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6. ASSESSMENT OF ZONING

The project is located within the City of Portland Waterfront Port Development Zone (WPDZ), and will be designed to comply with the standards and intent of Divisions 18.5 of the Land Use regulations. The proposed activities will not result in any changes to the site's existing use.

6.1 WATERFRONT PORT DEVELOPMENT ZONE (LAND USE CODE DIVISION 18.5)

The project consists of the restoration of an existing seawall, which is part of a construction facility utilized for marine construction and maintenance. No changes of use are proposed. In accordance with Division 18.5 of the Land Use Code, marine repair and construction facilities are permitted in the WPDZ.

6.1.1 Dimensional Requirements (Land Use Code Section 14-320.2)

No new buildings or above-grade structures will be constructed as part of this project. Sheet pile will be driven and associated earthwork will be completed. The project will comply with the following dimensional requirements of Land Use Code Section 14-320.2 as follows:

- *Minimum lot size:* None
- *Minimum frontage:* None
- *Minimum front setback:* None
- *Minimum rear setback:* None
- *Minimum side setback:* None
- *Setback from pier line:* 5 feet – Not Applicable: No buildings are proposed.
- *Maximum lot coverage:* 100%
- *Maximum building height:* 45 feet – Not Applicable: No buildings are proposed.

6.1.2 Performance Standards (Land Use Code Section 14-320.3)

In general, the proposed project will not result in a change to operations at the site. The project shall comply with the development standards outlined in Section 14-320.3 of the Land Use Code as follows:

a. The height of material storage shall not exceed 45 feet.
b. The facility was established prior to July 1, 1988, and it is our understanding that compliance with the noise standards as identified in the ordinance is not required. Aside from temporary construction-related noise, the proposed work will not result in any changes to the noise produced on the site currently.
c. Installation of the sheet pile wall during construction may result in temporary vibrations. The proposed work will not result in any changes to the vibrations produced on the site currently.
d. Applicable federal and state permits will be received prior to start of the work, as noted previously in this application.
e. The project will not result in any new discharges to the Fore River.
f. The project will not result in the storage of unregistered vehicles on the site.
g. The project will not reduce the berthing capacity of the area.
h. The project will not result in any changes to or require increased capacity for off-street parking.
i. The project will not result in any changes to or require increased capacity for off-street loading.
j. The project will comply with the shoreland and flood plain management regulations as noted in more detail later in this section.
k. No lighting changes are proposed.

l. No signage changes are proposed.
m. No changes to on-site storage of pollutants and oily wastes is proposed.
n. The site's existing marine use is not proposed to be changed as part of this project.

6.1.3 Shoreland Regulations (Land Use Code Division 26)

The project will be in compliance with the Shoreland Zone land use standards outlined in Section 14-449 of the Land Use Code as follows:

a. No structures are proposed as part of the project. The project consists of earthwork and driving sheetpiles.
b. The landing to be modified is partially located below the normal high waterline of the Fore River, and as such, will conform to the requirements of such projects as follows:
    - site soils will be managed to control erosion;
    - the location does not interfere with beach areas;
    - the project will have minimal adverse effects on fisheries;
    - the size of the landing expansion has been minimized and the proposed improvements will remain consistent with surrounding character and uses;
    - permit applications will be filed with both Maine DEP and ACOE;
    - no structures are proposed; and
    - no existing structures will be converted to residential dwelling units.
c. No vegetation clearing will be required as part of the project.
d. Adequate erosion and sedimentation control will be utilized during construction. A plan for erosion and sedimentation control is included as part of Appendix E.
e. All work will be done in areas where soils consist primarily of fill. All soils will be contained within a driven sheetpile wall system, resulting in permanent containment and erosion control.
f. The project will not result in a reduction in water quality.
g. The proposed work will be completed in an area that has been filled in the past fifty years and it is not anticipated that the work will impact any features of historic significance. The project is being sent to the Maine Historic Preservation Commission (MHPC) for review, and correspondence from MHPC will be forwarded upon receipt.
h. No public utility services are proposed as part of the project.
i. No essential services are proposed as part of the project.
j. No roads or driveways are proposed as part of the project.
k. No parking areas are proposed as part of the project.
l. No septic systems are proposed as part of the project.
m. No significant changes will be made to stormwater runoff from the site. Approximately 270 square feet of additional gravel fill will be created as part of this project. This area is considered to be a "de minimis" change by the City of Portland, with minimal impact to stormwater quality and quantity.
n. No agricultural work is proposed as part of this project.
o. The project will comply with the following general site plan features:
    1. The project will maintain safe and healthful conditions;
    2. The project will not result in water pollution, erosion, or sedimentation to surface waters;
    3. The project will not require wastewater disposal;
    4. The project will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
    5. The project will not have an adverse impact on shore cover and visual, as well as actual, points of access to inland and coastal waters;
    6. The proposal will not impact archaeological or historic resources;

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7. The project will not have an adverse impact on existing commercial fishing or maritime activities;
8. The project will not have an impact on flood plain development and use; and
9. The proposal will be in conformance with the standards of this section of the City of Portland Code of Ordinances.

6.1.4 Flood Plain Management Regulations (Land Use Code Division 26.5)

The project area is located within Flood Zone A2, with 100-year flood elevation 10, as defined by the July 17, 1986 Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA). A copy of the FEMA FIRM is included in Appendix F. The City of Portland Flood Plain Management Regulations will apply to this project. A Flood Hazard Permit will be filed with the building permit.

In general, the project will not include the construction of any new structures, and involves only earthwork and the installation of sheetpiles, and many of the standards (Section 14-450.8) are not applicable. Standard "o" is for wharves, piers and docks, in areas including Zone A2. The project will conform to the standards of this section as follows:

1. The project will comply with all applicable local, state, and federal regulations. Permit applications are being filed as noted previously; and
2. Fill shall adhere to Army Corps of Engineers standards.