

## **Formal Complaint Regarding Permitting Violations and Environmental Misrepresentation**

**Subject Property: Catholic Diocese Property – Broadway and Dawson Street, South Portland**

To Whom It May Concern,

This letter is a formal complaint regarding what appears to be a pattern of permitting violations and intentional misrepresentation of project scope by the Catholic Diocese concerning recent tree removal and land development activities at their property along Broadway and Dawson Street in South Portland.

### **Misuse of Permitting and Intentional Circumvention**

The Diocese initially claimed that the tree removal was necessary to gain access to the property for maintenance or operational reasons. However, an access road already exists on the Broadway side. If that roadway was insufficient, expanding the existing access would have been more cost-effective and environmentally responsible than creating an entirely new entrance on the Dawson Street side—an area long targeted by the Diocese for a new cemetery entrance, as indicated in past plans.

It appears that access was used as a pretext to pursue this longstanding goal without undergoing proper zoning changes or environmental review. This circumvention of process sets a dangerous precedent.

### **Environmental Justification for Tree Removal Unsubstantiated**

Following the initial access claim, the Diocese and its partners justified the complete clear-cutting of mature trees by citing "air safety" concerns related to the airport's glide slope. However, the logic here is inconsistent. If the trees on this property posed a genuine risk to flight safety, then so would trees on adjacent properties that remain untouched. Glide slopes do not dip conveniently over property lines—they are continuous, gradual paths.

Further, "clearing" for FAA purposes does not mandate clear-cutting. It typically requires that tree heights be reduced below a certain elevation.

Selective trimming or managed vegetation control would have met this standard without causing such severe ecological disruption.

This suggests the clear-cutting was done for convenience and cost savings to the contractors or partners involved, not because it was the only safe or permitted option. It is important to emphasize that the Diocese bore no cost for the removal—giving them an incentive to approve the most aggressive option.

### **Use of Solar Development as a Temporary Cover**

The installation of a solar farm—on land zoned for cemetery and residential use—raises additional concerns. The lease granted to the solar company is only five years, far shorter than the 25-30 year lifespan of typical solar arrays. This temporary lease strongly suggests that the Diocese's true intent was to clear the land under the guise of renewable energy development, while avoiding permanent land use classification changes. Once the lease expires, the Diocese will have a fully cleared parcel at no expense to themselves—paid for indirectly by taxpayer-funded incentives for solar development.

When the farm is dismantled after only five years, the public will bear not only the loss of the subsidy investment but also the cost and environmental risk of solar panel waste disposal.

### **Wildlife Impact**

The rapid, large-scale clear-cutting has had a devastating impact on local wildlife. The abrupt removal of natural habitat has displaced numerous species, including deer, groundhogs, chipmunks, squirrels, and birds. This disruption has increased sightings of predators such as coyotes or coydogs searching for food closer to residential areas—posing a risk to pets and residents.

A more environmentally responsible and humane approach would have been phased or selective tree removal tied to active burial site expansion, allowing time for gradual wildlife migration and adaptation.

## **Broader Environmental and Planning Impact**

The cumulative effects of these actions—unchecked tree removal, suspect justification, potential zoning violations, and ecological harm—suggest systemic abuse of the permitting process. The lack of meaningful oversight in this case risks setting a precedent where fines are treated as minor costs of doing business, rather than real deterrents.

## **Requested Action**

We respectfully urge the City of South Portland and the appropriate regulatory bodies to:

1. **Investigate** the permitting history, correspondence, and contractual arrangements regarding the tree removal, cemetery access, and solar project.
2. **Reassess** the zoning compliance and land use designations to ensure commercial activity is not being conducted on residentially-zoned land without proper review.
3. **Strengthen enforcement**, including adjusting penalties so they exceed the savings gained by bypassing compliance.
4. **Require mitigation**, such as wildlife rehabilitation plans, reforestation, or permanent conservation easements to offset the environmental damage caused.

South Portland must send a clear message that process, transparency, and environmental responsibility matter. Developers and institutions—regardless of their size or affiliation—must be held to the same standards as everyone else.

Sincerely,

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