

56-c-8

1999-0033

192 Brackett St.  
Veterinary Clinic  
John Flood

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM**

19990033

I. D. Number

**John & Nancy Flood**  
Applicant  
**Youngs Ridge, Acton, ME 04001**  
Applicant's Mailing Address  
**Chris Briley**  
Consultant/Agent  
**5911 477-8159**  
Applicant or Agent Daytime Telephone, Fax

**3/18/99**  
Application Date  
**Brackett St Veterinary Clinic**  
Project Name/Description

**192 Brackett St**  
Address of Proposed Site  
**056-C-008**  
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  
 New Building     Building Addition     Change Of Use     Residential  
 Office     Retail     Manufacturing     Warehouse/Distribution     Parking Lot     Other (specify) \_\_\_\_\_  
 Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ **B-1 contract zone**  
 Zoning

**Check Review Required:**

Site Plan (major/minor)  Subdivision # of lots \_\_\_\_\_  PAD Review  14-403 Streets Review  
 Flood Hazard  Shoreland  Historic Preservation  DEP Local Certification  
 Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other \_\_\_\_\_  
 Fees Paid: Site Plan **\$400.00** Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date **3/18/99**

Reviewer \_\_\_\_\_

**Planning Approval Status:**

Approved     Approved w/Conditions See Attached     Denied  
 Approval Date **6/11/99** Approval Expiration **6/11/00** Extension to \_\_\_\_\_  Additional Sheets Attached  
 OK to Issue Building Permi **Kandi Talbot** **6/11/99**  
 signature date

**Performance Guarantee**

Required\*     Not Required

No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____ date	_____ amount	_____ expiration date
<input type="checkbox"/> Inspection Fee Paid	_____ date	_____ amount	
<input type="checkbox"/> Building Permit Issue	_____ date		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date	_____ remaining balance	_____ signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date	<input type="checkbox"/> Conditions (See Attached)	
<input type="checkbox"/> Final Inspection	_____ date	_____ signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	_____ signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	_____ signature	

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM**

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\_\_\_\_\_  
Applicant's Mailing Address

3/18/99

Application Date

Brackett St Veterinary Clinic

Project Name/Description

Proposed Development (check all that apply):

- New Building     Building Addition     Change Of Use     Residential  
 Office     Retail     Manufacturing     Warehouse/Distribution     Parking Lot     Other (specify) \_\_\_\_\_

Proposed Building square Feet or # of Units \_\_\_\_\_

Acreage of Site \_\_\_\_\_

**B-1 contract zone**  
Zoning

**Check Review Required:**

- Site Plan (major/minor)     Subdivision # of lots \_\_\_\_\_     PAD Review     14-403 Streets Review  
Flood Hazard     Shoreland     Historic Preservation     DEP Local Certification  
Zoning Conditional Use (ZBA/PB)     Zoning Variance     Other \_\_\_\_\_

Fees Paid:    Site Plan \$400.00    Subdivision \_\_\_\_\_    Engineer Review \_\_\_\_\_    Date: 3/18/99

**ARC Approval Status:**

- Approved     Approved w/Conditions see attache     Denied    Reviewer \_\_\_\_\_  
Approval Date 6/11/99    Approval Expiration 6/11/00    Extension to \_\_\_\_\_     Additional Sheets Attached  
 Condition Compliance    Jim Wendel 6/11/99    \_\_\_\_\_  
signature    date

**Performance Guarantee**

- Required\*     Not Required

No building permit may be issued until a performance guarantee has been submitted as indicated below

- Performance Guarantee Accepted    \_\_\_\_\_ date    \_\_\_\_\_ amount    \_\_\_\_\_ expiration date  
 Inspection Fee Paid    \_\_\_\_\_ date    \_\_\_\_\_ amount  
 Building Permit    \_\_\_\_\_ date  
 Performance Guarantee Reduced    \_\_\_\_\_ date    \_\_\_\_\_ remaining balance    \_\_\_\_\_ signature  
 Temporary Certificate Of Occupancy    \_\_\_\_\_ date     Conditions (See Attached)  
 Final Inspection    \_\_\_\_\_ date    \_\_\_\_\_ signature  
 Certificate Of Occupancy    \_\_\_\_\_ date  
 Performance Guarantee Released    \_\_\_\_\_ date    \_\_\_\_\_ signature  
 Defect Guarantee Submitted    \_\_\_\_\_ submitted date    \_\_\_\_\_ amount    \_\_\_\_\_ expiration date  
 Defect Guarantee Released    \_\_\_\_\_ date    \_\_\_\_\_ signature

CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
ADDENDUM

19990033

I. D. Number

**John & Nancy Flood**  
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**Youngs Ridge, Acton, ME 04001**  
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Application Date

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**056-C-008**

Assessor's Reference: Chart-Block-Lot

**DRC Conditions of Approval**

**Planning Conditions of Approval**

That the window be removed within the kennel area

**Inspections Conditions of Approval**

- All the conditions of this B-1 contract zone shall be met during the existence of this use.
- The number of dogs permitted overnight at the facility shall be no more than six. There shall be no limits on cats.
- The Floods shall maintain the existing residential unit located on the second floor of the structure.
- Office hours shall be limited to 30 hours per week. There shall be no more than 4 clinic employees, including vets working at one time.
- No waste of any type shall be stored outside of the existing structure.
- Prior to occupancy the submitted sound insulation installation shall be tested so that the noise standards can be proved to be met.
- Mechanical air exchange and cooling system shall be maintained and adequate per the conditioned requirements.
- All housing of animals shall be located within a completely enclosed structure.
- Signage shall require a separate permit.

**Fire Conditions of Approval**

**FAX TRANSMITTAL**

**STEPHEN BLATT ARCHITECTS  
10 DANFORTH STREET  
PO BOX 583, DTS  
PORTLAND, MAINE 04112-583**

**FAX # (207) 761-2105**

DATE 5-18-99

TRANSMITTED TO Candy Talbot

FIRM Site Review Bd.

FROM \_\_\_\_\_

REGARDING \_\_\_\_\_

TOTAL NUMBER OF PAGES, INCLUDING COVER 6

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL US ASAP.**

**(207) 761-5911**

**SPECIAL COMMENTS AND INSTRUCTIONS** Enclosed are  
excerpts from Architectural Graphic Standards, Gypsum  
construction Handbook, UL Fire Resistance Directory, and  
an article from Wood Design and Building. I'm sure  
you will be able interpolate from these references  
our STC ratings. Please feel free to call me  
with questions.

Chris Biley

464 Wood-Frame Gypsum Board Partitions

FIRE RATING	GTC	WALL THICKNESS	CONSTRUCTION DESCRIPTION	WALL SECTIONS	
TWO HOUR	30 TO 34	4 7/8"	One layer 1/2 in. type X veneer base nailed to each side of 2 x 4 in. wood studs 16 in. o.c. with 6d coated nails 8 in. o.c. Minimum 1/2 in. gypsum veneer plaster, joints staggered vertically 16 in. and horizontal joints each side at 12 in.		
		4 7/8"	One layer 5/8 in. type X gypsum wallboard or veneer base nailed to each side of 2 x 4 in. wood studs 16 in. o.c. with 6d coated nails 7 in. o.c. Stagger joints 24 in. on each side.		
	414 TO 505	5 1/8"	Two layers 5/8 in. regular gypsum wallboard or veneer base nailed to each side of 2 x 4 in. wood studs 16 in. o.c. First layer attached with 4d coated nails, second layer applied with laminating compound and nailed with 6d coated nails 8 in. o.c. Stagger joints 16 in. o.c. each side.		
		5 5/8"	Base layer 5/8 in. regular gypsum wallboard or veneer base nailed to each side of 2 x 4 in. wood studs 16 in. o.c. Face layer 1/2 in. (same as base layer). Use 6d coated nails 24 in. o.c. for base layer and 6d coated nails 12 in. o.c. to edge and 24 in. o.c. to intermediate studs. Stagger joints 16 in. o.c. each layer and side.		
		5 7/8"	Base layer 1/2 in. wood fiberboard to each side of 2 x 4 in. wood studs 16 in. o.c. with 6d coated nails 24 in. o.c. on vertical joints and 16 in. o.c. to top and bottom plates. Face layer 5/8 in. type X gypsum wallboard or veneer base applied to each side with laminating compound and nailed with 6d coated nails 24 in. o.c. on vertical joints and 16 in. o.c. to top and bottom plates. Stagger joints 24 in. o.c. each layer and side.		
	545 TO 600	6 1/4"	Both sides resilient channels 24 in. o.c. attached with GWB 54 drywall nails to each side of 2 x 4 in. wood studs 16 in. o.c. One layer 5/8 in. type X gypsum wallboard or veneer base attached with 1 in. type S drywall screws 12 in. o.c. to each side and vertical joints back-blocked. GWB filler strips along floor and ceiling both sides. Stagger joints 24 in. o.c. each side.		
		5 5/8"	Base layer 1/4 in. proprietary gypsum wallboard applied to each side of 2 x 4 in. wood studs 16 in. o.c. with 4d coated nails 12 in. o.c. Face layer 5/8 in. type X gypsum wallboard or veneer base applied with laminating compound and nailed with 6d coated nails 16 in. o.c. to each side. 1 1/2 in. mineral fiber insulation in cavity. Stagger joints 24 in. o.c. each side.		
		5 3/8"	One side resilient channel 24 in. o.c. with 1 1/2 in. type S drywall screws to 2 x 4 in. wood studs 16 in. o.c. Both sides 5/8 in. gypsum wallboard or veneer base attached to resilient channel with 1 in. type S drywall screws 12 in. o.c. and GWB to stud with 1 1/4 in. type W drywall screws. 1 1/2 in. mineral fiber insulation in cavity. Stagger joints 48 in. o.c. each side.		
		6 7/8"	One side resilient channels 24 in. o.c. attached with 1 in. type S drywall screws to 2 x 4 in. wood studs 16 in. o.c. Two layers of 5/8 in. type X gypsum wallboard or veneer base. First layer attached with 1 in. type S drywall screws, second layer applied with laminating compound. Other side one layer each of 5/8 in. and 1/2 in. gypsum wallboard or veneer base plus top 3/4 in. gypsum wallboard applied with laminating compound. Use 6d coated nails 32 in. o.c. for base, 6d for 1/2 in. center layer. 2 in. glass fiber insulation in cavity. Stagger all joints 16 in. o.c.		
	FOUR HOUR	4 TO 400	6 1/8"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 2 x 4 in. wood studs 24 in. o.c. Use 6d coated nails 24 in. o.c. for base layer and 6d coated nails 8 in. o.c. for face layer. Stagger joints 24 in. o.c. each layer and side.	
		5 TO 500	8"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 2 x 4 in. wood studs 16 in. o.c. staggered 8 in. o.c. on 2 x 6 in. wood plates. Use 6d coated nails 24 in. o.c. for base layer and 6d coated nails 8 in. o.c. for face layer. Stagger vertical joints 16 in. o.c. each layer and side.	
		6 TO 600	10 3/8"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of double row of 2 x 4 in. wood studs 16 in. o.c. on separate plates 1 in. apart. Use 6d coated nails 24 in. o.c. for base layer and 6d coated nails 8 in. o.c. for face layer. 2 1/2 in. glass fiber insulation in cavity. Stagger joints 16 in. o.c. each layer and side. GWB fire stop continuous in space between plates.	



