



Memorandum

Department of Planning and Urban Development

Planning Division

TO: Stuart O'Brien, Chair and Members of the Portland Planning Board

FROM: Jean Fraser, Planner

DATE: January 24, 2014

RE: Capisic Pond Enhancement
Capisic Street
City of Portland, Doug Roncarati, Stormwater Program Coordinator, DPS, applicant
Project #: 2013-268 CBL 192-C001001

MEETING DATE: January 28, 2014

I. Introduction

Woodard & Curran have submitted a Level III Site plan application on behalf of the City of Portland for an enhancement project to the Capisic Pond within the Capisic Pond Park on the north side of Capisic Street.

The project involves the removal of cattails and sediments from historically open waters using mechanical excavation methods and then 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.

Overall the project is important 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.

The application ([Attachment A](#)) describes the background to the project and outlines how the project will enhance the aesthetic, recreational and education opportunities of the park as well as addressing the MDIF&W criteria.

The project is located within the City's Recreation Open Space Zone and Stream Protection Overlay Zone with a small part also within the Shoreland Overlay Zone. The entire area is within the "AE" Flood Area.

The project is being reviewed as a Level III Site Plan because the scale of the disturbance is over 3 acres and it includes park improvements over 20,000 sq ft. It will also require permitting under NRPA, Army Corps and MDEP due to the impacts on significant Wildlife Habitat and wetlands and scale of disturbance to land (described in [Attachment D](#)).



The proposal and Workshop has been noticed to 354 local neighbors and interested citizens with a legal advertisement in the *Portland Press Herald* on January 20 and 21, 2014. A Neighborhood Meeting was held on January 21, 2014 (invitation in Attachment M but notes have not yet been submitted). The Planning office has not received any public comments as of the time of preparing this Memorandum.

II. Project Data

Area of site:	784,080 sq ft (18 acres)
Proposed area of disturbance:	357,300 sq ft (8.2 acres)
Impervious surfaces:	none
Zoning:	ROS; Shoreland; Stream Protection
Land Use:	Public park (Capisic Pond Park)
Estimated Cost of the Project:	\$2,090,000

III. Background/Existing conditions

Capisic Pond is the City of Portland’s largest freshwater water body and the surrounding park is well used by area residents and bird watchers. The application (Project Description in Attachment B) explains it is a man made pond created by dams that were first installed in the 1600’s and recent weir modifications.

It is classified by the Maine Department of Inland Fisheries and Wildlife (MDIFW) as a moderate-value Inland Wading Bird and Waterfowl habitat, which is considered “Significant Wildlife Habitat” under the State law.

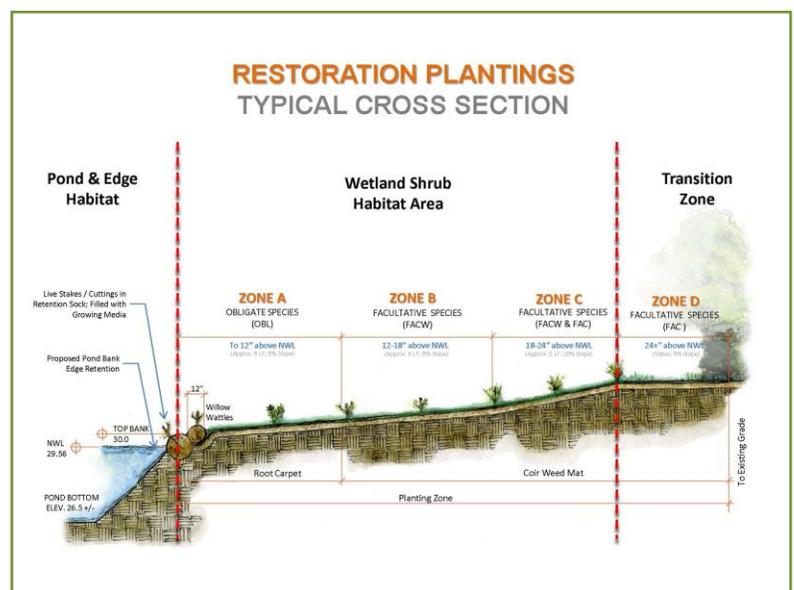
The pond has become overgrown with invasive cattails which have reduced the open water area from about 7.7 acres (1950’s) to about 2 acres. This problem has accelerated over the last 10 years and has developed into a cattail monoculture and dense cattail stands that reduce the water flow, the open water areas and the range of plant species - all of which reduce its value as a wildlife habitat.

IV. Proposed Development

The proposals are described in detail in Attachment H and illustrated in the Plans P1-P8 and the illustrative material in Plan P9. In summary the project proposes to remove the cattails and sediment from the pond area and modify the pond edge profile, then replant with a range of suitable plant species as shown in this extract from the Plan P9 series of illustrations:

This will entail reduction in the water level to allow for mechanical excavation and dredging and removal of materials by truck. The amount of material to be removed is substantial and will involve hundreds of truck loads. A Construction Plan was submitted (Plan P4) that shows three proposed construction vehicle access locations on Capisic Street.

