

Comments Submitted 1/22/14

City of Portland
Development Review Application
Planning Division Transmittal Form

Application Number: 2013-268 Application Date: 12/16/2013
CBL: 192 C001001 Application Type: Level III Site Plan 200,001 - 300,00
Applicant: CITY OF PORTLAND /Doug Roncarati
Project Name: Capisic Pond Enhancement *Capisic Pond Pond*
Address: 0 CAPISIC ST
Project Description: Remove cattails and sediments from historically open water areas via mechanical excavation to provide stratigraphic and habitat diversity for the pond; to enhance the aesthetic, recreational, and education opportunities of the park; and to allow the pond to remain classified as a moderate value inland Waterbird and Waterfowl Habitat by the Maine Department of inland fisheries and Wildlife.

Zoning:

Other Required Reviews:		
<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Subdivision	<input checked="" type="checkbox"/> Flood Plain	<input type="checkbox"/> Other:
# Lots _____	<input checked="" type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

Distribution List:

Planner	Jean Fraser	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chuhta
Civil Engineer	David Senus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 12/27/2013

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2013-268
Date: 1/22/2014

Comments Submitted by: Marge Schmuckal/Zoning on 1/22/2014

This project is located in an ROS zone with floodplain and shoreland overlay. Floodplain regulations [14-450.8(c)] state: "All development associated with altered or relocated portions of a watercourse shall be constructed and maintain in such a manner that no reduction occurs in the flood carrying capacity of the watercourse." This project is to specifically open up the closed in areas by overproductive cat-o-nine tails. The pond is being brought back to a healthier state with this "clean-out".

Shoreland/Stream protection also allows clearing within the pond to historically open areas [14-14-449(e)3 & 4]. 14-449(d) allows the excavation or similar activities, however that section of the Shoreland Zone goes on to list best management practices that must be met and within the time frames given in the Ordinance. The applicant shall follow these required practices during the construction work.

Zoning approves the work being proposed.

Marge Schmuckal
Zoning Administrator
City of Portland

Floodplain

systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

14-450.8(c)

(e) *Watercourse carrying capacity:* All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

(f) *Residential:* New construction or substantial improvement of any residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation.
2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. At least two (2) feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
 - b. At least three (3) feet if no depth number is specified.
4. Zone A shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation utilizing information obtained pursuant to section 14-450.6(b)4.a.ii.; section 14-450.7(b)4; or section 14-450.7(c)1.
5. Zones V1-30 and VE shall meet the requirements of section 14-450.8(p).

(f) *Nonresidential:* New construction or substantial improvement of any nonresidential structure located within:

Shoreland Regs

City of Portland
Code of Ordinances
Sec. 14-449

Land Use
Chapter 14
Rev. 3-4-13

from the normal high water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate twenty-five (25%) percent of the lot area within the shoreland zone, including land previously cleared.

Shoreland
Change

3. Legally existing nonconforming cleared openings may be maintained but shall not be enlarged, except as allowed by this division.
4. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

14-449(d)
→

(d) ~~Erosion and sedimentation control:~~

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection and the City of Portland Technical Manual. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

- c. Permanent stabilization structures such as retaining walls or riprap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed ground area at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of initial exposure. The following standards shall also be met:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in accordance with the City of Portland Technical Manual.

of any kind shall install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this Code has been issued by the appropriate municipal authorities. Following installation of service, the public utility shall forward the written authorization to the appropriate municipal authorities, indicating that installation has been completed.

(i) *Essential services:*

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than road-side distribution lines and within existing service corridors, is not allowed in a Resource Protection or Stream Protection District, except where the applicant demonstrates that no reasonable alternative exists.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

(j) *Roads and driveways:*

1. Roads and driveways shall be setback a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone, except:
 - a. In the EWP, WC, WPD, WSU, B-3, B-5, B-5b, I-L (south and east of I-295) and I-M (south and east of I-295) roads and driveways shall be setback as established for structures in those zones; as specified in Sec. 14-449(a)1.
 - b. Where the planning board determines that no other reasonable alternative exists. If no other reasonable alternative exists, the

planning board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or effective use of additional ditch relief culverts and turnouts place so as to avoid sedimentation of the water body, tributary stream or wetland.

2. Existing public roads may be expanded within the legal road right of way regardless of their setback from a waterbody, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection Zone except that the planning board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the planning board in a Resource Protection Zone, upon a finding that no reasonable alternative route or location is available outside the district. When a roadway or driveway is permitted in a Resource Protection District the road and/or driveway shall be setback as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of wetland.
4. Road and driveway banks shall be no steeper than slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in sec. 14-449(d).
5. Road and driveway grades shall be no grater than ten (10%) percent except segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies,

- (e) *Soils*: All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, either during or after construction. Proposed uses requiring subsurface wastewater disposal and commercial or industrial development or other similar intensive land uses shall require a soils report based on an on-site investigation and prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
- (f) *Water quality*: No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.
- (g) *Archaeological sites*: Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the department of planning and urban development, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the building authority. The building authority shall consider comments received from the commission prior to rendering a decision on the application. Such sites shall also comply with all applicable provisions of article IX of this chapter.
- (h) *Installation of public utility service*: No public utility

½) feet above ground level for each 25-foot by 50-foot rectangular area. If five samplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 samplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty (40%) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4 ½) feet above ground level may be removed in any ten-year period.