GYPSUM BOARD

From: Architectural Graphic Standards

STC	WALL THICKNESS	CONSTRUCTION DESCRIPTION	WALL SECTIONS	
305	2 7/8"	One layer 5/8 in. type X gypsum wallboard or veneer base applied to each side of 1 1/2 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 8 in. o.c. to edges and 12 in. o.c. to intermediate studs. Stagger joints 24 in. o.c. each side.		
400	3 3/8"	Base layer 3/8 in. regular gypsum wallboard or veneer base applied to each side of 1 1/2 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 27 in. o.c. to edges and 34 in. o.c. to intermediate studs. Face layer 1/2 in. attached on each side to studs with 1 1/2 in. type S drywall screws 12 in. o.c. to perimeter and 24 in. o.c. to intermediate studs. Stagger joints 24 in. o.c. each layer and side.		
	4 7/8"	One layer 5/8 in. type X gypsum wallboard or veneer base applied to each side of 3 3/8 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 8 in. o.c. to vertical edges and 12 in. o.c. to intermediate studs. Stagger joints 24 in. o.c. each side.		
405	5 1/8"	Two layers 1/2 in. regular gypsum wallboard or veneer base applied to each side of 1 1/2 in. metal studs 24 in. o.c. Use 1 in. type S drywall screws 12 in. o.c. for base layer and 1 1/2 in. type S drywall screws 12 in. o.c. for face layer. Stagger joints 24 in. o.c. each layer and side.		
	4 7/8"	Base layer 1/4 in. gypsum wallboard applied to each side of 1 1/2 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 24 in. o.c. to edges and 36 in. o.c. to intermediate studs. Face layer 1/2 in. type X gypsum wallboard or veneer base applied to each side of studs with 1 1/2 in. type S drywall screws 12 in. o.c. Stagger joints 24 in. o.c. each layer and side.		
	5 1/2"	One layer 5/8 in. type X gypsum wallboard or veneer base applied to each side of 3 3/8 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 8 in. o.c. to edge and vertical joints and 12 in. o.c. to intermediate stud. Face layer 5/8 in. (same as other layer) applied on one side to stud with laminating compound and attached with 1 1/2 in. type S drywall screws 8 in. o.c. to edges and sides and 12 in. o.c. to intermediate studs. 3 1/2 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and side.		
410	4"	Base layer 1/4 in. regular gypsum wallboard applied to each side of 2 1/2 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 12 in. o.c. Face layer 1/2 in. type X gypsum wallboard or veneer base applied to each side of studs with laminating compound and with 1 1/2 in. type S drywall screws in top and bottom runners 8 in. o.c. 2 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and side.		
	4"	Two layers 1/2 in. type X gypsum wallboard or veneer base applied to one side of 2 1/2 in. metal studs 24 in. o.c. Base layer 1 in. and face layer 1 1/2 in. type S drywall screws 8 in. o.c. to edges and adhesive beads to intermediate studs. Opposite side layer 1/2 in. type X gypsum wallboard or veneer base applied with 1 in. type S drywall screws 8 in. o.c. to vertical edges and 12 in. o.c. to intermediate studs. 3 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and face.		
510	4 1/4"	Base layer 1/4 in. gypsum wallboard applied to each side of 2 1/2 in. metal studs 24 in. o.c. with 1 1/2 in. type S drywall screws 12 in. o.c. Face layer 5/8 in. type X gypsum wallboard or veneer base applied on each side of studs with 1 1/2 in. type S drywall screws 12 in. o.c. 1 1/2 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and side.		
415	5"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 2 1/2 in. metal studs 16 in. o.c. braced laterally. Use 1 in. for base layer and 1 1/2 in. for face layer type S-12 drywall screws 12 in. o.c. Stagger joints 16 in. o.c. each layer and side.		
515	5 3/8"	Base layer 1/2 in. type X gypsum wallboard or veneer base applied to each side of 1 1/2 in. metal studs 24 in. o.c. Use 1 in. type S drywall screws 12 in. o.c. for base layer and 1 1/2 in. type S drywall screws 12 in. o.c. for face layer. 1 1/2 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and side.		
520	6 1/4"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 3 3/8 in. metal studs 24 in. o.c. Use 1 in. type S drywall screws 22 in. o.c. for base layer and 1 1/2 in. type S drywall screws 12 in. o.c. to edge and 24 in. o.c. to intermediate studs. One side third layer 1/2 in. type X gypsum wallboard or veneer base applied with laminating compound. Stagger joints 24 in. o.c. each layer and side.		

From: Architectural Graphic Standards

GYPSUM BOARD 9

**338 GENERAL CONSTRUCTION**

**Veneer Plaster System**

- Floor:** 2" concrete on steel deck or ribslab over bar joist—includes 4-1/2 in. resilient beam
- Joists:** Type 12L2 min. size, spaced 24" o.c.
- Forming Channel:** 25-lb. spaced 24" o.c., perpendicular to joists, 3" on each side of wallboard end joints—double-steam saddle fit
- Gypsum panel:** 3/8" Thermafiber Gypsum Base, FIRECODE C Core.
- Application:** Perpendicular to forming.
- Attachment:** 1" Type S screws 12" o.c.
- Joints:** Beveled with wallboard strips, taped.
- Finish:** 3/8" Diacapa or Imperial, plaster finish both sides.

**Wood Stud Partitions**

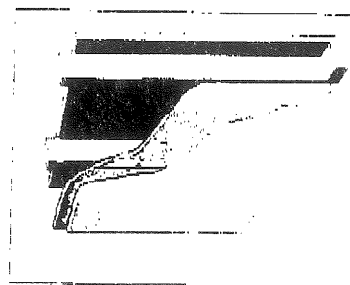
Suitable for residential and light-commercial construction where combustible framing is permitted, these designs include single- and double-layer gypsum board facings, single- and double-row studs, those with insulating blankets, and those with resilient attachment. Performance values of up to 2-hr. fire resistance and 50 STC can be obtained.

**Steel Stud Partitions**

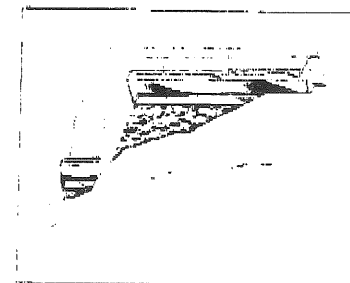
Suitable for all types of construction, these designs include single- and multi-layer gypsum board facings, with and without THERMAFIBER Sound Attenuation Fire Blankets. Performance values of up to 4-hr. fire resistance and 62 STC can be obtained.

**Crossed Thermafiber Sound Insulation System**

Crossed THERMAFIBER assemblies are steel-framed, 1-hr. fire-rated systems that offer high sound ratings (50-55 STC) plus the lower in-place cost of lightweight single-layer gypsum board. The systems consist of 3/8"



Wood Stud Partitions



Steel Stud Partitions

*From: Gypsum Construction Handbook*

**SYSTEM DESIGN CONSIDERATIONS Sound Control 339**

SHEETROCK brand Gypsum Panels, FIRECODE C Core, 3/8" steel studs spaced 24" o.c. and set in runners; and THERMAFIBER Sound Attenuation Fire Blankets (SAFB), 25" wide.

Since the blanket is 1" wider than the cavity, it is installed with a slit laid out down the center and partially through the blanket. This allows the blanket to flex or bow in the center, easing the pressure against the studs and transferring it to the face panel, thereby damping sound vibrations more effectively. Panels screw-attach directly or resiliently to the steel framing.

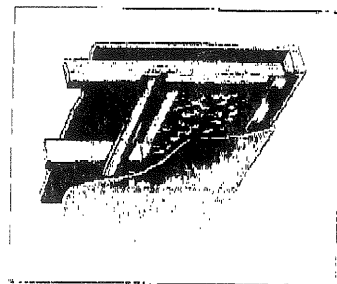
**Sound Control Systems**

U.S. Gypsum Company fire-rated partition systems offer a range of assemblies that are highly effective in isolating all types of sound. In both wood-framed and steel-framed construction, resilient channel systems offer improved sound attenuation to direct attachment systems.

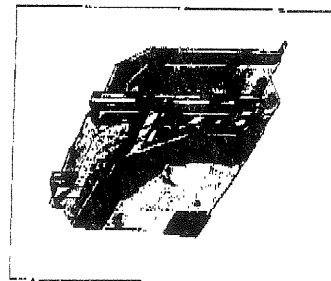
In steel-framed construction, USG High Sound-Attenuation Steel Framed Systems provide economical sound isolating systems without the excessive weight or space required of masonry construction. Systems are designed to control not only the mid and high frequencies, but also the low frequencies prevalent in music and mechanical equipment environments. Partition systems include both load-bearing and non-load bearing designs.

To properly measure sound attenuation in low frequencies, U.S. Gypsum Company developed the MTC system (Music, Mechanical Equipment Transmission Class). This complementary measurement allows a designer or acoustician to evaluate the differences between systems and specify the desired STC and MTC performance required.

For assistance with specific project requirements, contact your local U.S. Gypsum Company sales representative or the Company's Technical Services Department.



Single-layer resilient system with 3/8" Thermafiber insulation delivers 50 STC and a fire rating of 1 hr.



USG High Sound-Attenuation Steel Framed System with sound ratings of 61-62 STC/57-MTC and a fire rating of 2 hrs.





## T E C H N I C A L N O T E S

# Research Project offers New Sound & Fire Ratings for Wood Frame-Walls

Rodney McPhee

In all multi-family residential construction, the level of fire safety of the building occupants along with comfortable quiet living conditions are two of the many functional requirements that are regulated by the U.S. model building codes. Walls and floors that separate residential dwelling units from adjacent units, as well as from other portions of the building, must be designed to limit fire spread and sound transmission across or through these barriers.

When required, fire-resistance ratings (FRR) for walls and floors provide separation and integrity during a fire. They prevent fire spread to allow time for the occupants to egress the building and for emergency responders to enter the building for search and rescue evacuation and fire fighting. Consequently, it is vital that the design and installation of wall and floor elements that are part of assemblies be tightly connected.

On the other hand, sound transmission classifications (STC) for the same wall and floor assemblies are intended to provide a level of comfort for the occupants that imparts a sense of security and a certain degree of privacy. As such, it relates more to the health of the occupant and not to their personal safety. Construction details and quality of installation are as vital to good acoustical performance as they are to fire resistance. Yet, in some respects, the "looser" the construction, the better the sound attenuation. Ironically, this works exactly opposite to the "tight construction" often required in walls and floors to achieve a desired level of fire resistance.

Fire separation assemblies and area separation walls can be economically specified and built of wood-frame materials and other generic building components to conform to the minimum code provisions for both fire resistance and sound transmission. The details of construction for these common assemblies can be found in a number of sources.

One popular source of information is the Gypsum Association's Manual on Fire Resistance Design and Sound Control<sup>1</sup>. This manual is updated on a regular basis by the gypsum industry; it contains numerous descriptions of wood-frame wall and floor assemblies along with their assigned FRR and STC. Other FRR information can be obtained in several ways: by applying calculation methods<sup>2,3</sup> tabulated values<sup>4</sup> included in

the building codes on generic systems, or from the Fire Resistance Manual<sup>5</sup> for proprietary systems published by Underwriters' Laboratories Inc.

The requirements in the U.S. model codes for FRR and STC generally prescribe a one-hour FRR and 45-50 STC for wall and floor assemblies between dwelling units in multi-family residential construction. In the case of sound attenuation, other situations do occur, usually at the request of the designer or owner, for special applications such as theaters or meeting rooms in business occupancies where some higher level of sound control is desired.

In these cases, which are usually not covered in building codes, the minimum STC desired can be as high as 55 or 60. Even at these higher levels, wood-frame wall and floor assemblies can be designed to comply. Attaining higher STC ratings often requires the services of an acoustics consultant, regardless of the types of materials used.

## Wall Research

In Canada, the tabulated FRR and STC ratings for generic wall and floor assemblies were in need of updating in light of changes in code requirements and revisions to gypsum industry product standards. In response, a research project carried out from 1992 to 1994 at the National Research Council of Canada looked at the fire resistance and sound transmission performance of wood stud walls<sup>6,7</sup>.

At that time, only 15 generic wood-frame wall assemblies were described in the National Building Code of Canada<sup>8</sup>. This was only slightly more than the number tabulated in the Uniform Building Code. As a result of this work, the 15 assemblies grew to over 100. This has given construction professionals more choices and flexibility in the field. The fire tests were carried out in accordance with the CAN/ULC S-101<sup>9</sup> fire endurance test method which is basically identical to the ASTM standard for fire endurance testing, ASTM E-119<sup>10</sup>. The acoustics testing was carried out in accordance with ASTM standards<sup>11,12</sup> which are referenced in both the U.S. and Canadian model codes.

