

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 and will be located over two-hundred (200) feet from both the easterly and westerly abutting property lines.

(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 proposed float replacement will not disturb soil or require the use of erosion controls.

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 float will be elevated during all tides and will minimize potential adverse effects on fisheries. In addition, the Army Corps of Engineers has not expressed 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 their new watercraft. The surrounding area is primarily developed with residential structures and there are docks of similar size associated with these structures.

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. No new permanent structure will project into or over any waterbody. The existing dock pre-dates the effective date of the NRPA and since the proposed modification is for a seasonal structure, the DEP does not require review. Permit applications are currently under review with the ACOE, Submerged Lands, and the Harbor Commission and approvals will be submitted upon receipt.

6. Except in the W-C, EWP, W-PD, W-SU, and I-B zones, no new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity. Not Applicable

7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any zone. No structures are proposed.

(c) Clearing or removal of vegetation: The proposed project does not involve clearing or removal of vegetation.

(d) Erosion and Sediment Control: The project does not involve any excavation or earth moving. There are no formal measures proposed for erosion and sediment control.

(e) Soils: The project does not propose to disturb soil.

(f) Water Quality: The proposed activity will not discharge any pollutant that has the potential to impair waters of the state.

(g) Archaeological Sites: The Maine Historic Preservation Commission and all Maine Tribal Historic Preservation Officers were notified of the proposed project in accordance with the ACOE review process. There were no objections to the proposed project.

(h) Installation of public utility service: Not Applicable

(i) Essential Services: Not Applicable

(j) Roads and Driveways: Not Applicable

(k) Parking Areas: Not Applicable

(l) Septic Waste Disposal: Not Applicable

(m) Stormwater Runoff: Not Applicable, The proposed project does not involve the construction of additional impervious area.

(n) Agriculture: Not Applicable

(o) General Site Plan Features:

1. The proposal will maintain safe and healthful conditions. The purpose of the proposed project is to provide safe boating access to Casco Bay for recreational pursuits.

2. The proposal will not result in water pollution, erosion, or sedimentation to surface waters. The project does not involve excavation or earth moving and the applicant does not anticipate any cause of erosion or sediment.

3. The proposal will adequately provide for the disposal of all wastewater. The proposed project does not involve the need for disposal of wastewater.

4. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. The proposed structure has been designed to provide sufficient docking area for the Applicant's watercraft and will be elevated during all tides. The Army Corps of Engineers and the National Oceanic Atmospheric Administration (NOAA) have not expressed any concerns regarding fisheries during their review of the project.

5. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters. The dock will not impact shore cover. The existing dock has been in existence for over fifty (50) years and will not impact visual points of access to coastal waters. There are no public points of access from the Applicant's property.

6. The proposal will protect archaeological and historic resources. There were no concerns regarding archaeological or historic resources during the ACOE review process. The proposal was reviewed by the Maine Historic Preservation Commission and five Indian tribes.

7. The proposal will not adversely affect existing commercial fishing or maritime activities. The proposed project will only extend an additional nine (9) feet further into Casco Bay and will not adversely affect commercial fishing or maritime activities.

8. The proposal will avoid problems associated with flood plain development and use. The proposed project will not result in problems associated with flood plain development or use.

9. The proposal is in conformance with the standards set forth in this section. The proposed project meets the standards set forth in this section as described above.