- iii. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other groundcover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide a footpath or other permitted uses as described in this section.
- iv. Pruning of tree branches on the bottom one-third of the tree is allowed.
- v. In order to maintain a buffer strip of vegetation when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in subsection b. of this section shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas in these locations shall be limited to the minimum amount necessary.

2. Selective cutting of not more than forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4 1/2) feet above ground level, shall be allowed within any ten-year period at distances greater than seventy-five (75) feet, horizontal distance,

1:00

BARBARA - Doug R - DAVE Senus - Stream Protection
MEETING AGENDA *Carman Swett - Marge*



This Meeting:	Capisic Pond Improvements - City Planning, Pre-Application Meeting
Date/Time:	2 PM - 3 PM - November 14, 2013
Location:	Planning Office Conference Room 4 th Floor, City Hall, 389 Congress Street, Portland, ME



Meeting Objectives

- Share the project scope with the Planning Office
- Identify/refine permitting requirements and project timeframe

*use the preliminary plan processes
largest freshwater pond in Portland -*

Agenda

- Overview of both projects - Capisic Pond Enhancement & Rockland Ave Outfall
 - Scope of the construction work
 - Public and City process to date
- Discussion of anticipated permit requirements and approach
- Clarify allowable activities in Stream & Shoreland Protection Zones
- Overview of project timeline
- Clarify Neighborhood Meeting and Notification requirements

① - Rockland Ave water outfall out to BID this winter

late January Appl.

② - Create embankments to eliminate cat-ovine trails -> nuisance

IF:W

level I site alteration requirement

more island wetland species / acres disturbance

NO Appl. fees - 3rd party review fees req.

Appl -> ~ mid Dec.

Disturbance of acre -> level III -> to PB.

be replacing in land OR what Jeff T. approved

can be done within a month - when work begins

lower the stream flow at the DAM -

Basically a dried out pond

create forced wetlands

Beneficial fence materials -> to Pike Industries

Capisic Pond Enhancement Project

SUMMARY PROJECT INFORMATION – BASED ON 30% PRELIMINARY DESIGN (Feb. 2013)

Summary: The Capisic Pond Enhancement Project is a proposed habitat improvement project of the City of Portland. In general, the project will consist of sediment removal in portions of Capisic Pond that have been clogged by sediment and now support monotypic stands of cattails. Most of the excavated material will be installed along the margins of the pond and stabilized with engineered bio-geotextiles, to create wetland areas conducive for shrubby wetland habitat creation. The goals of this plan are to increase wetland diversity and wetland interspersion and to restore the open water component of the wetland. In addition to augmenting wildlife habitat and enhancing the aesthetic, recreational and education opportunities of the park, increasing and restoring the habitats will help allow the pond to remain classified as a moderate value Inland Waterbird and Waterfowl Habitat by MDIF&W. The City of Portland is working with Woodard & Curran (along with their team of Boyle Associates and Regina S. Leonard) to develop a restoration/enhancement plan for the pond that achieves these goals. The 80% design plan will be completed in the spring/summer of 2013.

Project Description: Capisic Pond Park is located on the north side of Capisic Street, west of Stevens Avenue in the Rosemont neighborhood of Portland. The park includes a trail located along the east side of the pond. The trail and park are frequented by walkers, bird watchers, and other passive recreationalists. Capisic Pond is the largest freshwater body of water in the City and is the receiving water body for the 1,400-acre Capisic Brook watershed. Capisic Brook is an Urban-Impaired Stream (Maine Chapter 500). The City of Portland has invested significant funding and resources in water resource improvement projects and programs designed to benefit the watershed.



Figure 1. Capisic Pond and Project Boundary

Capisic Pond lies in the lowest portion of the Capisic Brook watershed before it drains south to the Fore River. The pond was created by a manmade impoundment. The first dam was installed in the 1600s in order to run a gristmill. Since then, the dam and weirs have maintained the pond as an open water wetland habitat. The pond was last dredged in the early 1950s. Since the last dredging, open water in Capisic Pond has been reduced from approximately 7.7 acres to 2.1 acres, with increasing rates of open water closure over the last ten years. Notable recent losses of open water can be readily observed on aerial images from 2001 and 2009 (Figure 2).



Figure 2. 2001 aerial imagery (top) compared with a 2009 image (bottom) indicates expansive growth of cattails around the pond margins and interior.

At this time, it is expected that the enhancement project will remove cattails and sediments from historically open water areas via mechanical excavation. Care will be taken to remove as much of the plant material as possible. The target depth of the dredging plan is three feet; this will increase the open water component of the pond from 2.2 acres to 4.3 acres, which maintains the optimum open water to wetland ratio under the Significant Wildlife Habitat designation. Most of the dredged sediments will be utilized onsite where they will be placed along the margins of the former pond and current cattail marsh to create terrestrial wetland areas, suitable for growing shrubs (see Figures 3 and 4). Shrubs will be planted into a biodegradable fabric laid over the replaced spoils in order to help prevent regrowth of cattails. The shrub wetland areas will provide stratigraphic and habitat diversity for the pond and riparian habitat. It is estimated that dredging of pond sediments and vegetation will remove around 10,000 cubic yards of material, 6,000 of which will be utilized for riparian wetland creation, the rest being disposed of off-site.