The results showed that, in certain instances, improvements that enhanced the fire resistance of a

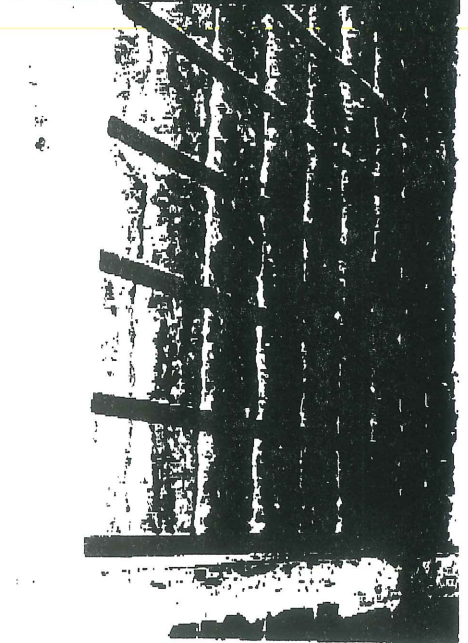


Photo 1 - A wall test assembly under construction prior to exposure to fire. The insulated stud wall has resilient channels over which gypsum wallboard will be applied.

wall also improved the sound attenuation properties. In other instances, however, improvements for fire resistance had negative effect on the sound transmission. Variations in the components used were studied to determine what effect their use had on both the FRR and STC. This included looking at ordinary and fire-rated gypsum wallboard, three types of thermal insulation, the use of resilient channels, staggered and double-stud walls, the use of shear panels, and wider stud spacing.

The results have been published in National Research Council of Canada (NRCC) reports<sup>13,14</sup> that are available to the general public. Figures 1 to 4 demonstrate only a few of the many new types of tabulated entries for generic wall assemblies available as a result of the research program.

Though not officially adopted by U.S. model codes, most of the new assemblies could be used in the U.S. subject to approval by local code authorities. "Our lab is the only one of its kind in North America doing this level of research in the areas of fire resistance and acoustics for construction assemblies," says Alf Warnock, a research scientist at the NRCC. "Our research on the wall assemblies was done in strict conformance with ASTM standards for fire endurance and sound transmission. U.S. architects and builders should be able to use the wall assemblies in their construction projects and we've got the reports to back them up with local code authorities."

As noted earlier, the inherent ability of a wall assembly to restrict the transmission of sound invariably can offset its ability to resist the passage of fire. However, as can be seen in Figures 1 to 4,

## References:

1. *Fire Resistance Design Manual*, GA-400-87, Gypsum Association, Fifteenth Edition, Washington, DC, 1997.
2. Uniform Building Code, Volume 3, *IBC Standard 7-7, Part 7, Methods for Calculating One-hour Fire-Resistive Ratings of Wood-Framed Walls, Floors and Roofs*, International Conference of Building Officials, 1997.
3. *Standard Building Code, Chapter 7 Fire-Resistant Materials and Construction, Section 709.5 Wood Assemblies*, Southern Building Code Congress International, 1994.
4. Uniform Building Code, Volume 1, *Chapter 7 Fire-Resistant Materials and Construction, Table 7-B - Rated Fire-Resistive Periods for Various Walls and Partitions*, International Conference of Building Officials, 1997.
5. *Fire Resistance Directory*, Underwriters Laboratories Inc., Volumes I and II, Northbrook, IL, 1994.
6. *Control of Sound Transmission Through Gypsum Board Walls*, Construction Technology Update No. 1, IRC, National Research Council of Canada, January 1997.
7. *Fire Resistance of Gypsum Board Wall Assemblies*, Construction Technology Update No. 2, IRC, National Research Council of Canada, January 1997.
8. *National Building Code of Canada, Canadian Commission on Building and Fire Codes*, National Research Council of Canada, Ottawa, NRCC No. 28726, 1995.
9. *Standard Methods of Fire Endurance Tests of Building Construction and Materials*, Underwriters Laboratories of Canada, ULC Standard CAN/ULC-S101-M99, Scarborough, Ontario, 1989.
10. *Standard Test Methods for Fire Tests of Building Construction and Materials*, ASTM E119-95, American Society for Testing and Materials, West Conshohocken, PA, 1995.
11. *Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions*, ASTM E90-90, American Society for Testing and Materials, West Conshohocken, PA, 1990.
12. *Classification for Rating Sound Insulation*, ASTM E413-94, American Society for Testing and Materials, West Conshohocken, PA, 1994.
13. *Summary Report for Consortium on Gypsum Board Walls: Sound Transmission Results*, Internal Report IRC-IR-693, National Research Council of Canada, Ottawa, October 1995.
14. *Temperature Measurements in Full-Scale Fire Resistance Tests on Non-Insulated Regular Gypsum Board Wall Assemblies*, Internal Report No.674, National Research Council of Canada, December, 1994; *Temperature Measurements in Full-Scale Insulated Gypsum Board-Protected Wall Assemblies with Resilient Channels*, Internal Report No.676, National Research Council of Canada, December, 1994. Reports available by calling (613) 993-2607, or fax: (613) 952-7673.

wood frame wall assemblies can be easily constructed to meet both important functional parameters prescribed in the building codes. Proper construction, according to the prescribed design, is critical to ensure that the systems can provide adequate safety and comfort for the building occupants.

The use of professional designers, especially acoustical consulting engineers, will help to ensure that builders and owners needs are addressed,

## Figures

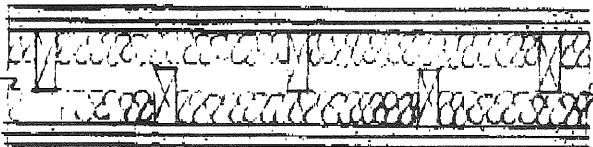
Types of new generic assemblies described in the National Building Code of Canada\*

**FIGURE 1** Asymmetrical Assembly: FRR-1 hour, STC-57



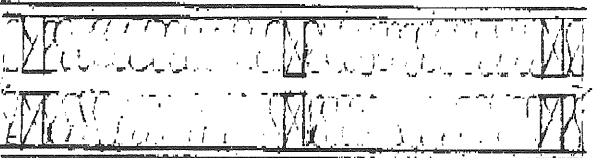
- 2x4 studs spaced 16" o.c.
- 4" thick cellulose fiber insulation
- resilient metal channels on one side spaced 16" or 24" o.c.
- 2 layers of 5/8" Type X gypsum board on resilient metal channel side
- 1 layer of 5/8" Type X gypsum board on other side

**FIGURE 2** Staggered stud wall: FRR-1 hour, STC-55



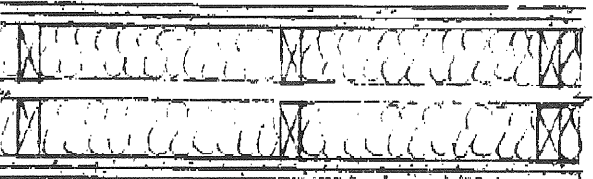
- two rows 2x4 studs each spaced 16" or 24" o.c. staggered on common 2x6 plate
- 2 layers of 1/2" Type X gypsum board on each side
- 4" thick glass fiber insulation on one side or 3" thick on each side (as shown)

**FIGURE 3** Double stud wall: FRR-1 hour, STC-57



- two rows 2x4 studs, each spaced 16" or 24" o.c. on separate 2x4 plates 1" apart
- 1 layer of 5/8" Type X gypsum board on each side
- 4" thick material fiber insulation on each side

**FIGURE 4** Double stud wall, two layers of wall board: FRR-1 hour, STC-65



- two rows 2x4 studs, each spaced 16" or 24" o.c. on separate 2x4 plates set 1" apart
- 2 layers of 1/2" Type X gypsum board on each side
- 4" thick glass fiber insulation on each side

\*These ratings are based on tests conforming to ASTM E119-95, *Standard Test Methods for Fire Tests of Building Construction and Materials*; ASTM E90-90, *Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions*; and ASTM E413-94, *Classification for Rating Sound Insulation*.

(Drawings: Radim Brubcek)

## More to come

Additional research activities have commenced to investigate fire and acoustic performance of floor-ceiling assemblies and shearwalls, as well as sound transmission through structural flanking routes such as sub-floors and rigid fire blocking. Watch for future articles on other aspects of the fire

and acoustical performance of wood-frame construction assemblies and how they can be designed to meet and exceed the minimum requirements of the building codes. ♣

*Rodney McPhee is Manager, Building Codes at the Canadian Wood Council.*

**PLANNING REPORT #9-98**

**FLOOD CONTRACT ZONE FOR A VETERINARIAN OFFICE**

**192 BRACKETT STREET**

**JOHN FLOOD, APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

March 24, 1998

## I. Introduction

A public hearing has been scheduled to consider a contract zone proposed by John Flood (DVM) for a small animal veterinary practice at 192 Brackett Street. Although the site is presently zoned B-1 business, the zoning text excludes veterinarians (Sec. 14-162(s)(a).) The applicant is therefore requesting a contract zone.

460 notices were sent to area residents.

## II. Findings

Existing Zone:	B-1 Business
Land Area:	4,800 sq. ft.
Existing Building Floor Area:	3,876 sq. ft.
Proposed Use:	Small animal veterinary practice; plus potential space for another business use (1st floor) Apartment (2nd floor)
Existing Use:	Day care and an apartment
Parking:	Two on-site; 4 leased across the street
Nearby Land Uses:	The property is located in a B-1 zone that includes a mix of commercial and residential uses. Also abutting the site is an apartment building. The parking lot for the Westside Restaurant is adjacent to the rear property line. Other nearby uses on Pine Street include Cumberland Farms, Supreme Pizza, Aurora Grocery and residences. Along Brackett Street uses include parking lots, Portland West/Youth Build offices and residences. The Reiche School campus and a basketball court are adjacent to the site.

## III. Contract Zone

The proposed zone change is modeled after the "Cat Doctor" contract zone approved by the City Council in 1996 in a B-1 zone at 183 Brighton Avenue (corner of Devonshire Street.) The Cat Doctor zone change (proposed by D. DiFalco and K. Hoyt) is similar to the applicant's, except that the Cat Doctor practice was limited to cats.

The summary of the proposed contract provisions appears below. The contract is shown on Attachment C.

1. Proposed zone change amends the City zoning map.
2. Property to be developed in accordance with site plan.
3. Veterinarian use allowed in addition to other uses permitted in the B-1 zone . . . [Note this condition would not preclude another business use in the building. For example, the section of the building closest to Brackett Street is shown as vacant space. Any use allowed in the B-1 zone would be permitted in this space under the terms of this contract.]
4. Parking shall be provided as shown on the site plan.
5. Veterinarian use limited to treatment of cats and dogs.
6. Housing of animals shall be located within a completely enclosed structure.

7. Building shall have mechanical air exchange and cooling system to prevent need for open windows for ventilation.
8. Documentation shall be provided that the building has sufficient sound insulation to ensure compliance with noise requirement of the B-1 zone . . . [Note, see Section IV of this report regarding noise issues.]
9. Number of dogs permitted at the facility shall not exceed 6. No limit on cats . . . [Note, dog parking is louder than feline noise. The Cat Doctor zone change excluded dogs.]
10. Applicant shall maintain existing residential unit on the second floor.
11. Operation of the veterinary use shall be limited to 30 hours per week. There shall be no more than 4 people working at any one time.
12. No waste of any type shall be stored outside of the existing structure.
13. This contract is supplemental to uses and requirements of the B-1 zone.

#### IV. Zoning Policy Analysis

##### Comparison of Cat Doctor and Flood Zone Changes:

The Cat Doctor contract zone (183 Brighton Avenue), which served as the model for the Flood zone change, is located along a busy arterial on a lot of 8,000 sq. ft. The original zoning was B-1. The facility is adjacent to the intersection of Brighton Avenue, St. John Street, Noyes Street, and Devonshire Street. The veterinary practice is limited to cats. The Flood site is located on a lot of 4,800 sq. ft., in a dense peninsula neighborhood, with a mix of residential and commercial uses. Although the Reiche School side of the building abuts a city park, the opposite side of the building is only about 7 feet from a residential building. The Flood practice includes cats and dogs. The potential for noise concerns is therefore greater.

The Cat Doctor application offered the following reasons in support of a veterinarian in a B-1 Zone.

"(a) Veterinary Use is directly associated with residential neighborhoods. Studies have shown that the typical veterinary client resides within a 1-2 mile radius of the site selected. This is particularly true in urban/suburban settings. The location of veterinary hospitals at the periphery of residential zone provides convenient access for clientele.

(b) Most veterinary hospitals today are "high tech" health care facilities in which the overnight housing of animals is predominantly if not exclusively confined to patients requiring hospital care. Modern veterinary hospitals have characteristics similar to but no more objectionable than those generally associated with professional offices.

