

Lannie Dobson - Re: 31 Brookside - Saribekian

From: Barbara Barhydt
To: Vickers, Lisa
Date: 11/17/2014 9:47 AM
Subject: Re: 31 Brookside - Saribekian
CC: Machado, Ann
Attachments: Level II Application updated 4-23-14.pdf

Hello Lisa:

The Shoreland Regulations are contained Division 26 of the City Code

<http://www.portlandmaine.gov/DocumentCenter/Home/View/1080> and it contains sub-paragraph O with the following general requirement for site plan review and the standards of review:

- (o) *General site plan features:* The Planning Board or planning authority shall approve a site plan located within a shoreland zone if it finds that the following standards, in addition to the standards set forth in section 14-526, are met:
1. The proposal will maintain safe and healthful conditions;
 2. The proposal will not result in water pollution, erosion, or sedimentation to surface waters;
 3. The proposal will adequately provide for the disposal of all wastewater;
 4. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 5. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 6. The proposal will protect archaeological and historic resources;
 7. The proposal will not adversely affect existing commercial fishing or maritime activities;
 8. The proposal will avoid problems associated with flood plain development and use; and
 9. The proposal is in conformance with the standards set forth in this section.

The site plan ordinance is Article V Site Plan Ordinance in the City Code. It lists the applicability for the various reviews under Section 14-523 - Required Approvals and Applicability. Level I: Site Alteration (Sec. 14-523 d) lists item 2. d as follows:

- a. The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.

The Level II applicability (14-523 e 5) is as follows:

The new construction of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.

I also asked the planning staff to check on how we have handled other requests for work in the Shoreland Zone. Where rehabilitation is being proposed, then the review has been with a Level I site plan and where new temporary or permanent structures are proposed, we have processed a Level II site plan. For example, a Level II site plan was submitted for the temporary floats proposed by Waynfilet along the Fore River. Both the Level I and Level II are administrative reviews by planning staff, so the review does not need Planning Board action.

I am attaching the Level II site plan application. If you have any questions, please let me know.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> Lisa Vickers <livickers7@gmail.com> Monday, November 10, 2014 1:25 PM >>>

Hi Barbara,

I received your message earlier. When I met with Marge earlier this summer and discussed the proposal, she informed me to fill out the administrative authorization first and then a building permit. Now I am being told this needs a Level 2 Site Review. From my perspective, this is extremely frustrating as we informed the client of the process and a decision was made based on the information provided, which does not appear to be accurate.

I would appreciate you outline *in writing* what exactly is required by the City to move forward with the current proposal - i.e. what information you require for a Level 2 Site Review. I will relay the information to the client to determine if it is something worth pursuing. I would also appreciate the Sections of the Land Use Ordinance that reference what is allowed in the specific zones located at 31 Brookside.

I appreciate your help in resolving the permitting for this proposal.

Thank you,
Lisa Vickers

On Thu, Nov 6, 2014 at 11:37 AM, Lisa Vickers <livickers7@gmail.com> wrote:

Hi Barbara,

Please see the attached approved Permit-by-Rule from the DEP for the access stairs to the resource. In addition, I have attached the ACOE permit for the seasonal ramp and float. The ramp and float will not be attached to the stairs.

In response to your inquiries from yesterday, the Applicant, Ms. Saribekian, intends to use the ramp and float for kayak access along Fall Brook and adjacent coastal waters for less than seven months a year. There is limited tidal range at her property so access will be on a partial tide basis. While the access stairs will be there on a permanent basis, the ramp and float will only be in place for less than seven months a year, making them a temporary structure.

With regards to how the ramp and float will be set in place - they will be constructed with a pipe system. Where there is ledge present, piles with a bottom plate will be bolted to ledge. Where ledge is not present, the piles will be driven into place with a flange at the ground surface.

Please let me know if you need additional information to complete your review.

Thank you,
Lisa

--

Lisa Vickers, Biologist
ECO-ANALYSTS, Inc.
P.O. Box 224
Bath, ME 04530
[\(207\) 615 - 1527](tel:(207)615-1527)

--

Lisa Vickers, Biologist
ECO-ANALYSTS, Inc.
P.O. Box 224
Bath, ME 04530
(207) 615 - 1527