Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 05/15/17

ATTACHMENT 7 WRITTEN ASSESSMENT OF PROPOSED PROJECT'S COMPLIANCE WITH APPLICABLE ZONING REQUIREMENTS

The proposed project expands an dock facility with the addition of new floating dock sections and no work to the upland property or existing fixed structures.

The project site (City of Portland Tax Map C14SW, Lot 106A-E002) is located in the IR-1 (Island Residential) Zone. The applicable Zoning Requirements are located in City of Portland Code of Ordinances, Section 14 – Land Use, Article III – Zoning, Div. 7.1 – IR-1 Island Residential Zone, and Div. 26 – Shoreland Regulations.

A review of applicable zoning requirements follows:

- Section 14-145.3(c).5 allows Wharves, Piers, Docks and Landing Ramps as a Conditional Use

- Section 14-449(b) provisions are copied and reviewed below:

  (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;
  Access from shore will use the existing landing/ramp that has been in place and functioning for many years. No changes are proposed to these structures.

  2. The location shall not interfere with existing developed or natural beach areas;
  The location of the proposed facility is adjacent to an existing dock facility that has been in place for many years. There is a beach on the adjacent site to the north that will not be impacted by the work. The float expansion project is proposed by a group that represents the property owners on Cushings Island who also are the users of the beach, and any potential impacts have been considered by the group.

  3. The facility shall be located so as to minimize adverse effects on fisheries;
  The location of the proposed facility is adjacent to an existing dock facility and is not in an area that is used to support commercial or recreational fishing.

  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 facility is sized based on knowledge of islander boat ownership and current capacity requirements. The facility is no larger than it needs to be to serve it's intended purpose. The activity expands capacity of the facility to serve as a landing site for boaters, and the project is consistent with the existing character and uses of the surrounding site.

  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 National Resources Protection Act, 38 M.R.S.A. § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

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An application has been filed with Maine DEP for an individual NRPA permit. Applications have also been filed with the Army Corps of Engineers, and the Portlad Harbor Commission for the work.

6. Except in the W-C, EWP, W-PD, 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;
No new structures are proposed over or abutting a pier, wharf, dock.

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 new structures are proposed over or abutting a pier, wharf, dock.

- Division 26.5, Section 14-450.8(o) provisions are copied and reviewed below:

(o) Wharves, piers and docks: New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, A1-30, AE, AO, AH, V1-30, and VE, in and over water and seaward of the mean high tide if the following requirements are met:

1. Wharves, piers, and docks shall comply with all applicable local, state and federal regulations; and
The Proposed project has been designed to comply with all applicable Local, State, and Federal regulations. Permit applications have been submitted to Maine DEP, ACOE, and the Portland Harbor Commission for review.

2. Commercial wharves, piers, and docks involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers' Shore Protection Manual.
The project does not occur at a commercial facility.