(c) Existing language addressing the requirements for the abatement of adverse external effects for any use in the R-P or B-1 zones (Sec. 14-151 and Sec. 14-167) can easily be applied to the operation of a veterinary hospital as well. Noise transmission, a particular concern with a veterinary facility, is a predictable and measurable quantity. Current construction technology allows us to reduce the noise transmission from within a building to adjacent property lines to any level required to the ordinances."

## Policy Analysis

The Commercial Zoning Policies of Portland's Comprehensive Plan encourage the development of new commercial enterprises within the existing neighborhood centers. Secondly, the policies recommend that the City maintain and promote a community which is attractive to both existing and prospective families and homeowners to help support the neighborhood commercial district.

A Time of Change: Portland's Transportation Plan is a component of the City's Comprehensive Plan, and it include the following policy:

Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences and fit into the fabric of the neighborhood.

The B-1 zone is designed to provide "limited areas for the location of small-scale commercial establishments intended to serve a local market". The B-1 zone permits the following business uses: professional offices; business services; personal services; offices of building tradesmen (provided that there is no exterior storage of building materials); and retail sales and services (provided no drive-in or drive-through sales and services.)

However, as a policy, the B-1 text specifically excludes veterinary uses under professional offices. Although a veterinarian is a professional office, clearly the noise factor and other factors are compelling concerns for excluding this use from that zone. However, the Board felt in the Cat Doctor scenario that the specific location and specific type of use (cat only) was appropriate for a contract zone. As discussed in the previous paragraphs, there are significance differences between the Cat Doctor and the Flood zone change in terms of location, neighborhood density, and setback from adjacent residential uses. Noise issues are addressed below.

## V. Noise Issues

The proposed contract references conformance with the B-1 zone sound standard (condition #8.) However, given the density of this neighborhood, a 55 decibel standard (at the property line) does not appear stringent enough. Staff requested that the applicant have an architect summarize the sound mitigation measures that will be utilized for this project. See Attachment D-2. The report states:

An average group of dogs barking wildly will produce a volume of approximately 80-90 decibels. To deal with this high volume, we will be increasing the sound absorbing qualities of the walls and the ceilings in the areas of high to moderate volume potential. In the drawings, you will occasionally see walls rated with an STC rating. This stands for Sound Transmission Class. The number that follows

can be thought of as a direct subtraction of the decibels as they pass through the wall. For example, if there are a couple of dogs barking loudly on one side of the wall, lets say at 85 decibels, and this wall has an STC rating of 65, then as the sound passes through that wall, it will emerge on the other side with a decibel level of 20 decibels.

The submitted drawings appear to meet a 20 decibel standard for the walls of the clinic and a 25 decibel level for the ceiling.

Given the technology to reduce noise levels, staff would suggest that the wording of condition #8 be revised to reflect a lower decibel level.

The Board could use the 20 decibel standard (walls) and 25 decibel standard (ceiling) in the contract or perhaps a more flexible approach. If the Board were to choose a 30 decibel standard (see Attachment D-4, sound level chart), it would be the equivalent of sound emitted for a "quiet residential neighborhood". This noise level falls between bird calls (40 decibels) and rustling leaves (20 decibels).

## VII. Site Plan

A concept site plan has been submitted. The existing building covers over half of the site. The original site plan indicates that two piggyback parking spaces will be provided on the site (Attachment C-8). Presumably this would be employee parking. A revised plan (Attachments D-5 and D-6) indicates that a wood fence and sign will be placed near the streetline in front of the parking spaces replacing a chain link fence. This will also serve as the main pedestrian entrance into the clinic. Since the opening of the gate is only about 6 1/2 feet wide, this is a very tight driveway opening. It would be awkward for a pedestrian to walk through with a parked car in place. The overall length of the two parking spaces is about 33 feet - enough for two compact cars.

It would appear that the applicant has changed his intentions since the previous workshop. We would suggest that a condition #14 be added to the contract requiring administrative site plan review. This issue will need to be clarified since the two parking spaces as designed are potentially not functional and would intrude upon pedestrians walking from the sidewalk into the clinic.

## VIII. Motions for the Board to Consider

On the basis of plans and materials submitted by John Flood D.V.M., the policies of the B-1 Neighborhood Business Zone, the Comprehensive Plan, the information provided in Planning Report #9-98, and/or other findings as follows:



The Board finds that:

1. The proposed contract zone change [is or is not] consistent with policies of the B-1 Neighborhood Business Zone and Comprehensive Plan of the City of Portland. The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed contract rezoning at 192 Brackett Street to permit the establishment and operation of veterinarian's offices, limited to the treatment of cats and dogs.

*and other permitted uses in the B-1 zone*

Potential amendments to Contract Zone

- a. Revise condition #8 referencing compliance with a sound standard of \_\_\_\_\_ decibels using the noise measuring standards of Section 14-167(2)(B-1 zone.) . . . Note: see Section VI above.
- b. Add condition #14 requiring administrative site plan review and approval for this proposal.

Attachments:

- A. Background Information
- B. Vicinity Maps
- C. Contract Zone
- D. Noise Information and Related Plans

*and other small a*



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**ACTON VETERINARY SERVICES**

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone: (207) 477-8144

Dec. 1, 1997

Planning Board  
Suite 400, City Hall  
389 Congress St.  
Portland, Maine 04101

**Re: Contract re-zoning of 192 Brackett St.**

I am investigating the purchase of the property at 192 Brackett St. in order to open a small animal veterinary clinic on first floor and convert the second floor into an apartment. The property exists in the B-1 zone. I request the board consider a contract re-zoning of this property to allow a veterinary practice at this site. The board addressed a similar application for property in the B-1 zone in 1995 for Dr DiFalco's veterinary practice. This request is similar but also encompasses veterinary care to dogs. The proposed clinic would operate on a relatively small scale serving a client base from the immediate neighborhood. The following is a brief description of the proposed clinic with attention to the issues of noise, odor and traffic

The clinic would provide primarily out patient veterinary care for the neighborhood dogs and cats. This would include well patient visits, care for sick and injured pets and surgical procedures such as spays and neuters. I have worked in this manner (on an out patient basis) for the past 6 years and have found it has several advantages. Pets in general convalesce better in familiar surroundings at home with their owners. Newer anesthetic routines with rapid recoveries make this very feasible for short surgical procedures such as spays and neuters. From a business point of view staffing and scheduling are made simpler. Exceptions would occur. Occasional overnight stays would be necessary for critically ill pets, for example those requiring iv fluid therapy that could not be accomplished during hours. Pertaining to dogs, these cases would be uncommon, perhaps several per month. A larger veterinary hospital or the Portland Emergency Clinic could be enlisted to help when need arose.



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## ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone: (207) 477-8144

The impact on the neighborhood with increased dog traffic would be light. Patients would be seen by appointment, four per hour. There would be approximately 5 hours of appointments per day. I estimate 75% of the patients will be cats. With only a few dogs entering the clinic each day it would be an easy task to keep the premises clean.

Hours of operation would be during the day and early evening. Typically appointments would held mornings and again 4-6 PM. There would be no appointments mid afternoon at the conclusion of the school day when the street tends to be busy.

The area to house patients will be located on the south side of the facility, adjacent to the basketball court and playing field. This property is well suited in that there is no other building in close proximity to this side of the building. Adequate soundproofing, mechanical ventilation and fixed windows should assure noise for the neighborhood is kept to a minimum. As previously mentioned dogs kept overnight would be the exception to the rule and would occur only if medical situations prevent them from going home. On this level, when properly housed I don't foresee noise as being a factor for the neighborhood. Kenneling of dogs as an ancillary service will not occur.

Solid wastes from pets would be sealed in garbage bags and stored in covered garbage cans in the rear of the building. Disposal will be according to city ordinances. With the small quantity of stool generated by a facility of this size storage and odor will not be a factor for the clinic or its neighbors. Medical wastes would be disposed by contractual arrangement with a company that provides this service.

Anticipated staff for the clinic would be as follows; a veterinarian, a receptionist and a veterinary technician. I plan for one member of the staff to live in the apartment upstairs. My intention is for this clinic to start and remain on a small scale.

Parking would be provided by 4 leased spaces directly across the street, two spaces adjacent to the building on the east side and four metered (15 min) spaces in front of the building on Brackett St..



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ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.  
470 Youngs Ridge Road  
Acton, Maine 04001  
Telephone: (207) 477-8144

It appears the West End of the peninsula is home to a large number of dogs. If this clinic can satisfy the requirements of the contract B-1 zoning I believe it will provide a well-received service which currently does not exist in the neighborhood.

Yours truly,

A handwritten signature in black ink, appearing to read "John G. Flood". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

