Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 09/20/16

City of Portland
Chapter 14 – Land Use Ordinance
Division 26 – Shoreland Regulations
Sec. 14-449. Land Use Standards

(a) Principal and Accessory Structures:

1. Section 14-449(a)(1) states that no setback shall be required for piers, docks, retaining walls, or any other structures which require direct access to the water as an operational necessity. The proposed structures are to provide access to Casco Bay for the Waynflete Crew team which requires direct access to the water as an operational necessity.

(b) ***Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high water line of a water body or within a wetland:***

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. The construction for the proposed facility will occur during periods of low tides. All removal and installation of the pilings will be done with a vibratory hammer on a floating barge. The applicant does not anticipate measurable soil erosion as a result of the construction of the proposed facility.

2. The location shall not interfere with existing developed or natural beach areas. There are no existing developed or natural beach areas in the area proposed for the structures.

3. The facility shall be located so as to minimize adverse effects on fisheries. The proposed floats will be elevated during all tides and will minimize potential adverse effects on fisheries. In addition, the Army Corps of Engineers and the Maine Department of Environmental Protection (DEP) did not express any concerns regarding fisheries during their review of the project.

4. The facility shall be no larger in dimension than necessary to carry on the activity and shall be consistent with surrounding character and uses. The applicant has proposed the necessary size to accommodate size of the shells (60+ feet in length). The surrounding area is primarily developed with industrial structures and there are facilities of much greater sizes in the surrounding area.

5. New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act (NRPA), 38 M.R.S.A. § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters. The Applicant has received approval from the ACOE, DEP, Harbor Commission, and the Submerged Lands.