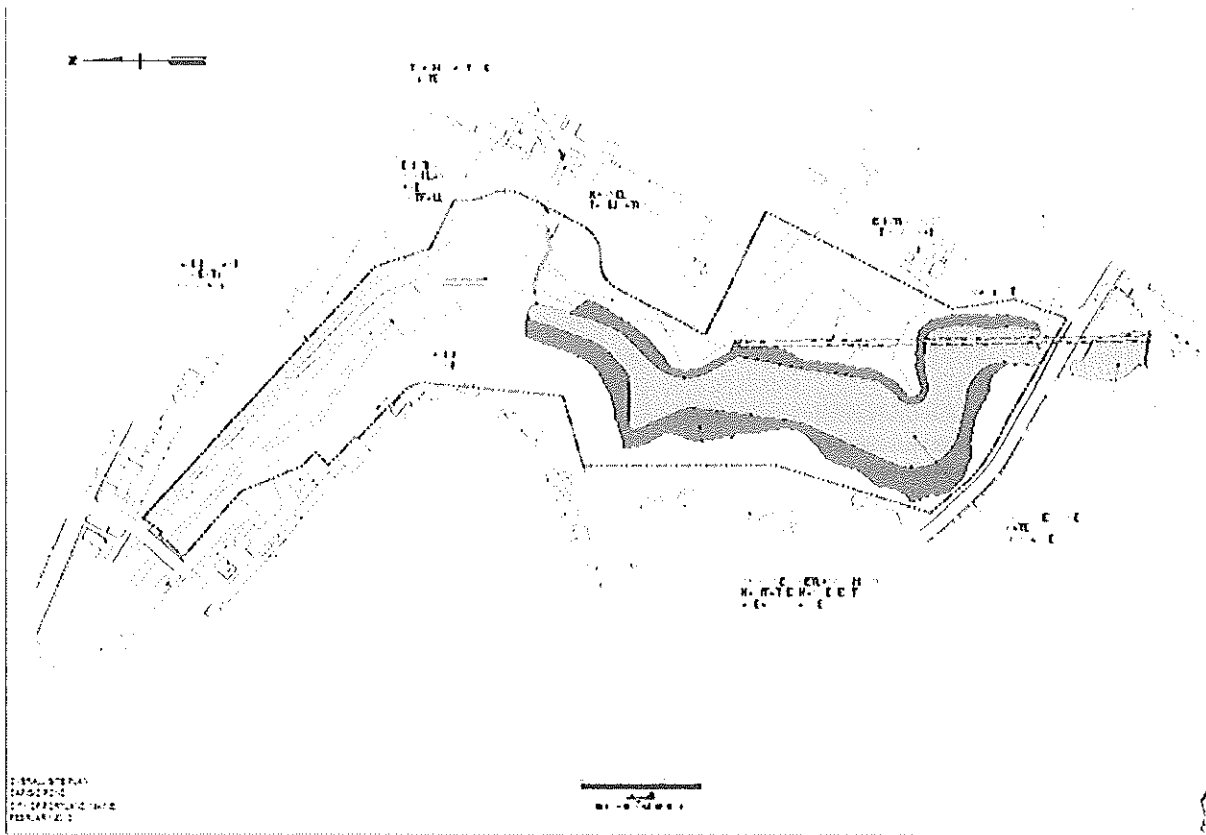


Figure 3. 30% design representation of enhancement plan - green areas represent created/enhanced shrub wetland areas, blue is open water.