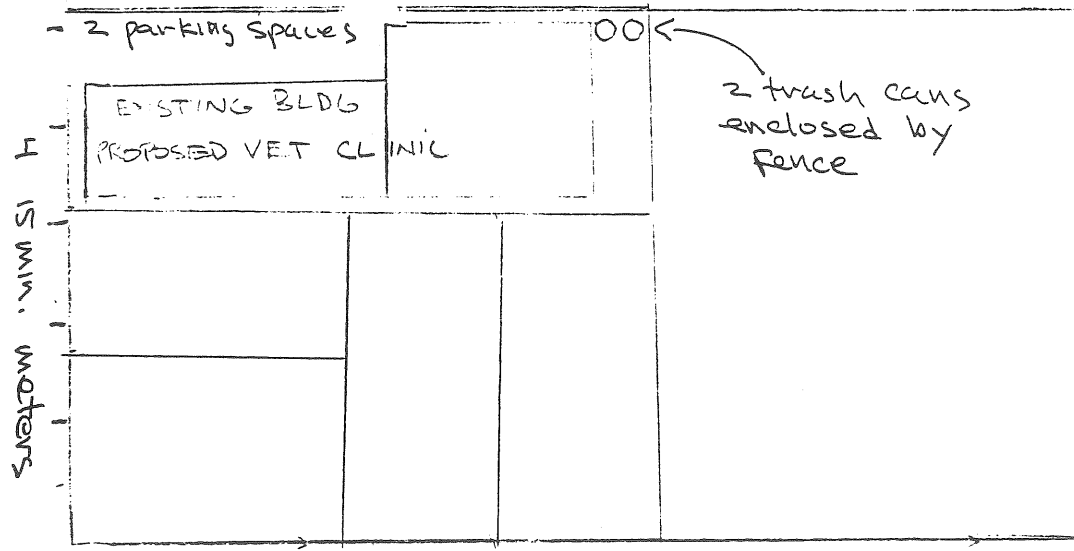
John G Flood DVM

①  
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PLAYING  
FIELD

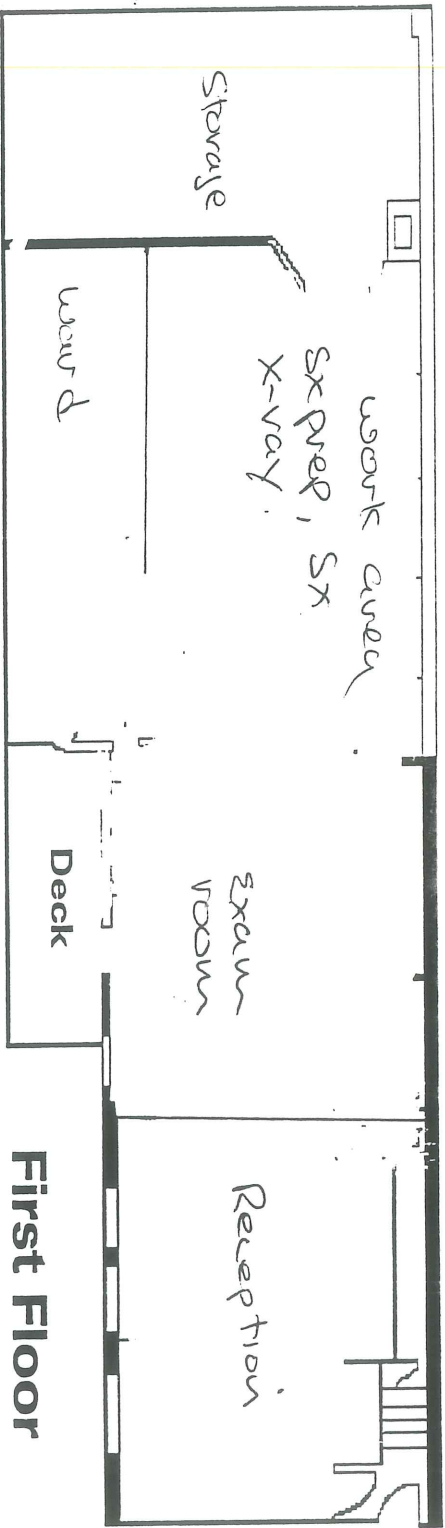
BASKET BALL  
COURT

B RACKETT

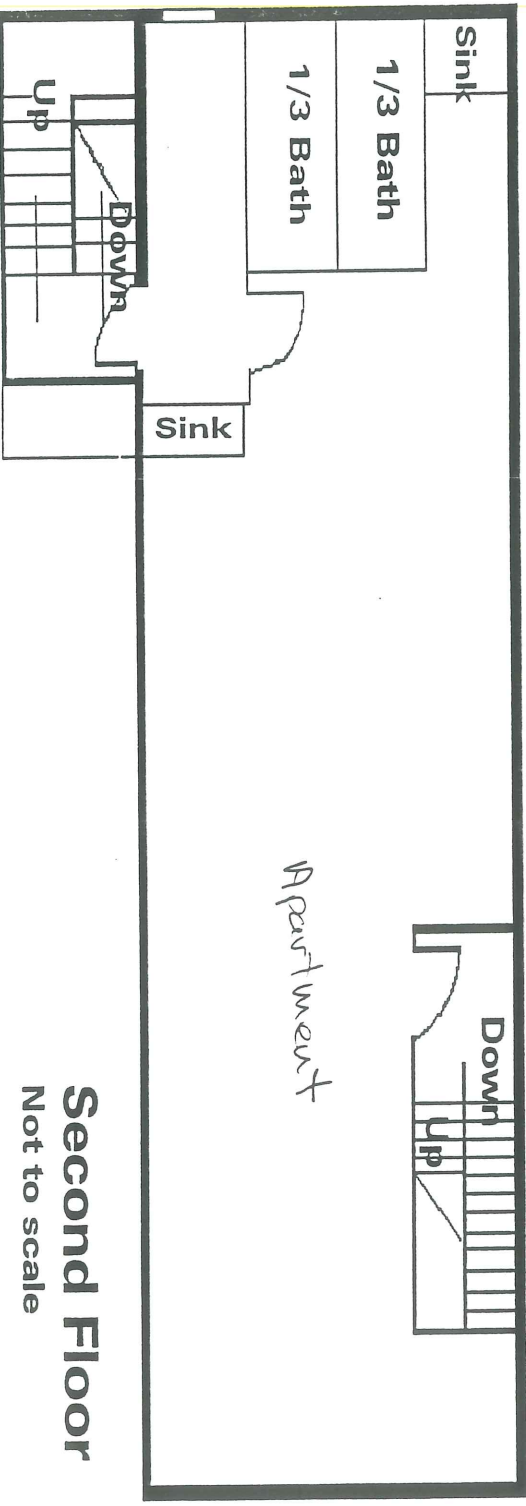


4 leased  
parking spaces

PINE



**First Floor**  
Not to scale



**Second Floor**  
Not to scale



**MALONE COMMERCIAL BROKERS**

MEMBER  
Malone Restaurant  
Association

Member of  
International Council  
of Shopping Centers



Individual Member

# 192 BRACKETT STREET

APPLICATION FOR ZONING AMENDMENT  
CITY OF PORTLAND, MAINE

DATE Dec 1, 1997

TO THE CITY PLANNING BOARD, CITY HALL, PORTLAND, MAINE 04101:

The undersigned hereby requests that you consider whether it would be consistent with the comprehensive plan of the City of Portland, Maine, and make appropriate recommendation for action by the City Council concerning the following proposed amendments to the Zoning Ordinance of the City of Portland, Maine:

A. ZONING MAP AMENDMENT:

FROM B1 ZONE TO CONTRACT B1 ZONE

The property situated on 192 BRACKETT street/Avenue between PINE street/Avenue and SPRING street/Avenue on SOUTH WEST side(s).

Assessor's Reference (Chart, Block and Lot) for the property is as follows:

MAP 56 LOT C8

1. What original deed restrictions, if any, concerning the type of improvements and class of uses permitted were placed on the property involved? Give date restrictions expire:

2. Description of the existing use of property: CHILDRENS' DAY CARE FACILITY

3. Description of the proposed use of property: SMALL ANIMAL VETERINARY CLINIC  
2ND FLOOR APARTMENT

4. Area of Lot(s): 4800 SQ FT  
Total Floor Area: 3876 SQ FT

5. Street Address of Property Involved	Property Owner and/or Name of Option Holder	Date of Acquisition
<u>192 BRACKETT ST</u>	<u>S+K PARTNERS</u>	<u>MAY 1997</u>
	option holder <u>JOHN FLOOD</u> <u>NANCY FLOOD</u>	

- 7-7
6. Submission of a site plan, as required in Article V of the Municipal Code.
  7. Submission of plans and addresses of property owners abutting the subject property.

B. ZONING TEXT AMENDMENT:

1. Section of Ordinance to be amended: SEC 14-147.5 and SEC. 14-163
2. Proposed text amendment - Attach on separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underlined (example).
3. Brief statement of the purpose of the proposed amendment.
4. If the amendment is intended to facilitate a development, reuse, alteration, addition or modification to a specific property, fill out the sections above under ZONING MAP AMENDMENT.

A fee for this application for a zoning amendment will be charged in accordance with Section 14-54 of the Municipal Code (see copy attached). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

The above information and the attached lists of property -- owners in the vicinity are true and accurate to the best of my knowledge.

DEC 1, 1997  
Date of Filing

[Signature]  
Signature of Applicant

470 YOUNGS RIDGE RD  
Address of Applicant

ACTON                      ME                      04001  
City                                      State                                      ZIP

WITHDRAWAL: In the event of withdrawal of the zoning amendment application by the applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: April 11, 1988





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## ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone: (207) 477-8144

home 477-8159

### **Re: Zoning Text Amendment**

The following two pages contain a proposed text amendment and a brief statement of the purpose of the proposed amendment. These are taken from the 1995 application of Dr. DiFalco. They serve the equally well for this application.

6. Submission of a site plan, as required in Article V of the Municipal Code.
7. Submission of plans and addresses of property owners abutting the subject property.

B. ZONING TEXT AMENDMENT:

1. Section of Ordinance to be amended: Sec 14-147.5 and Sec. 14-163
2. Proposed text amendment - Attach on separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underlined (example).
3. Brief statement of the purpose of the proposed amendment.
4. If the amendment is intended to facilitate a development, reuse, alteration, addition or modification to a specific property, fill out the sections above under ZONING MAP AMENDMENT.

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The above information and the attached lists of property -- owners in the vicinity are true and accurate to the best of my knowledge.

Dec 1, 1992  
Date of Filing

[Signature]  
Signature of Applicant  
JOHN G FLOOD

470 YOUNGS RIDGE RD  
Address of Applicant

ACTON      ME      04001  
City                      State                      ZIP

WITHDRAWAL: In the event of withdrawal of the zoning amendment application by the applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: April 11, 1988

## Proposed Text Amendment

### Sec. 14-147.5. Conditional Uses. (R-P Residence-Professional Zone)

existing text:

The following uses are permitted as provided in section 14-174 (conditional uses) if they meet the following requirements:

- (1) Such other offices which have characteristics similar to but no more objectionable than those generally associated with professional offices. In determining appropriateness, the zoning board shall consider the quality of building design and materials, signage, and landscaping, and their general compatibility with the surrounding residential development. Such uses shall also be shown to have vehicular patterns, including parking and storage of motor vehicles, similar to those associated with professional offices. Noise levels and hours of operation shall also be considered. An approval granted under this section shall be issued to a specific user and shall not run with the land to subsequent users. A new conditional use approval shall be required when the user changes. A new conditional use approval may be issued by the zoning authority if it determines that the new user will maintain the same use as the original user and that such use will not have substantially different external effects, including, but not limited to, parking, vehicular traffic on and off the site, noise levels, hours of operation, and visual characteristics such as signage or changes to building design.

proposed addition:

- (2) Veterinary Hospitals provided they meet the following additional requirements:
  - a. that structures or pens for housing or containing the animals shall be completely enclosed
  - b. All pens, runs, or kennels, and other facilities shall be designed, constructed,  
and maintained in accordance with specific performance standards outlined in Sec. 14-151.

### Sec. 14-163. Conditional Uses. (B-1 and B-1b Neighborhood Business Zones)

existing text

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone and in existence on November 15, 1993, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (1) Restaurants, provided they meet the following requirements:
  - a. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
  - b. The hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. each day;
  - c. Food service and consumption are the primary function of the restaurant; and
  - d. There shall be no drive-in or drive-through service.

proposed addition

- (2) Veterinary Hospitals provided they meet the following requirements:
  - a. that structures or pens for housing or containing the animals shall be completely enclosed.
  - b. All pens, runs, or kennels, and other facilities shall be designed, constructed, and  
maintained in accordance with specific performance standards outlined in Sec. 14-167.

## Purpose of Proposed Amendment

The proposed text amendment will modify the broad exclusion of veterinarians in the buffer zones (R-P, B-1, and B-1b) allowing the operation of a veterinary hospital as a conditional use when specific performance standards are met. This amendment to the zoning ordinance is desirable for the following reasons:

(1) Veterinary hospitals are a small business use ideally suited to achieve the stated goals of the R-P, B-1, and B-1b zones.

### Sec. 14-146. Purposes (R-P Zone Residence-Professional Zone)

a. To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods.

b. To serve as a transition or buffer zone between residential and more intensive non-residential zones.

### Sec. 14-161. Purpose (B-1 and B-1b Zones Neighborhood Business Zones)

The purpose of the B1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market.

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(2) Veterinary Use is directly associated with residential neighborhoods. Studies have shown that the typical veterinary client resides within a 1-2 mile radius of the site selected. This is particularly true in urban/suburban settings. The location of veterinary hospitals at the periphery of residential zones provides convenient access for clientele.

(3) Most veterinary hospitals today are "high tech" health care facilities in which the overnight housing of animals is predominantly if not exclusively confined to patients requiring hospital care. Modern veterinary hospitals *have characteristics similar to but no more objectionable than those generally associated with professional offices.*

(4) Existing language addressing the requirements for the abatement of adverse external effects for any use in the R-P or B-1 zones (Sec. 14-151 and Sec. 14-167) can easily be applied to the operation of a veterinary hospital as well.. Noise transmission, a particular concern with a veterinary facility, is a predictable and measurable quantity.. Current construction technology allows us to reduce the noise transmission from within a building to adjacent property lines to any level required by the ordinances.

COPY

O:\WP\CONTRACT\BRACKETS.AP  
6.15.98

**AGREEMENT BETWEEN**

**CITY OF PORTLAND**

**AND**

**JOHN FLOOD, DVM, AND NANCY FLOOD**

AGREEMENT made this 22<sup>nd</sup> day of July, 1998 by and between the CITY OF PORTLAND, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "CITY") and JOHN FLOOD, D.V.M., of 470 Youngs Ridge Road, Acton, Maine 04001 and NANCY FLOOD, of 969 Ocean Boulevard, Hampton, New Hampshire 03842 (hereinafter "FLOODS").

**W I T N E S S E T H:**

WHEREAS, FLOODS did request a rezoning of property located at 192 Brackett Street, in Portland, in order to permit the establishment and operation of veterinarian's offices, as limited herein; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual

nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan; and

**WHEREAS**, the CITY authorized the execution of this Agreement on June 15, 1998;

**NOW, THEREFORE**, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. FLOODS shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business zone.
4. Parking shall be established and assigned as indicated on Attachment 2.
5. The veterinarian office use shall be limited to the treatment of cats, dogs and other small domestic animals only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure.
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows. Ventilation from open windows shall not be permitted.

8. FLOODS shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with a forty (40) decibel limit using the noise measurement standards of Section 14-167(2), as measured at the property line.
9. The number of dogs permitted overnight at the facility shall be six (6). There shall not be a limit on the number of cats.
10. FLOODS shall maintain the existing residential unit located on the second floor of the structure.
11. Office hours shall be limited to thirty (30) hours per week. There shall be no more than four (4) clinic employees, including veterinarians, working at any one (1) time.
12. No waste of any type shall be stored outside of the existing structure.
13. The provisions of this Agreement, including the permitted veterinarian use, are intended to be supplemental to the uses and requirements of the underlying B-1 zone.
14. FLOODS shall submit a site plan for review and approval by the Planning Authority.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind FLOODS, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or

unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that FLOODS or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to B-1 or any successor zone and that this Agreement be terminated, requiring a cessation of the veterinarian office use.

