

8. Compliance with Zoning Requirements

Summary of Compliance with Zoning Requirements:

DIVISION 18.5 WATERFRONT PORT DEVELOPMENT ZONE

Section 14-318.5 No Adverse Impacts on Marine Uses.

(a) *The proposed nonwater-dependent use will displace an existing water-dependent use;*
No water dependent use will be displaced by the proposed project.

(b) *The proposed use will reduce existing commercial vessel berthing space;*
The proposed project will not reduce existing commercial vessel berthing space as the project simply adds wharf space on the land side of the wharf.

(c) *The proposed nonwater-dependent use, structure, or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impeded access to vessel berthing or other access to the water by water-dependent uses;*

The proposed project is a water-dependent use. It will not interfere with other existing water-dependent uses.

(d) *The siting of a proposed non-water dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.*

The proposed project is a water-dependent use. It will not reduce or inhibit public access as the project site is currently private property and the public does not have use or access to it.

Section 14-319 Permitted Uses.

(a) *Marine:*

This project qualifies as a Marine Use under #5:

5. Marine cargo handling facilities, including docking, loading and related storage.

(b) *Commercial:*

This project qualifies as a Industrial Use under #1 and 4:

1. Intermodal transportation facilities principally for vessels with regularly scheduled destination service;

4. Warehousing and storage of goods which are awaiting shipment via cargo carriers;

Section 14-320.2 Dimensional Requirements.

Minimum Lot Size: N/A

Minimum Frontage: None

Setback from pier line: Minimum setback of 5' from the edge of the pier: Meets

Maximum Lot Coverage: Fifty (50) percent: Meets

Maximum Building Height: Forty-five (45) feet: N/A

Section 14-320.3 Performance Standards

All uses in the waterfront port development zone shall comply with the following standards:

(a) Outdoor Storage of Materials: Outdoor storage of commodities and materials accessory to normal conduct of business shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained within a designated area within the lot of boundaries. Storage containers located on the site are stacked no more than four (4) containers high. Containers are 8'-6" tall for a total of 34 feet which is below the 45-foot threshold.

(b) Noise

The main sounds from the site will be the operation of the mobile harbor cranes.

(c) Vibration:

It is anticipated that no vibration from container operations will be perceptible at the lot boundaries.

(d) Federal and State environmental regulations

The project will comply with all federal and state environmental statutes and regulations, as well as applicable provisions of the ordinance regarding emissions into the air. All State and Federal permits are currently pending.

(e) Discharges into harbor areas:

There will be no direct discharges of domestic type wastewater into the harbor. There is no sewer or domestic type water connection proposed as part of this plan.

(f) Storage of vehicles:

There will be no unregistered automotive vehicles stored on site.

(g) Landfill of docking and berthing areas:

There will be no change to docking or berthing areas.

(h) Off-street parking: Off-street parking is required as provided in Division 20 (Off-street parking).
No off-street parking is required as part of this project. Ample parking is provided for employees at the existing International Marine Terminal property.

(i) Off-street loading is required as provided in Division 21 of this article.

There are no proposed buildings as part of this project and therefore does not require an off-street loading bay.

(j) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a Shoreland Zone or Flood Hazard Zone shall be subject to the requirements of Division 26 and/or Division 26.5.

A portion of the lot is in the Shoreland Zone as well as the 100-year Flood Zone. See summary of requirements of Division 26 at the end of this section.

(k) Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonable interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

Modifications to the existing site lighting will occur as part of this project. Refer to the Site Lighting Section of this application package for a detailed description of the lighting plan including fixture cuts, performance characteristics, and photometric plans of the site.

(l) Signs: Signs shall be permitted as set forth in Division 22 of this article.

There are no business signs proposed as part of the project.

(m) Storage of pollutants and oily wastes: On premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.

Refer to Solid Waste Section of this application package for a description of solid waste management on-site.

(n) Compatibility of non-marine uses with marine uses: Non-marine uses, structures, and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.

The proposed wharf infill support mobile harbor cranes offloading cargo from ships and thus relates directly to marine purposes.

DIVISION 20 OFF STREET PARKING

Section 14-332 Uses requiring off-street parking.

In all zones where off-street parking is required the following minimum off-street parking requirements shall be provided.

Ample off-street parking is already provided for employees at the International Marine Terminal. Additional parking spaces are not required.

Section 14-332.1 Zone specific off-street parking exceptions and modifications.

