Section 31

Conformity with Applicable Shoreland Overlay Standards

31. Conformity with Applicable Shoreland Overlay Standards

The southernmost edge of the property resides along the Stroudwater River and is located within the Shoreland Overlay Zone; the Shoreland Overlay Zone applies to areas within 250 feet (horizontal distance) of the normal high-water line of any river. The normal high-water line was delineated by Gino Giumarro - Verdanterra, LLC on June 1, 2017 and then located by Titcomb Associates as noted in the Existing Conditions Plan dated June 16, 2017.

No residential development or roadways are proposed within 250 feet of the highwater mark including both the single-family and planned residential unit development (PRUD) units. Proposed structures will have a basement level elevation that is at least ten feet above 27 feet, the extent of the 100-year FEMA floodplain per the National Flood Insurance program, Preliminary Flood Insurance Rate Map (dated 4/14/2017), well above the required 1-foot minimum.

There are earthworking activities proposed between 75 – 250 feet of the river for construction of the site stormwater detention ponds. These activities are to comply with the City Zoning Ordinance standards.

General Site Plan Features: The Planning Board or planning authority will 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;*

   The proposed project will maintain and improve upon the existing conditions for the following reasons:

   - The elimination of untreated agricultural stormwater runoff into the Stroudwater River
   - Preservation of an undeveloped buffer between 250 – 500 feet of the river highwater mark (average 300 feet)

2. *The proposal will not result in water pollution, erosion, or sedimentation to surface waters;*

   The proposed project will not negatively impact the existing conditions for the following reasons:

   - Conformance with the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards and Maine DEP Chapter 500 Stormwater Management standards.
   - All construction shall be in accordance the Maine DEP's Erosion & Sediment Control BMPs Manual, revised 2014 with the temporary and permanent erosion control measures outlined in the Erosion and Sedimentation Control Plan submitted by Acorn Engineering, Inc. for this project. Refer to Section 14, Basic Standards Submissions.

3. *The proposal will adequately provide for the disposal of all wastewater;*

   The proposed project will provide new sewer infrastructure to collect and convey domestic sewage to the existing municipal system within Westbrook Street.

4. *The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*

   The proposed project will not adversely affect the existing conditions for the following reasons:

   - Conformance with the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards and Maine DEP Chapter 500 Stormwater Management standards.
   - All construction shall be in accordance with the temporary and permanent erosion control measures outlined in the Erosion and Sedimentation Control Plan submitted by Acorn Engineering, Inc. for this project. Refer to Section 14, Basic Standards Submissions.
   - Refer to the Ecological Habitat Assessment Report within Section 7 for additional information regarding the existing site habitats

5. *The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;*

   The proposed development will preserve an average 300-foot wide natural buffer along the Stroudwater River as accessed and protected via Public Access and Open Space Easements. Limited vegetation clearing activities for stormwater detention basins and low-impact neighborhood trail development will conform with the disturbance standards as noted in the Division 26, Shoreland Regulations (section 14-449).

6. *The proposal will protect archaeological and historic resources;*

   - The proposed project will not affect a designated landmark. The proposed project is not within a historic district or historic landscape district.
   - There are no known designated landmarks within 100 ft. The proposed project is not adjacent to or within 100 feet of a historic district or historic landscape district.
   - Per the Prehistoric Phase I Archeological Survey completed for portions of the project area below the 40-foot contour or within 100 yards of the Stroudwater River, all artifacts were recovered within the designated open space area to the south of the limit of development; this area is to remain undisturbed. A copy of the survey has been included in Section 8.

   Acorn Engineering, Inc. has also contacted the Maine Historic Preservation Commission to determine if there are any areas of historical, architectural, or archeological significance. A copy of the correspondence in located within Section 8.

7. *The proposal will not adversely affect existing commercial fishing or maritime activities;*

   The proposed project will maintain the existing pre-development flow conditions; therefore, the proposed project does not anticipate a greater adverse impact.

8. *The proposal will avoid problems associated with flood plain development and use; and*

   The project is not located within a special flood hazard area.

9. *The proposal is in conformance with the standards set forth in this section.*

   It is our understanding that the proposed project meets and exceeds the standards set forth within Division 26. Shoreland Regulations.