WITNESS:

*Sonia Bean*

CITY OF PORTLAND

By *Robert B. Ganley*  
Robert B. Ganley  
Its City Manager

WITNESS:

*Jamie Nielson*

*John Flood*  
John Flood, D.V.M.



WITNESS:

Jamie Hilton

Nancy Flood  
Nancy Flood

STATE OF MAINE  
CUMBERLAND, ss.

, 1998

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

Sonia T. Bean  
Notary Public/Attorney at Law  
SONIA T. BEAN  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES JANUARY 10, 2003

YORK STATE OF MAINE  
CUMBERLAND, ss.

July 16, 1998

Personally appeared the above-named John Flood, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Jacqueline V. Roberts  
Notary Public/Attorney at Law  
Jacqueline V. Roberts  
Notary Public, Maine  
My Commission Expires July 20, 1999

YORK STATE OF MAINE  
CUMBERLAND, ss.

July 16, 1998

Personally appeared the above-named Nancy Flood, and acknowledged the foregoing instrument to be her free act and deed.

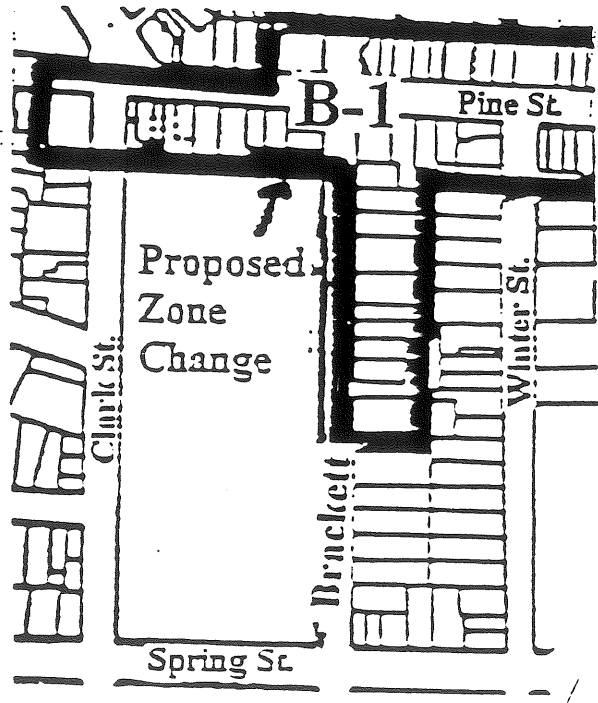
Before me,

Jacqueline V. Roberts  
Notary Public/Attorney at Law  
Jacqueline V. Roberts  
Notary Public, Maine  
My Commission Expires July 20, 1999

Jacqueline V. Roberts  
Notary Public, Maine  
My Commission Expires July 20, 1999

ATTACHMENT 1

PROPOSED CONTRACT ZONE IN THE VICINITY  
OF 192 BRACKETT STREET



(A)  
272.550  
0117

PLAYING  
FIELD

BASKETBALL  
COURT

B RACKETT

2 parking spaces

EXISTING BLDG  
PROPOSED VET CLINIC

4 IS MIN. WATERS

4 located  
parking spaces

PIN 11



---

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**ACTON VETERINARY SERVICES**

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone: (207) 477-8144

**Re: Zoning Text Amendment**

The following two pages contain a proposed text amendment and a brief statement of the purpose of the proposed amendment. These are taken from the 1995 application of Dr. DiFalco. They serve the equally well for this application.

Purpose of Proposed Amendment

The proposed text amendment will modify the broad exclusion of veterinarians in the buffer zones (R-P, B-1, and B-1b) allowing the operation of a veterinary hospital as a conditional use when specific performance standards are met. This amendment to the zoning ordinance is desirable for the following reasons.

(1) Veterinary hospitals are a small business use ideally suited to achieve the stated goals of the R-P, B-1, and B-1b zones.

Sec. 14-146. Purposes (R-P Zone Residence-Professional Zone)

- a. To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods.
- b. To serve as a transition or buffer zone between residential and more intensive non-residential zones.

Sec. 14-161. Purpose (B-1 and B-1b Zones Neighborhood Business Zones)

The purpose of the B1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market.

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(2) Veterinary Use is directly associated with residential neighborhoods. Studies have shown that the typical veterinary client resides within a 1-2 mile radius of the site selected. This is particularly true in urban/suburban settings. The location of veterinary hospitals at the periphery of residential zones provides convenient access for clientele.

(3) Most veterinary hospitals today are "high tech" health care facilities in which the overnight housing of animals is predominantly if not exclusively confined to patients requiring hospital care. Modern veterinary hospitals have characteristics similar to but no more objectionable than those generally associated with professional offices.

(4) Existing language addressing the requirements for the abatement of adverse external effects for any use in the R-P or B-1 zones (Sec. 14-151 and Sec. 14-167) can easily be applied to the operation of a veterinary hospital as well. Noise transmission, a particular concern with a veterinary facility, is a predictable and measurable quantity. Current construction technology allows us to reduce the noise transmission from within a building to adjacent property lines to any level required by the ordinances.

Proposed Text Amendment

A-11

Sec. 14-147.5. Conditional Uses. (R-P Residence-Professional Zone)

existing text:

The following uses are permitted as provided in section 14-174 (conditional uses) if they meet the following requirements:

- (1) Such other offices which have characteristics similar to but no more objectionable than those generally associated with professional offices. In determining appropriateness, the zoning board shall consider the quality of building design and materials, signage, and landscaping, and their general compatibility with the surrounding residential development. Such uses shall also be shown to have vehicular patterns, including parking and storage of motor vehicles, similar to those associated with professional offices. Noise levels and hours of operation shall also be considered. An approval granted under this section shall be issued to a specific user and shall not run with the land to subsequent users. A new conditional use approval shall be required when the user changes. A new conditional use approval may be issued by the zoning authority if it determines that the new user will maintain the same use as the original user and that such use will not have substantially different external effects, including, but not limited to, parking, vehicular traffic on and off the site, noise levels, hours of operation, and visual characteristics such as signage or changes to building design.

proposed addition:

- (2) Veterinary Hospitals provided they meet the following additional requirements:
  - a. that structures or pens for housing or containing the animals shall be completely enclosed
  - b. All pens, runs, or kennels, and other facilities shall be designed, constructed,  
and maintained in accordance with specific performance standards outlined in Sec. 14-151.

Sec. 14-163. Conditional Uses. (B-1 and B-1b Neighborhood Business Zones)

existing text

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone and in existence on November 15, 1993, as provided in section 14-474 (conditional uses), if they meet the following requirements:

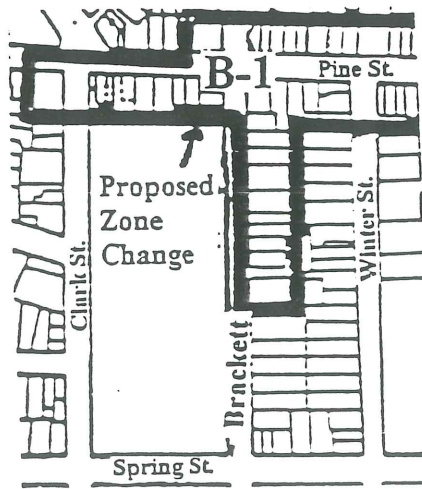
- (1) Restaurants, provided they meet the following requirements:
  - a. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
  - b. The hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. each day;
  - c. Food service and consumption are the primary function of the restaurant; and
  - d. There shall be no drive-in or drive-through service.

proposed addition

- (2) Veterinary Hospitals provided they meet the following requirements:
  - a. that structures or pens for housing or containing the animals shall be completely enclosed.
  - b. All pens, runs, or kennels, and other facilities shall be designed, constructed, and  
maintained in accordance with specific performance standards outlined in Sec. 14-167.

**PORTLAND PLANNING BOARD  
PUBLIC NOTICE**

Notice is hereby given that the Portland Planning Board will hold a public hearing Tuesday evening, March 24, 1998, at 6:00 p.m. in Room 209, City Hall, Portland, Maine to consider a contract rezoning requested by John Flood to allow a small-animal veterinary clinic at 192 Brackett Street. The proposed zone change would allow a veterinarian office on the first floor of an existing building at this location. The site is currently zoned B-1 Business. The B-1 zone does not permit veterinarian offices which is the reason for this zone change. Land area of the site is 4,800 sq. ft. The location of the zone change is shown on the fragmentary map below.



A summary of proposed contract zone text is shown below:

1. Proposed zone change amends the City zoning map.
2. Property to be developed in accordance with site plan.
3. Veterinarian use allowed in addition to other uses permitted in the B-1 zone.
4. Parking shall be provided as shown on the site plan.
5. Veterinarian use limited to treatment of cats and dogs.
6. Housing of animals shall be located within a completely enclosed structure.
7. Building shall have mechanical air exchange and cooling system to prevent need for open windows for ventilation.
8. Documentation shall be provided that the building has sufficient sound insulation to ensure compliance with noise requirement of the B-1 zone.
9. Number of dogs permitted at the facility shall not exceed 6. Not limit on cats.
10. Applicant shall maintain existing residential unit on the second floor.
11. Office hours of the veterinary use shall be limited to 30 hours per week. There shall be no more than 4 employees working at any one time.
12. No waste of any type shall be stored outside of the existing structure.
13. This contract is supplemental to uses and requirements of the B-1 zone.

Further information on this zone change request can be obtained at the Planning Department Office, City Hall, 4th floor or by calling 874-8721, extension 8725.

John Carroll, Chair  
Portland Planning Board

A COPY OF THE CONTRACT ZONE  
IS ATTACHED

BRACKETST.REZ  
02.23.98

AGREEMENT BETWEEN  
CITY OF PORTLAND

AND

JOHN FLOOD, DVM, AND NANCY FLOOD

AGREEMENT made this day of , 1998 by and between the CITY OF PORTLAND, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "CITY") and JOHN FLOOD, D.V.M., of 470 Youngs Ridge Road, Acton, Maine 04001 and NANCY FLOOD, of 969 Ocean Boulevard, Hampton, New Hampshire 03842 (hereinafter "FLOODS").

W I T N E S S E T H:

WHEREAS, FLOODS did request a rezoning of property located at 192 Brackett Street, in Portland, in order to permit the establishment and operation of veterinarian's offices, as limited herein; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual



BRACKETST.REZ  
02.23.98

nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY'S comprehensive land use plan; and

WHEREAS, the CITY authorized the execution of this Agreement on , 1998;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. FLOODS shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business zone
4. Parking shall be established and assigned as indicated on Attachment 2.
5. The veterinarian office use shall be limited to the treatment of cats and dogs only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure. *and other small domestic animals*
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows. Ventilation from open windows shall not be permitted.

BRACKETST.REZ  
02.23.98

- 8. FLOODS shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with the requirements of section 14-167(2), the noise requirements of the B-1 zone.
- 9. The number of dogs permitted overnight at the facility shall be six (6). There shall not be a limit on the number of cats.
- 10. FLOODS shall maintain the existing residential unit located on the second floor of the structure.
- 11. Office hours shall be limited to thirty (30) hours per week. There shall be no more than four (4) clinic employees, including veterinarians, working at any one (1) time.
- 12. No waste of any type shall be stored outside of the existing structure.
- 13. The provisions of this Agreement, including the permitted veterinarian use, are intended to be supplemental to the uses and requirements of the underlying B-1 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind FLOODS, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such

C-5

BRACKETST.REZ  
02.23.98

portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that FLOODS or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to B-1 or any successor zone and that this Agreement be terminated, requiring a cessation of the veterinarian office use.

WITNESS:

\_\_\_\_\_

CITY OF PORTLAND

By \_\_\_\_\_  
Robert B. Ganley  
Its City Manager

WITNESS:

\_\_\_\_\_

\_\_\_\_\_ John Flood, D.V.M.