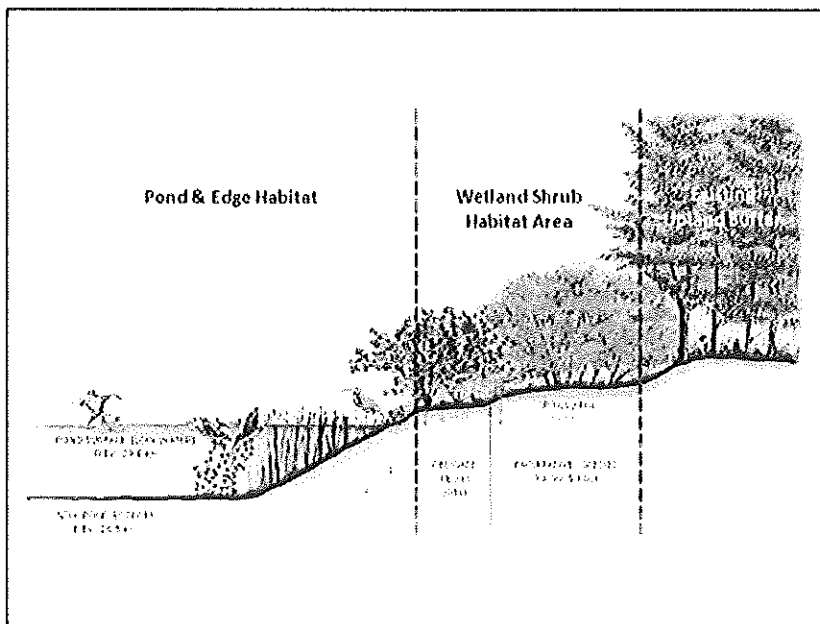
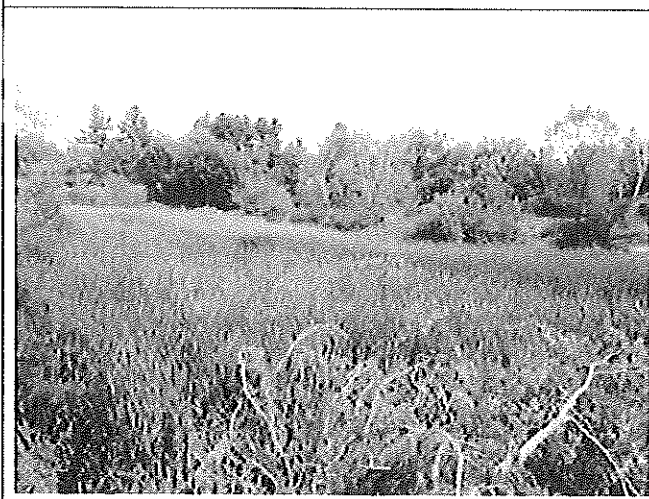


Figure 4. Depiction of shrub enhancement area.

Recent and ongoing work by the City of Portland designed to improve stormwater management, to separate combined sewer overflows, and to educate the public about runoff and nonpoint source pollution have led to improvements to both the quantity and quality of runoff that reaches the pond.

These efforts, in combination with the enhancement work, maintenance, and monitoring associated with the project, should help the pond maintain the open water and mixed wetland riparian areas for many years.



Description:

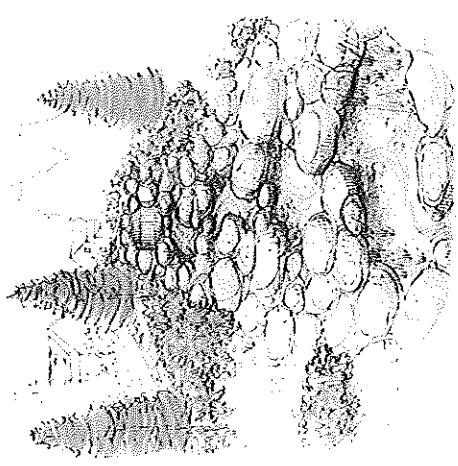
Looking northeast over cattail-dominated section of **Wetland F** from large blown down white pine on west side of pond.



Description:

Looking north within former pond area of **Wetland F**. Near complete cattail encroachment has occurred through the central portion of pond.

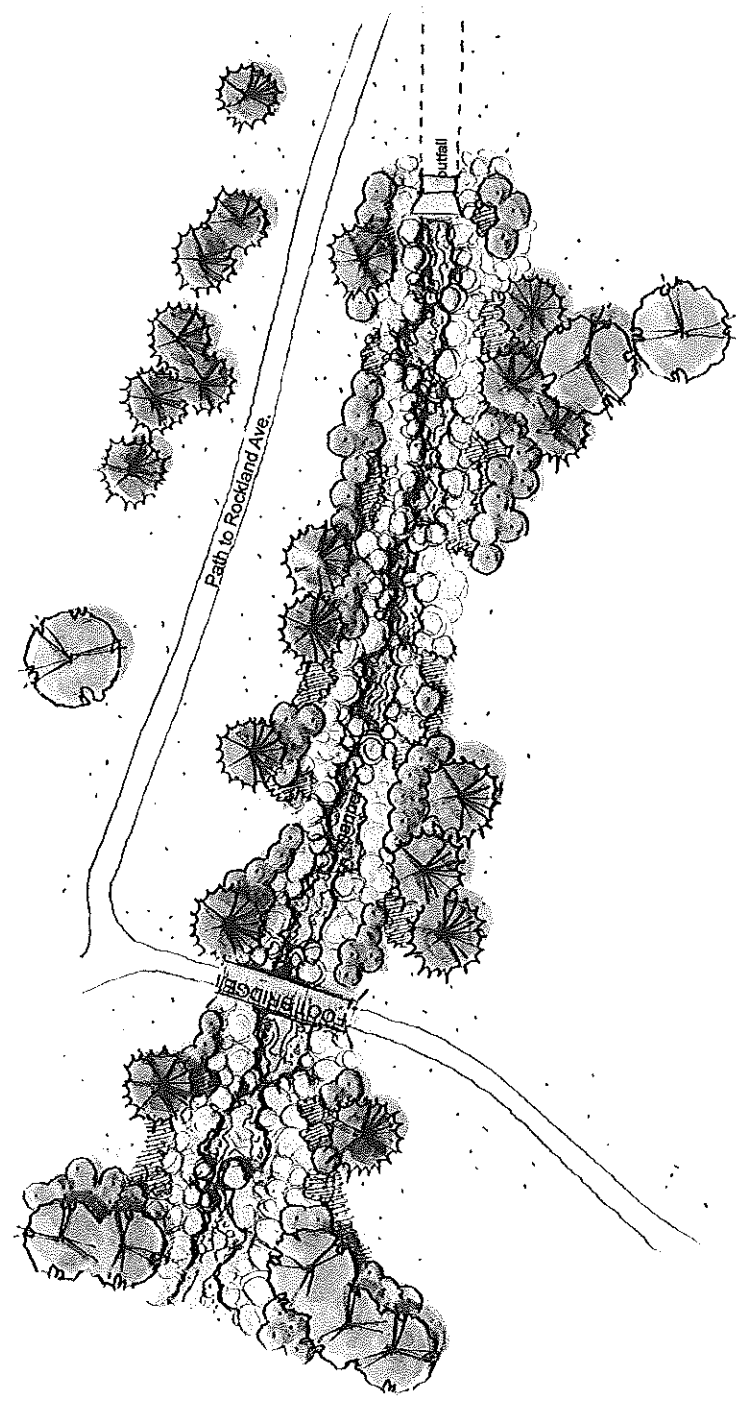
Rockland Avenue Outfall Project: Another project proposed within the park is improving stormwater discharges from the Rockland Avenue stormwater outfall. The Rockland Avenue stormwater outfall discharges surface runoff (collected via storm drains) from approximately 160 acres of developed area and carries pollutants into Capisic Pond. Improvements planned for the outfall include stabilization of the channel below the Rockland Avenue outfall using natural rounded river stone and plantings consistent with previous park restoration work and installation of an underground, in-line trash and particulate control structure near the park entrance at Rockland Avenue. As discussed with the MDEP and USACE, the Rockland outfall project will provide benefits to the pond and help increase the likelihood of success for the pond enhancement project. At this time the two projects may be permitted separately.