The written Construction Management Plan in Attachment K explains this aspect of the project in detail.



V. Staff Review

A. Zoning Assessment

The applicant has submitted an assessment of zoning (Attachment F) and the Zoning administrator has provided the following comments (Attachment 2):

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.

B. Site Plan Standards

The project is unusual in that it does not involve building construction and many of the site plan standards are not applicable. However, the project affects a large area and is surrounded by residential and institutional uses and the review below addresses the impacts of the project.

Transportation

- ***Impact on surrounding street system***

The Construction Management Plan (Attachment K and Plan P4) does not specify the routes for construction vehicles to take when they leave the site on Capisic Street, but discussions with City staff suggest that the trucks would be routed west on Capisic to Brighton Avenue. The proposals have been reviewed by Tom Errico, Traffic Engineering reviewer, and he comments (Att. 3):

- *The applicant shall provide an estimate of both daily and peak hour truck volumes entering and exiting the site.*
- *Sight distance measurements shall be provided for proposed temporary driveways with discussion on meeting City standards.*
- *A proposed truck routing plan shall be documented. It is my understanding that it is likely that trucks will be destined to the City of Westbrook via Brighton Avenue. Accordingly, it seems reasonable that the routing consist of travel along Capisic Street to Brighton Avenue. I would suggest that truck activity avoid peak drop-off and pick-up times at Breakwater School. Also, provisions to ensure that vehicles are cleaned prior to entering the public street system should be included.*

Environmental Quality Standards

- ***Preservation of Significant Natural Features***

The project team has been working with the MDEP, MDIFW, and the Army corps of Engineers to ensure that the impacts on the existing wildlife and habitats are fully understood and addressed. As confirmed in Attachment D, a NRPA Permit is required along with Army Corps and other MDEP permits and the applications and some indication of their review status will be available for the Hearing.

- **Landscape Preservation**

The application includes a Landscaping Plan (Plan P5) which specifies plantings but does not indicate any particular tree preservation proposals. The City Arborist Jeff Tarling has suggested (Attachment 1) that there are some trees near Capisic Street that need to be protected and saved when the applicant is finalizing the details of the construction access and material storage locations. The applicant should submit plans to show where the protected trees are located and how they will be protected.

- **Stormwater and Erosion control**

The project does not result in any additional impervious area and therefore the only requirements under Chapter 500 and the City's Technical standards relate to erosion and sedimentation control (see Attachment I). The Site Details Plan (P7) includes notes/details for the measures proposed to control erosion and sedimentation.

- **Consistency with City Master Plans/infrastructure**

The City has made a significant investment over the past 15 years in improving the Capisic Brook watershed through combined sewer overflow improvements and stormwater management, with additional steps identified in the Capisic Brook Watershed Management Plan adopted in November 2012. The proposed project complements the other initiatives as well as addressing other State and local objectives.

There may be impacts on the City ROW along Capisic Street and the Department of Public Services has commented (Attachment 4):

The Contractor shall be responsible for any sweeping due to materials inadvertently falling on the roadway between the dredge and disposal site.

This issue, in conjunction with the concerns raised by Tom Errico (Attachment 3), requires further discussion with City staff to ensure that Capisic Street (and users) is not adversely impacted by the project.

VI. Next Steps

The applicant needs to address the following in the final submissions:

- Traffic Engineer's requested information
- Revisions to the Construction Management Plan to address Traffic and DPS Engineering concerns
- Specific tree preservations proposals/measures
- Evidence of State permit approvals

ATTACHMENTS

Staff Review Comments

1. City Arborist comments 1.17.2014
2. Zoning Administrator comments 1.22.2014
3. Traffic Engineering Review comments 1.23.2014
4. DPS Engineering comments 1.24.2014

Public Comments

(None received as of completion of this Memo).

Applicants Submittal (all from 12.16.2013)

- A. Application
- B. Project Description
- C. Right, Title and Interest
- D. Evidence of State and Federal Approvals
- E. Financial and Technical Capacity
- F. Zoning Assessment
- G. Conformance with Site Plan Standards
- H. Significant Natural Features
- I. Stormwater Management
- J. Solid Waste
- K. Construction Management Plan
- L. Fire Department Review
- M. Neighborhood Meeting Invitation

Plans

- P1. Cover sheet and Index
- P2. General Notes and legend
- P3. Existing conditions
- P4. Construction Plan
- P5. Landscaping Plan
- P6. Landscaping Details
- P7. Site Details
- P8. Site Details
- P9. Pond Cross sections and illustrations (12)