WITNESS:

BRACKETST.REZ  
02.23.98

\_\_\_\_\_  
Nancy Flood

STATE OF MAINE  
CUMBERLAND, ss. \_\_\_\_\_, 1998

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss. \_\_\_\_\_, 1998

Personally appeared the above-named John Flood, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF NEW HAMPSHIRE  
, ss. \_\_\_\_\_, 1998

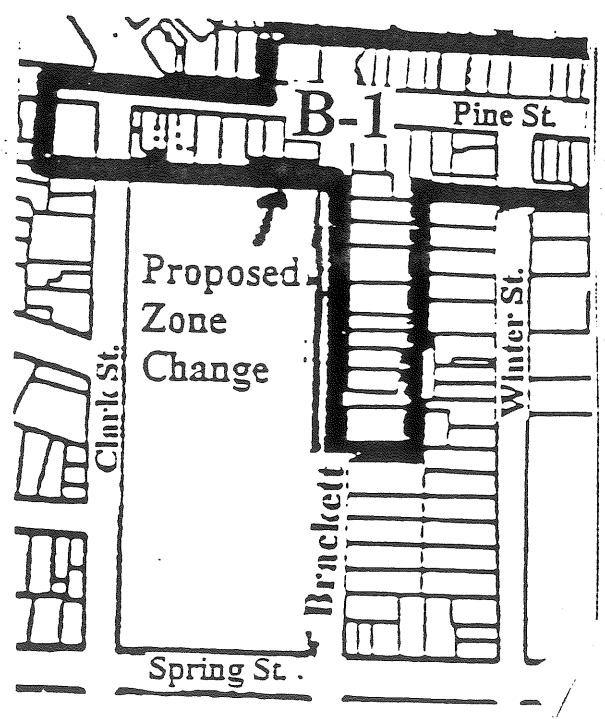
Personally appeared the above-named Nancy Flood, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

ATTACHMENT 1

PROPOSED CONTRACT ZONE IN THE VICINITY  
OF 192 BRACKETT STREET



①  
232.550  
0117

PLAYING  
FIELD

BASKET BALL  
COURT

BRACKETT

2 parking spaces

EXISTING BLDG  
PROPOSED VET CLINIC

4 IS MIN. METERS

4 leased  
parking spaces

PINE

ENCLOSURE

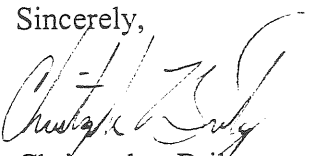
Rick Knowland  
Planning Dept.  
Portland Court House  
389 Congress St.  
Portland, Me 04101

Mr. Knowland,

In preparation of the planning board meeting on March 24<sup>th</sup> of the West End Veterinary Clinic, I have enclosed three drawings for your review. This should help you prepare questions for John Flood, our client, and us.

In our design, we have placed the clinic in the single story part, or rear, of the building. This would immediately eliminate any undesirable noise from the clinic that might otherwise reach the adjacent tenants or business establishments. To address the issue of any "new neighbors" that might establish themselves in the future, we have acoustically isolated all the areas in the clinic that have the potential for generating any significant noise. It is our intention to make this business a good (and silent) neighbor.

Feel free to contact me if you have any questions or comments about what you would like to see at the meeting.

Sincerely,  
  
Christopher Briley

March 19, 1998

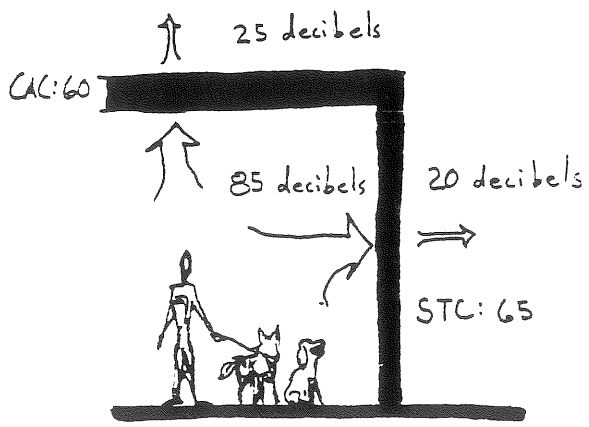
Rick Knowland  
Planning Department  
Portland Court House  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Knowland:

The purpose of this letter is to inform the reader of the principals involved in designing a soundproof environment as well as to reveal our intent for the design of this facility, the West End Veterinary Clinic.

An average group of dogs barking wildly will produce a volume of approximately 80-90 decibels. To deal with this high volume, we will be increasing the sound absorbing qualities of the walls and the ceilings in the areas of high to moderate volume potential. In the Drawings, you will occasionally see walls rated with an STC rating. This stands for Sound Transmission Class. The number that follows can be thought of as a direct subtraction of the decibels as they pass through the wall. For example, if there are a couple of dogs barking loudly on one side of the wall, lets say at 85 decibels, and this wall has an STC rating of 65, then as the sound passes through that wall, it will emerge on the other side with a decibel level of 20 decibels. (See Figure 1.)

Figure 1



Ceilings are rated the same way, only instead of an STC rating, they have a CAC rating, which stands for Ceiling Attenuation Class. It is primarily the exact same thing, just with a different name.



Rick Knowland  
March 19, 1998  
Page 2 of 2

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It is our intention to design this Veterinary Clinic with the areas of high volume isolated acoustically using conventional building materials and methods, meaning without buying expensive, high-tech soundproofing systems, thereby keeping the cost down for our client. To do this, we will basically be designing a room within a room for each area of high volume potential. We will also be pushing these areas of high volume potential as far away from adjacent buildings, businesses and residences. We, Stephen Blatt Architects, are certain that the West End Veterinary Clinic will be a positive contribution to the community, as well as silent one.

Sincerely,

Chris Briley  
Stephen Blatt Architects

CMB/dlj

NOTES

Sound is produced by a vibrating object or surface. In order for sound to be transmitted or propagated, it requires an elastic medium. The most common medium for transmission is the air. Such sound is called "air-borne sound." However, sound can also be easily transmitted through common building materials and components such as steel, concrete, wood and metal framing, piping, and gypsum wallboard. This type of sound is called "structure-borne sound."

A-weighted decibel [dB(A)] is a standard single-number rating representing the overall sound energy of a given source. The A-weighting network in a sound level meter filters sound in a manner similar to the human ear by downgrading low frequencies.

DECIBEL SCALE

The decibel (dB) scale is a logarithmic scale based on 10 times the logarithm of a ratio of sound pressures. The decibel levels of two noise sources cannot be added directly; instead use this simplified method:

difference between two sound levels, in dB	0-1	2	3	4	9	>10
add to the higher level	3	2	1	1	0	0

For example: 90 dB + 20 dB = 90 dB  
60 dB + 60 dB = 63 dB

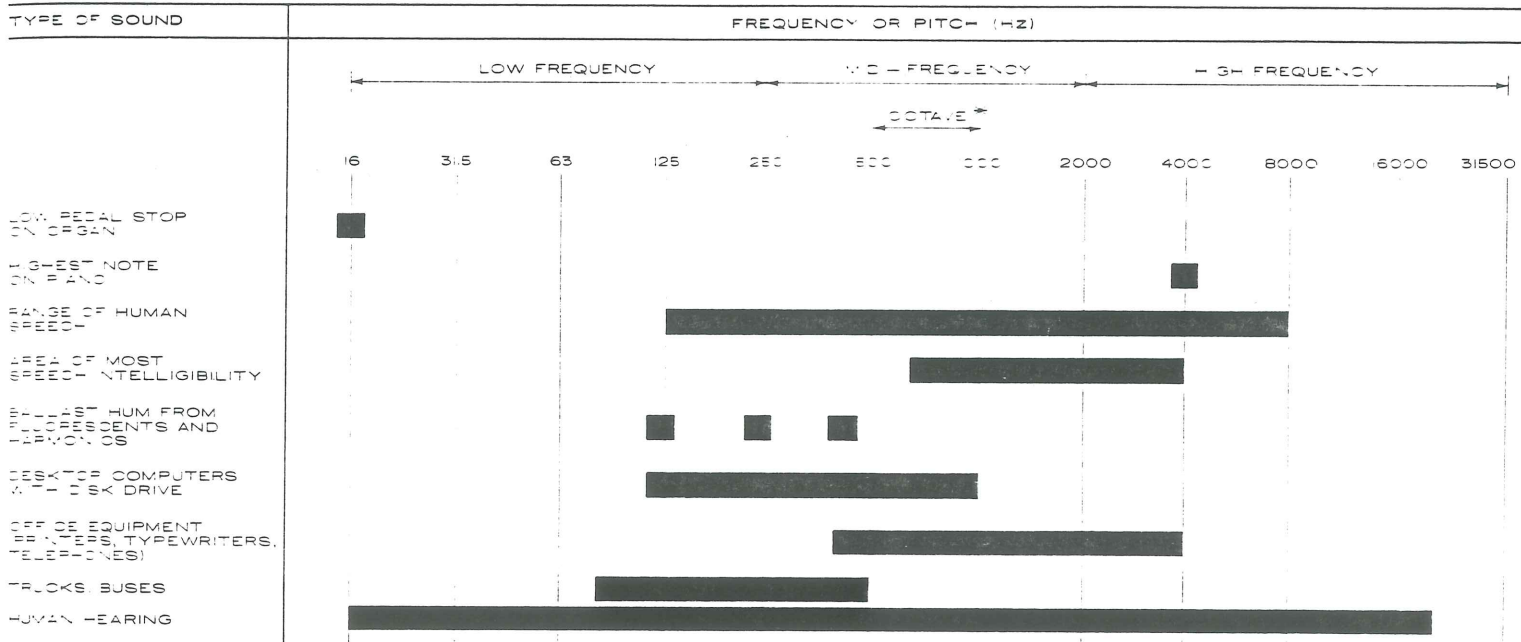
OCTAVE BAND

An octave band covers the range from one frequency (Hz) to twice that frequency (2f).

SUBJECTIVE FACTORS: EFFECT OF CHANGE IN SOUND PRESSURE LEVEL

CHANGE IN SOUND PRESSURE LEVEL (+ OR -) (dB)	CHANGE IN APPARENT LOUDNESS
3	Barely perceptible
5	Clearly noticeable
10	Dramatic: Twice as loud (OR 1/2)
15	Dramatic: Three times as loud (OR 1/3)
20	Dramatic: Four times as loud (OR 1/4)