VIEW TOWARD OUTFALL - EXAMPLE

KEY - SYMBOLS

- walkway / path
- water course
- natural stone
- shade tree
- evergreen tree
- shrub grouping
- shade tree
- lawn area



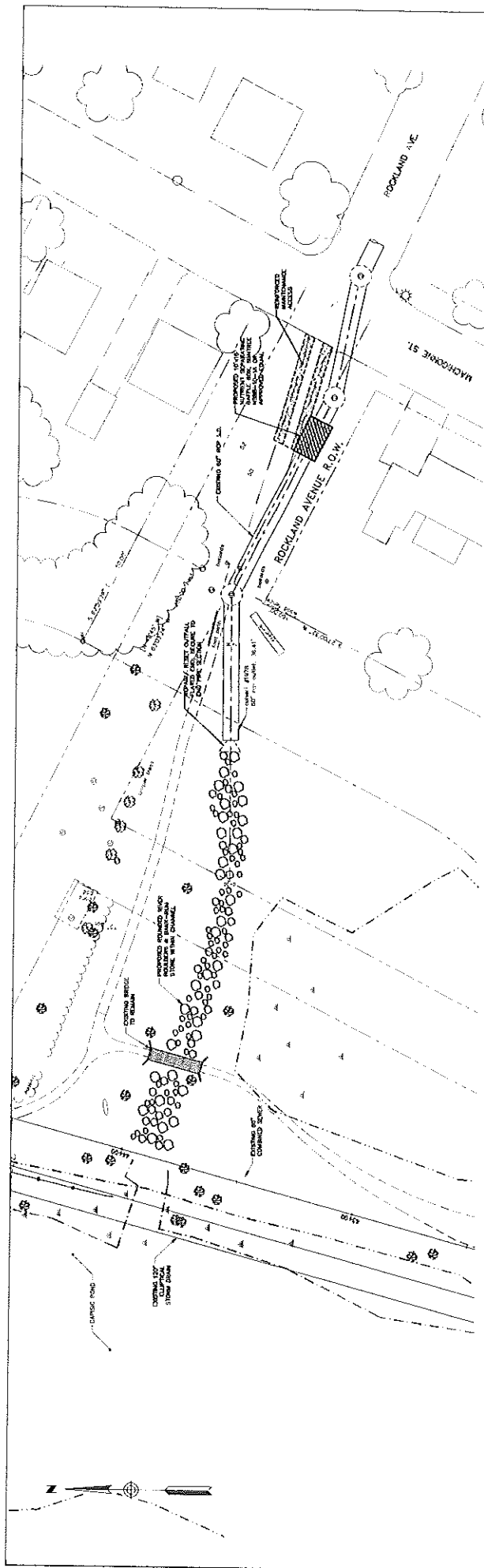
Plan View

DATE: March 11, 2013
 prepared for:
 DEPT. OF PUBLIC SERVICES
 55 PORTLAND STREET
 PORTLAND, MAINE 04101

