three times: once in late may at first emergence, again mid-july, and again at the beginning of September, to ensure that new growth does not reach a height above 12 inches.

After the first season of application, additional applications may be necessary to continue to suppress the knotweed in future seasons.

VIII. Application Equipment:

Non Powered Low Pressure Backpack

IX. Standard(s) to be varied from:

Chapter 29 Section 6 A

X. Method to ensure equivalent protection:

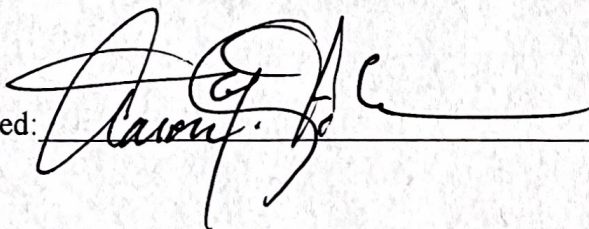
In order to prevent run off, we will be treating the knotweed while growth is low to the ground (6-12 inches), as the knotweed had previously been cut and treated.

We will only be spot treating individual leaves, rather than a general broadcast treatment. This will keep volume of pesticide applied as low as possible while staying maximally effective.

XI. Revegetation Plan (attach separately if necessary)

Revegetation Plan will be enacted by Audet Enterprises after adequate suppression has been achieved.

Signed: _____



Date: _____

9, February, 2024

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**

OR E-mail to: pesticides@maine.gov