The off-street parking requirements established for uses are hereby modified for the following zones according to the revisions as described below.

(j) Waterfront Port Development Zone: Off-street parking is required at fifty (50) percent of the required number of parking spaces for specified uses as otherwise provided in Division 20 of this article.

Ample off-street parking is already provided for employees at the International Marine Terminal.

Section 14-332.2 Uses requiring off-street bicycle parking.

In all zones where off-street motor vehicle parking is required, minimum off-street bicycle parking shall be provided and maintained...as specified in Section 14-526(a) (2) (Site Plan Standards).

Parking for four bicycles is already provided at the site, thus the requirement is satisfied.

Section 14-340 Construction requirements when more than six vehicles parked.

(a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the traffic engineer.

Ample off-street parking is already provided for employees at the International Marine Terminal. Additional parking spaces are not required.

(b) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.

A paved entrance already exists at the site.

(c) A system of surface drainage shall be provided in such a way that the waste run-off shall not run over or across any public sidewalk or street.

Surface drainage infrastructure already exists at the site and is self-contained within the Terminal.

(d) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

Modification to the existing lighting is proposed near the wharf infill area. Please refer to the Site Lighting Section of this application package for a detailed description of the lighting plan including fixture cuts, performance characteristics, and photometric plans of the site.

DIVISION 26 SHORELAND REGULATIONS

Section 14-449 Land Use Standards

*(a) Principal and accessory structures: All principal and accessory structures shall be set back at least seventy-five (75) feet horizontal distance, from the normal high water line of water bodies...except that in the following zones the setback shall be as indicated: W-PD Zone:
No setback required.*

Not Applicable. The project is located in the W-PD zone.

(b) Piers, docks, wharves, bridges, and other structures and uses extending over below the normal high water line of a water body or within a wetland: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the D.E.P.

An expansion of the existing wharf surface is proposed as part of this project. The expansion, which is a 9,000 square foot wharf infill in the process of being reviewed and permitted by the Maine DEP, Army Corp of Engineers, and the Board of Harbor Commissioners.

(c) Clearing of vegetation

This project will not require clearing of any vegetation.

(d) Erosion & Sedimentation Control:

The contractor is required to submit a Soil Erosion and Water Pollution Control Plan (SEWPCP) per MaineDOT Standard Specification 656.

(e) Soils:

See Boring Logs attached to this application

(f) Water Quality

No pollutants will be deposited into State waters as a result of this project.

(g) Archaeological Sites:

The previous wharf infill project was examined by the Maine Historic Preservation Commission and it was determined that “there will be no archaeological properties affected by the proposed undertaking.” Due to the close proximity of this project to the previous project, this determination should carry forward to this wharf infill project. Please refer to the document from the Maine Historic Preservation Commission at the end of this section.

(h) Installation of Public Utility Service:

Not applicable. Utility services already exist. Minor modifications to existing utilities will be performed as part of this project, and the appropriate utility companies will be contacted.

(i) Essential Services:

This is a pre-developed site with many essential services already in place or available along Commercial Street. All applicable essential service companies and the City will be contacted as part of the project.

(j) Roads & Driveways:

Not applicable.

(k) Parking Areas:

Not applicable.

(l) Septic Waste Disposal

Not applicable.

(m) Stormwater runoff

Stormwater runoff quantities and flows will not change as part of this project. This system ultimately ties into an existing City-owned CSO that discharges into the Fore River.

(n) Agriculture

Not applicable.

(o) General Site Plan Features:

The proposed project satisfies the requirements of the Shoreland Zone regulations. See attached site drawings for specific details.



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JOHN ELIAS BALDACCI
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

June 3, 2010

To: Mr. David Gardner, MDOT/ESD

From: Arthur Spiess, Senior Archaeologist

Subject: No PIN (MHPC 1061-10), Portland International Marine Terminal, demolition, pier work, no archaeological properties

After reviewing our archaeological survey records and maps, including historic maps and surficial geology maps, and comparing this information with a predictive model of archaeological site locations, we find that no archaeological fieldwork is necessary for this project, based on the general scope-of-work described in the memo we received from you on May 26th. It is extremely unlikely that an archaeological site would be affected by this project, in our opinion.

In following the procedures specified in the Federal Highway/MHPC/MDOT programmatic agreement, we recommend a finding "that there will be no archaeological properties affected by the proposed undertaking."