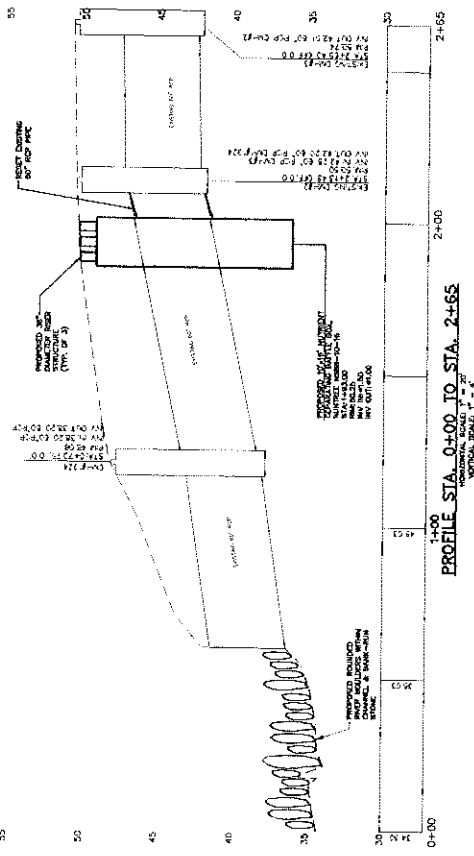
Project Leader:
 Woodard & Curran
 41 Hutchins Drive
 WOODBURY PORTLAND, ME 04102

CAPISIC POND OUTFALL
 CONCEPTUAL PLAN
 CITY OF PORTLAND, MAINE

REGINA S. LEONARD
 landscape architecture & design
 29 Biddis St., Topsham, ME 04086
 T(207)450-9700 F(207)482-0023

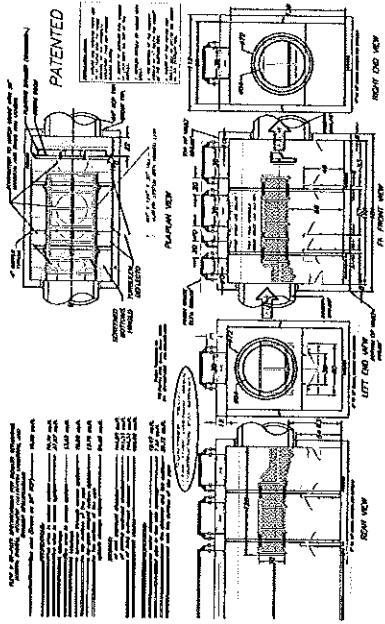
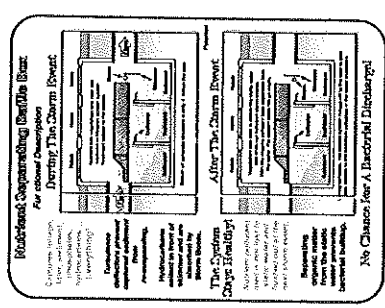


PLAN
SCALE 1" = 20'



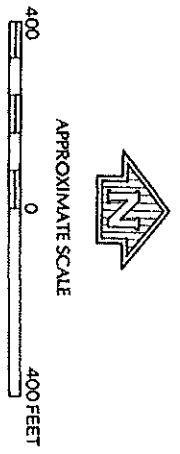
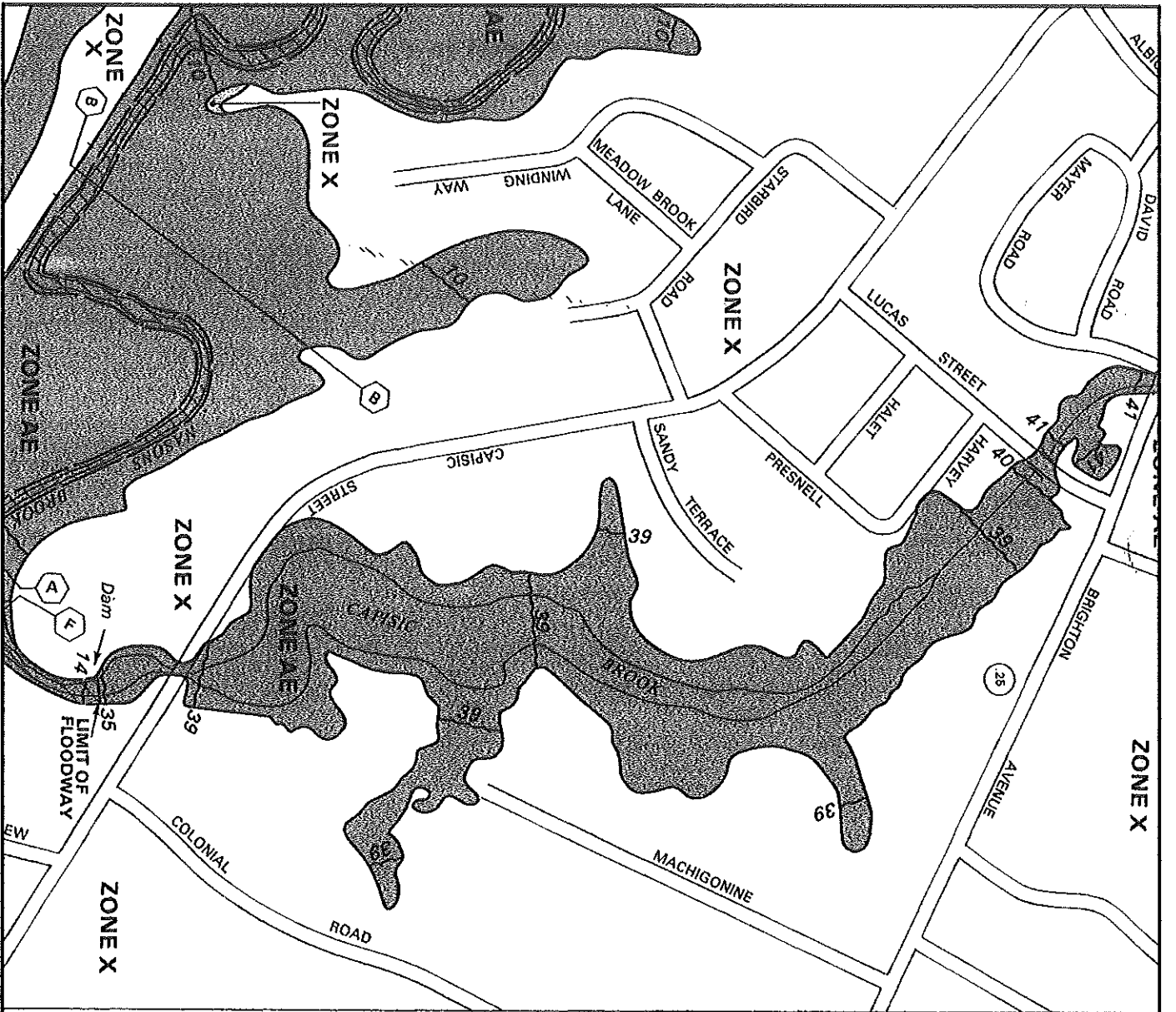
PROFILE STA. 0+00 TO STA. 2+65
VERTICAL SCALE 1" = 2'

