

Garvin
Oct 3
Karlson
Avery
Katsiakias

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-7 Residential Zone Nursery School:

Conditional Use Appeal

DECISION

Date of public hearing: January 21, 2016;

Name and address of applicant: Mark Adelson,
Portland Housing Development Corporation,
Bayside Anchor Apartments, LP
14 Baxter Boulevard
Portland, ME 04101

Location of property under appeal: 44 Mayo St. (81 East Oxford St.)
Portland, Maine 04101

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Jay Waterman, Development Director
Portland Housing Authority
Pat Carroll, Carroll Associates

Exhibits admitted (e.g. renderings, reports, etc.):

Application

Findings of Fact and Conclusions of Law:

The applicant is seeking a Conditional Use pursuant to § 14-137(c)(4) to operate a Head Start nursery school within a new apartment building on the site.

Conditional Use as a Nursery School or Kindergarten is permitted pursuant to § 14-137(c)(4) so long as it meets the Conditional Use Standards in §14-474.

The Board shall not authorize issuance of a conditional use permit unless there has been a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. Accordingly, the Board shall only grant approval if each of the following is satisfied:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Satisfied Not Satisfied

Reason and supporting facts:

The findings made July 17, 2014 by the Board are hereby incorporated

2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

Satisfied Not Satisfied

Reason and supporting facts:

The findings made July 17, 2014 by Board are incorporated herein. Trash room interior for trash disposal, lights at entrance, light at 2nd doorway leading to outdoor space.

3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Satisfied Not Satisfied

Reason and supporting facts:

*Findings of July 17, 2014 incorporated herein.
EXISTING landscaping used on site.*

Conclusion: (check one)

Carson, Oct 3

Option 1: The Board finds that all of the standards (1 through 3) above have been satisfied, and therefore GRANTS the application. *for a period of 18 months.*

Option 2: The Board finds that standards (1 through 3) described above have been satisfied and therefore GRANTS the application, however it does so SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that not all of the standards (1 through 3) described above have been satisfied and therefore DENIES the application.

Dated:

1-21-16

[Signature]

Board Chair