

8. STANDARDS FOR DEVELOPMENT IN AND ADJACENT TO WETLANDS

8.1. APPLICABILITY

All projects which may impact wetlands as defined by the Shoreland Zoning Ordinance or are classified as a river, stream, or brook as defined by the Natural Resources Protection Act are subject to these standards. Some wetlands which may not be regulated by the City of Portland may be regulated under State and Federal law.

8.2. STANDARDS

All wetlands shall be delineated and mapped according to the U.S. Army Corps of Engineers Wetlands Delineation Manual (1987).

Maine State Jurisdictional Wetlands and wetlands as defined by the Shoreland Zoning Ordinance (hereafter referred to as wetlands) should be identified according to the Natural Resources Protection Act (Title 38 M.R.S.A. Section 480-B) and identified on a map.

Design the development to minimize wetland impacts by either avoiding direct wetland impacts or minimizing them when they are unavoidable. Activities in or adjacent wetlands should be carried out in accordance with the standards set forth in the Maine Wetlands Protection Rules (Chapter 310 Wetlands and Waterbodies Protection) or following the specific design criteria:

- 8.2.1. The development should be designed to avoid disturbance in wetlands and the developer must establish undisturbed buffer strips from the wetland boundary. For developments located adjacent to perennial streams, a minimum one hundred (100) foot buffer strip on either side of the stream should be maintained. For intermittent streams, the buffer strip may be reduced to twenty five (25) feet. The undisturbed buffer must be placed in deed restrictions. In cases where State and Local rules are in conflict, the most stringent rules will apply.

8.3. Reserved.

8.4. SUBMISSIONS

- 8.4.1. The following submissions will support the contention that the wetland impacts have been avoided:

- A topographic map with wetlands delineated according to the U.S. Army

Corps of Engineers Wetlands Delineation Manual (1987). State of Maine Jurisdictional Wetlands will be identified according to the Natural Resources Protection Act on the same map. The scale should be 1 inch equals 100 feet.

- A site plan that shows all development activity including lots, common areas, roads, driveways, and building windows in conjunction with wetlands.

If any wetlands filling or alteration is proposed:

- Areas of wetland fill or alteration must be clearly marked and individually identified on the site plan.
- A report that contains surface area amounts of wetland fill or alteration for the individually identified fill or alteration locations.
- A letter from the Department of Inland Fisheries and Wildlife indicating the wetlands on the site contain no significant or valuable wildlife habitat.
- A letter of non-jurisdiction, a copy of permits received from other regulatory agencies (i.e. Maine Department of Environmental Protection or the U.S. Army Corps. Of Engineers) or report from a qualified professional stating that the proposed work will not require a permit from state or local agencies must be submitted for all projects proposing work either in or adjacent to wetlands prior to issuance of a building permit. This includes wetlands not regulated by the City of Portland.