ROCKLAND AVENUE OUTFALL PLAN & PROFILE
CAPSIC POND
CITY OF PORTLAND, MAINE
MARCH 2013



TRASH, SEDIMENT & ORGANIC DEBRIS REMOVAL SYSTEM





NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
PORTLAND,
MAINE
CUMBERLAND COUNTY

PANEL 12 OF 17
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
230051 0012 C

MAP REVISED:
DECEMBER 8, 1998

Federal Emergency Management Agency



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.mec.fema.gov

1. INTRODUCTION

Caplsic Pond Park is an approximately 18-acre, city-owned property located in a suburban area of Portland, Maine (Figure 1). Caplsic Pond Park is bounded by Caplsic Street to the south and west, Lucas Street to the north and Machigonne Street to the east, with several of the property boundaries consisting of residential home lots. The park consists of emergent marsh and mixed forested, shrubby and grassy uplands and wetlands surrounding Caplsic Pond. Within the park, a gravel footpath traverses the east side of the pond, generally following over a Portland Water District sewer line. The path runs from a small parking area on the corner of Caplsic Street and Macy Street north to a small gravel lot on Lucas Street. There is a small side path that connects to Rockland Avenue. Several mowed trails veer from the main path, allowing access to additional viewpoints of the pond and surrounding habitats. The park is a popular destination for local residents and visitors who use the park primarily for hiking, walking, biking, and nature watching. Uplands within and around the site consist of small areas of woodlands, shrublands and grasslands surrounded by suburban development. Woodlands consist mainly of large tree species such as white pine (*Pinus strobus*) with a shrubby understory of invasive plant species such as honeysuckle (*Lonicera spp.*) and buckthorn (*Frangula* and *Rhamnus spp.*). Residential homes and yards surround most of the site. There are some larger house lots on the western side of the pond. Many areas along the pond are being maintained as lawn up to or very near the edge of the pond.

The park's main visual and habitat feature is Caplsic Pond and its surrounding wetlands and riparian habitats. Caplsic Pond roughly bisects the property. Fed primarily by Caplsic Brook, the pond flows (slowly) from the north to south. Caplsic Pond is an approximately 8-acre, manmade freshwater pond. A concrete dam just south of Caplsic Street regulates water levels in the pond. Below the dam, Caplsic Brook flows south into the Fore River and then to Casco Bay (Figure 2).

Current and past land uses of the park and the upstream and surrounding area have led to significant changes within the pond and its surrounding habitats. The water level in Caplsic Pond has decreased due to an increase in sedimentation from upstream sources and to an intentional lowering of the pond to alleviate upgradient stormwater flooding. The lack of depth and increased inflow of nutrients has allowed a flourish of aggressively colonizing cattails (*Typha latifolia* and *T. angustifolia*). The cattails and sediments are changing the pond, making it shallower and reducing the amount of open water habitat. The pond receives inflow from Caplsic Brook. Caplsic Brook is listed by the Maine Department of Environmental Protection (MDEP) as an Urban-Impaired Stream (Chapter 502 of the Maine Stormwater Management Law). In an effort to improve water quality in Caplsic Brook, the City of Portland has initiated several stormwater upgrades, habitat improvements and public outreach campaigns throughout the Caplsic Brook watershed. Part of the overall strategy for watershed improvement includes a plan to enhance the wildlife habitats, water quality and land use qualities of Caplsic Pond Park. Boyle Associates is working with the City's Engineering and Project Design consultant - Woodard & Curran, to provide wetland and wildlife ecology expertise on portions of the Caplsic Pond Park habitat improvement plan. This report provides findings from Boyle Associates investigation of wetland boundaries and functions and values conducted in August, 2012.

