
6. ASSESSMENT OF ZONING

The project is located within the City of Portland Eastern Waterfront Mixed Zone B-6, EWPZ Waterfront and the Shoreland Overlay Zone. The roadway portion of the project is not located in a flood hazard zone, as shown on the FEMA FIRM Map provided in Appendix A; however, construction of the storm water outfall requires work in the flood zone. The proposed construction project has been designed to comply with the standards and intent of Divisions 15.1, 17.5 and 26 of the Land Use regulations. The proposed activity will not result in any substantive changes to the site's existing use.

6.1 EASTERN WATERFRONT MIXED ZONE (LAND USE CODE DIVISION 15.1)

The project consists of extension of a public road into City-owned property. Construction of public roadway has been approved by the City of Portland Department of Public Works.

6.1.1 Dimensional Requirements (Land Use Code Section 14-272)

No building or structure of a permanent nature will be erected, altered, enlarged, rebuilt, or used as part of the proposed project. This section is not applicable.

6.1.2 Performance Standards (Land Use Code Section 14-273)

The proposed project involves extension of a public roadway. No buildings or parking areas will be constructed or modified as part of this project. Traffic noise from public roadways is exempt from noise standards per 14-273 (b) 4. b. ii.

6.1.3 Affordable Housing (Land Use Code Section 14-274)

The proposed project does not involve construction of affordable housing units; therefore, this standard does not apply.

6.2 EASTERN WATERFRONT PORT ZONE (LAND USE CODE DIVISION 17.5)

The project is not anticipated to interfere with, displace or adversely impact shallow or deep-water marine uses. The proposed roadway will improve public access to marine waters. The project is in alignment with the intent of the EWP Zone Standards.

6.3 SHORELAND OVERLAY ZONE (LAND USE CODE DIVISION 26)

The proposed project complies with applicable standards in the Shoreland Regulations outlined in Division 26 of the Land Use Code.

6.3.1 Land Use Standards (Land Use Code Section 14-449)

The site has been previously developed, and the project area is virtually entirely impervious. The project is located in Zones B-6 and EWP, which are exempt from clearing and vegetation removal standards. No clearing is proposed as part of this project (street trees will be relocated), and erosion and sedimentation control Best Management Practices (BMPs) will be followed in accordance with the Maine Erosion and Sediment Control Handbook. An Erosion Control Plan for the proposed project is provided on Sheet X of the plan set provided in Appendix B.

The proposed project complies with all standards provided in Section 14-449 (j) Roads and driveways. The proposed road extension layout was determined by proposed right-of-way discussions and agreements between the City of Portland, Maine DOT and the adjacent property owners with development interests. Thames Street is an existing public roadway that will be expanded within the legal road right-of-way in accordance with Section 14-449 (j) 2. The surrounding area is very flat, so the project will conform to the grading standards. All stormwater management infrastructure shall be regularly maintained by the City of Portland, as it will be located within the public road right-of-way.

Stormwater runoff is minimized by the proposed project, as shown in Section 10 of this report. The proposed development is in compliance with the City of Portland Technical Manual. The proposed storm water outfall is designed to convey runoff from the uphill contributing area under the design storm (25-year 24-hour Type III Rainfall Event).

Per the general site plan features (Section 14-449 (o)), the project is not anticipated to pollute or adversely impact surrounding habitat, commercial activities or viewsheds. Overall, the proposed project will improve on the existing condition.