



Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

The Children's Nursery School
Daniel Brouillette
161 A Grant Street
Portland, ME 04101

July 18, 2014

Re: 159 State Street – 045-A-006 – R-6 Residential Zone

Dear Mr. Brouillette,

At the July 17, 2014 meeting, the Zoning Board of Appeals voted 4-0 to grant the Conditional Use Appeal for a nursery school to operate at 159 State Street. I am enclosing a copy of the Board's decision.

You will also find an invoice for the fees that are still owed for the processing fee, the legal ad and the notices for the appeal. Please submit your payment on receipt of this invoice. Your permit cannot be issued until your payment has been received.

Now that the conditional use appeal has been approved, you need to submit an application to change the use of the property to include the nursery school as a use. I have enclosed an application for the change of use but you may also find it on the city website under the Planning and Development Department. You have six months from the date of the meeting, July 17, 2014, referenced under section 14-474(f) to obtain the permit, or your Zoning Board approval will expire. I have also included two handouts that outline the electronic plan submittal requirements.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado
Zoning Specialist

Cc File

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: July 18, 2014

RE: Action taken by the Zoning Board of Appeals on July 17, 2014

Members Present: Sara Moppin (acting chair), Donna Katsiaficas (acting secretary), William Getz and Kent Avery

Members Absent: Chip Gavin, Gordon Smith and Eric Larsson

1. New Business

A. Conditional Use Appeal:

159 State Street, The Children's Nursery School, lessee, Tax Map 045, Block A, Lot 026,

R-6 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to run a nursery school in part of the second floor of the building.

Representing the appeal for the Children's Nursery School, the lessee, is Daniel

Brouillette. **The Zoning Board of appeals voted 4-0 to grant the appeal to allow the nursery school to operate.**

B. Conditional Use Appeal:

75-87 Oxford Street & 35-41 Boyd Street, Portland Housing Development Corporation,

buyer, Tax Map 022, Block I, Lots 001 & 004, R-6 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to run a nursery school in

part of the first floor of the new building at this site. Representing the appeal is Mark

Adelson, from the Portland Housing Authority, the owner. **The Zoning Board of appeals voted 4-0 to grant the appeal to allow the nursery school to operate.**

Enclosure:

Decision for Agenda from July 17, 2014

One DVD

CC: Mark Rees, City Manager

Jeff Levine, AICP, Director Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division

*Kent Avery
William City
Sara Messer
Donna Ketterfue*

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-6 Residential Zone Nursery School

Conditional Use Application

DECISION

Date of public hearing: July 17, 2014

Name and address of applicant: Daniel Brouillette
The Children's Nursery School
161A Grant Street
Portland, ME 04101

Location of property under appeal: 159 State Street

For the Record:

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

Daniel Brouillette - Nursery School

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

Application with attached plans

Findings of Fact and Conclusions of Law:

The applicant requests approval of the use of the second floor of the State Street Congregational Church/United Church of Christ building at 159 State Street as a nursery school. The program is run Mondays through Thursdays from 9 a.m. to 12:30 p.m., throughout the school year. Maximum enrollment is 18 children.

A. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

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.

Yes No

Reason and supporting facts:

low volume, similar to other church uses in area, hours of operation are limited.

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.

Yes No

Reason and supporting facts:

*Buffered play area.
minor litter removed + brought home for disposal.*

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.

Yes No

Reason and supporting facts:

Signs will comply with historic regulations
Loading + unloading will be brief.
Similar to other uses in area + neighborhood,

Conclusion: (check one)

Option 1: The Board finds that all relevant standards (1 through 3) described in section A above have been satisfied and therefore GRANTS the application. *moved by Bill Cety, Second Ave*

Option 2: The Board finds that while all relevant standards (1 through 3) described in section A above have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

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

Dated: 7-17-14


Board Chair