2.2 PROJECT NEED

Over the past 15 years, the City has made significant investment in improving the Capisic Brook watershed through combined sewer overflow abatement and stormwater management and planning. With recent Capisic Pond Park habitat enhancements through the West Side Interceptor Sewer Separation project and planned improvements to watershed quality under the Capisic Brook Watershed Management Plan, there is a high level of interest in further improving water quality in Capisic Pond. The Rockland Outfall projects, along with a larger Capisic Pond Enhancement project being permitted separately, will help to address pollutant and sediment issues that have been identified.

As development has increased over the past 50-years in the Capisic Brook watershed, runoff into Capisic Pond has presumably increased, and sediments have built up in Capisic Pond. The shallow, slow-moving, and nutrient-rich water favors the growth of cattails (*Typha* spp.).

Cattails are aggressive colonizers when they take hold and are often able to out-compete most other wetland plant species and form large monocultures (i.e. stands of a single plant species). The cattail stands can be very dense and will slow surface water, causing additional sediments to settle, furthering the sedimentation of the pond and favoring additional cattail growth. While emergent marsh habitat (including cattails) is utilized by a variety of waterfowl species, a monoculture is not the most beneficial scenario, as it does not provide habitat for as wide of a variety of species as a diverse wetland habitat. Additionally, as the cattails expand, the percentage of the wetland system that is dominated by open water begins to shrink, as demonstrated by the figure below. This can negatively impact the pond's rating for wading bird and waterfowl habitat.

Figure 2-2: 2001 Aerial Imagery (Top) VS 2009 Aerial Imagery (Bottom)



CITY OF PORTLAND, MAINE

PLANNING BOARD

Stuart O'Brien, Chair
Timothy Dean, Vice Chair
Elizabeth Boepple
Sean Dundon
Bill Hall
Carol Morrissette
Jack Soley

April 16, 2014

Doug Roncarati, Stormwater Program Coordinator,
City of Portland Department of Public Services
55 Portland Street
Portland, ME 04101

Project Name: Capisic Pond Enhancement; Level III Site Plan
Project ID: #2013-268
Project Address: Vicinity of Capisic Street
CBL: 224 C 001; 192 C001; 224 A X001
Applicant: Doug Roncarati, Stormwater Program Coordinator,
City of Portland, Department of Public Services
Planner: Jean Fraser

Dear Doug:

On March 25th, 2014 the Portland Planning Board approved a Level III Final Site Plan for the enhancement project to the Capisic Pond within the Capisic Pond Park in the vicinity of Capisic Street. The proposals include the removal of cattails and sediments from historically open waters and replanting with a diverse range of vegetation that will support a greater diversity of habitat and help maintain the open water area. The area of disturbance is approximately 8 acres.

The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance and voted 5-0 (Dundon and O'Brien absent) to approve the application with the following conditions as presented below.

On the basis of the Level III site plan application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on March 25, 2014 for application #2013-268 Capisic Pond Enhancement, relevant to the Site Plan standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

- i. That a copy of the NRPA, Army Corps and MDEP permits shall be submitted to the Planning Authority prior to the issuance of a building permit. If there are significant modifications to the proposals as a result of these reviews, then an amended site plan would be required for approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall obtain easements or temporary construction agreements for all work outside the boundaries of the site, to be reviewed and approved by Corporation Counsel and the recorded copies shall be provided to the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant and contractors and all associated truck operators shall follow the submitted routing program (including Notes on Plan 2 G-001) and avoid the peak drop off and pick up times at Breakwater School, and that Breakwater School shall be formally advised, 3 weeks prior to the start of any associated truck traffic, of the times of truck traffic so that they may advise parents of the arrangements; and
- iv. That the best management practices and timeframes listed and required in the City of Portland Ordinances for the Shoreland Zone shall be followed during the construction work; and
- v. That this approval is valid for 3 years from the date of Planning Board approval.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Board Report for the public hearing on March 25th, 2014 for application #2013-268 (Capisic Pond Enhancement), which is attached. The standard conditions of approval are listed below.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** A "Site Work Only" Building Permit for the site work is required; please coordinate with the Inspections Division to arrange for this building permit.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within three (3) years of the approval, as per condition v. above. This expiry date may not be extended.
4. **Inspection Fees** An inspection fee payment of \$300 and seven (7) final sets of plans must be submitted to the Planning Division prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
7. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Jean Fraser at 874 8728 or jf@portlandmaine.gov.

Sincerely,



Stuart O'Brien, Chair
Portland Planning Board

Attachment: P. B. Hearing Report for the public hearing on March 25th, 2014 re #2013-268 (Capisic Pond Enhancement)