FREQUENCY OF COMMON SOUNDS



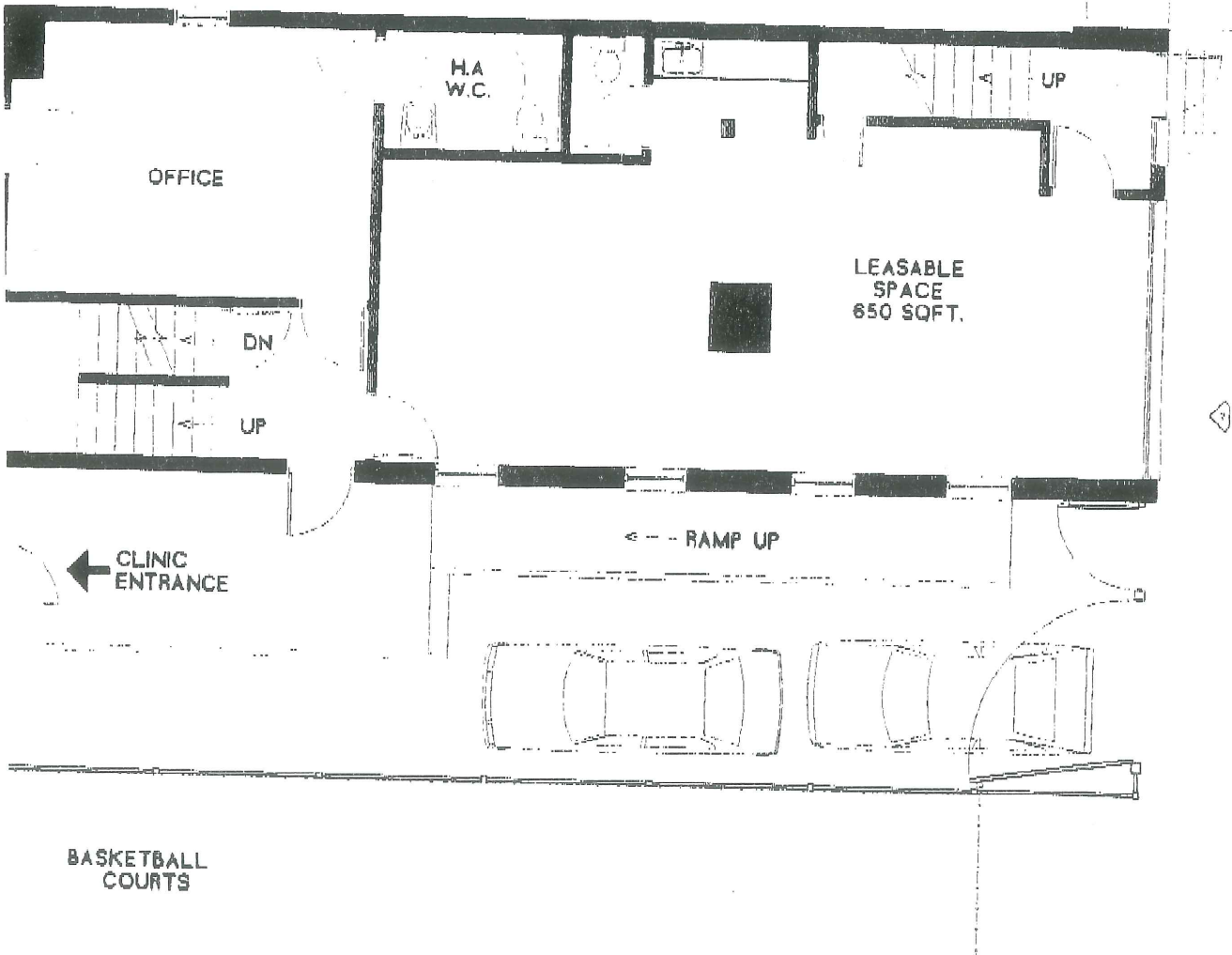
RELATIONSHIP OF SOUND LEVEL AND SUBJECTIVE LOUDNESS

SOUND LEVEL (dBA)	SUBJECTIVE EVALUATIONS	ENVIRONMENT		COMMENTS
		OUTDOOR	INDOOR	
140	Deafening	Near jet aircraft and artillery fire		Continuous exposure above here is likely to degrade the hearing of most people
130	Threshold of pain			
120	Threshold of feeling	Elevated train	Hard rock band	
110		Jet flyover at 1000 ft	Inside propeller plane	
100	Very loud	Power mower, motorcycle at 25 ft, auto horn at 10 ft		Range of Speech
90		Propeller plane flyover at 1000 ft, noisy urban street	Full symphony or band, food blender, noisy factory	
80	Moderately loud	Diesel truck at 40 mph at 50 ft	Inside auto at high speed, garbage disposal, dishwasher	
70	Loud		Face-to-face conversation, vacuum cleaner, electric typewriter	
60	Moderate	Air conditioning condenser at 15 ft, near freeway auto traffic	General office	
50	Quiet	Large transformer at 100 ft		
40		Birdcalls	Private office, soft radio music in apartment	
30	Very quiet	Quiet residential neighborhood	Bedroom, average residence without stereo	
20		Rustling leaves	Quiet theater, whisper	
10	Just audible			
0	Threshold of hearing			

Post-it® Fax Note	7671	Date	5-15	# of pages	1
To	Rick Knowland	From	Chris Briley		
Co./Dept.	City Planning	Co	Stephen Blatt Architects		
Phone #		Phone #	761-5911		
Fax #	756-8258	Fax #			

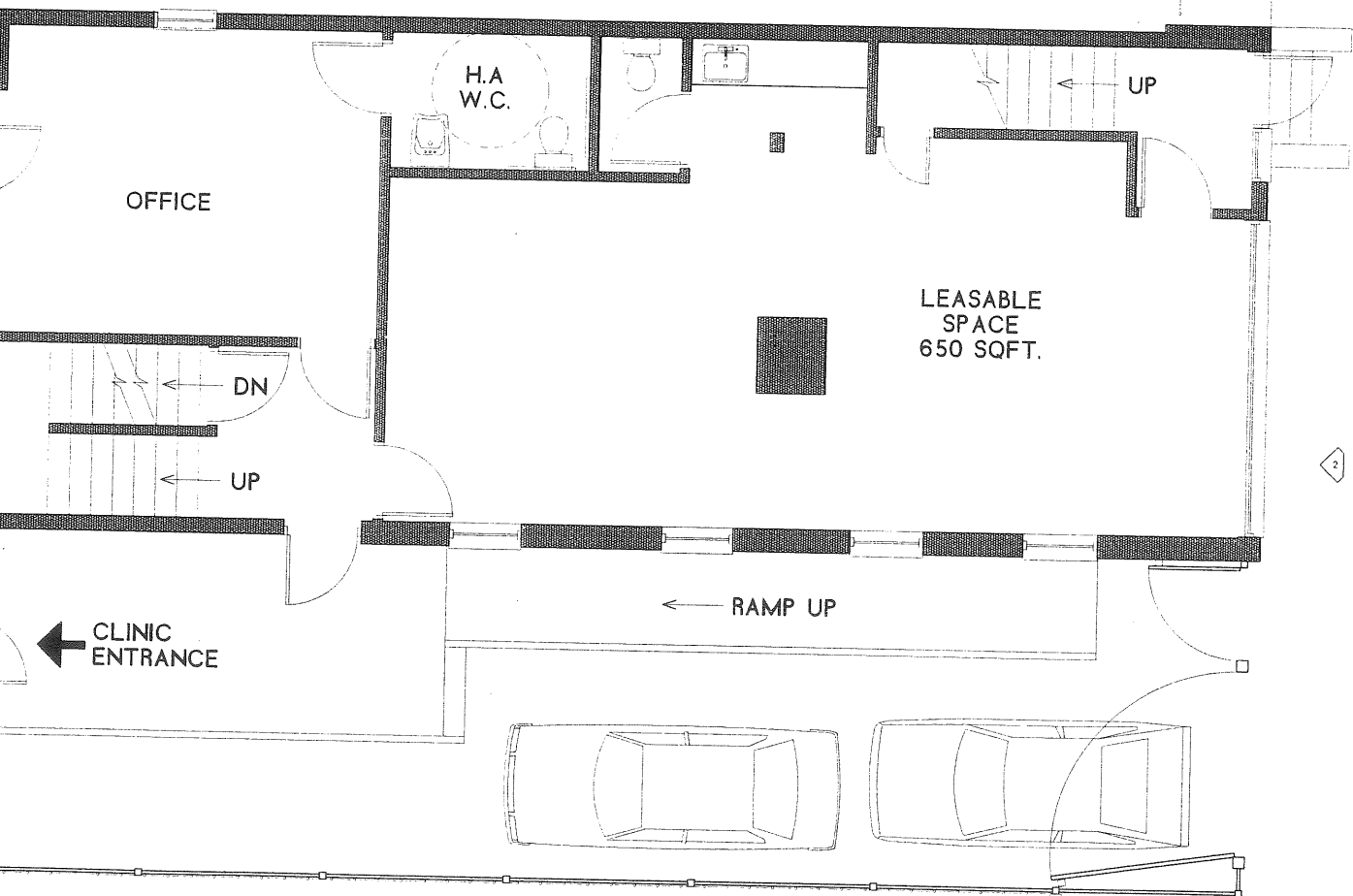
Re: Flood - Veterinary Clinic

APARTMENTS



Re: Flood - Veterinary Clinic

APARTMENTS

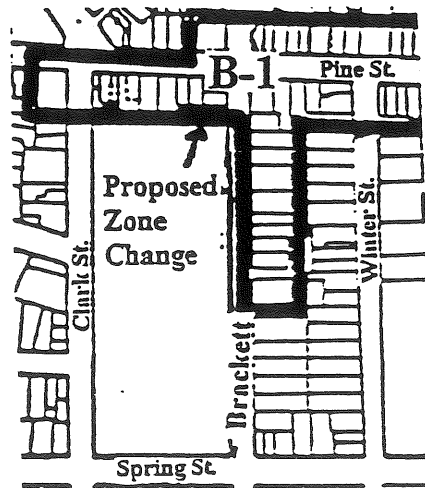


BASKETBALL  
COURTS



**PORTLAND PLANNING BOARD  
PUBLIC NOTICE**

Notice is hereby given that the Portland Planning Board will hold a public hearing Tuesday evening, March 24, 1998, at 6:00 p.m. in Room 209, City Hall, Portland, Maine to consider a contract rezoning requested by John Flood to allow a small-animal veterinary clinic at 192 Brackett Street. The proposed zone change would allow a veterinarian office on the first floor of an existing building at this location. The site is currently zoned B-1 Business. The B-1 zone does not permit veterinarian offices which is the reason for this zone change. Land area of the site is 4,800 sq. ft. The location of the zone change is shown on the fragmentary map below.



A summary of proposed contract zone text is shown below:

1. Proposed zone change amends the City zoning map.
2. Property to be developed in accordance with site plan.
3. Veterinarian use allowed in addition to other uses permitted in the B-1 zone.
4. Parking shall be provided as shown on the site plan.
5. Veterinarian use limited to treatment of cats and dogs.
6. Housing of animals shall be located within a completely enclosed structure.
7. Building shall have mechanical air exchange and cooling system to prevent need for open windows for ventilation.
8. Documentation shall be provided that the building has sufficient sound insulation to ensure compliance with noise requirement of the B-1 zone.
9. Number of dogs permitted at the facility shall not exceed 6. Not limit on cats.
10. Applicant shall maintain existing residential unit on the second floor.
11. Office hours of the veterinary use shall be limited to 30 hours per week. There shall be no more than 4 employees working at any one time.
12. No waste of any type shall be stored outside of the existing structure.
13. This contract is supplemental to uses and requirements of the B-1 zone.

Further information on this zone change request can be obtained at the Planning Department Office, City Hall, 4th floor or by calling 874-8721, extension 8725.

John Carroll, Chair  
Portland Planning Board

A COPY OF THE CONTRACT ZONE  
IS ATTACHED

POSTED  
3-9-98





**FLOOD CONTRACT ZONE FOR A VETERINARIAN OFFICE**

**192 BRACKETT STREET**

**JOHN FLOOD, APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

March 24, 1998



## I. Introduction

A public hearing has been scheduled to consider a contract zone proposed by John Flood (DVM) for a small animal veterinary practice at 192 Brackett Street. Although the site is presently zoned B-1 business, the zoning text excludes veterinarians (Sec. 14-162(s)(a).) The applicant is therefore requesting a contract zone.

460 notices were sent to area residents.

## II. Findings

Existing Zone:	B-1 Business
Land Area:	4,800 sq. ft.
Existing Building Floor Area:	3,876 sq. ft.
Proposed Use:	Small animal veterinary practice; plus potential space for another business use (1st floor) Apartment (2nd floor)
Existing Use:	Day care and an apartment
Parking:	Two on-site; 4 leased across the street
Nearby Land Uses:	The property is located in a B-1 zone that includes a mix of commercial and residential uses. Also abutting the site is an apartment building. The parking lot for the Westside Restaurant is adjacent to the rear property line. Other nearby uses on Pine Street include Cumberland Farms, Supreme Pizza, Aurora Grocery and residences. Along Brackett Street uses include parking lots, Portland West/Youth Build offices and residences. The Reiche School campus and a basketball court are adjacent to the site.

## III. Contract Zone

The proposed zone change is modeled after the "Cat Doctor" contract zone approved by the City Council in 1996 in a B-1 zone at 183 Brighton Avenue (corner of Devonshire Street.) The Cat Doctor zone change (proposed by D. DiFalco and K. Hoyt) is similar to the applicant's, except that the Cat Doctor practice was limited to cats.

The summary of the proposed contract provisions appears below. The contract is shown on Attachment C.

1. Proposed zone change amends the City zoning map.
2. Property to be developed in accordance with site plan.
3. Veterinarian use allowed in addition to other uses permitted in the B-1 zone . . . [Note this condition would not preclude another business use in the building. For example, the section of the building closest to Brackett Street is shown as vacant space. Any use allowed in the B-1 zone would be permitted in this space under the terms of this contract.]
4. Parking shall be provided as shown on the site plan.
5. Veterinarian use limited to treatment of cats and dogs.
6. Housing of animals shall be located within a completely enclosed structure.

7. Building shall have mechanical air exchange and cooling system to prevent need for open windows for ventilation.
8. Documentation shall be provided that the building has sufficient sound insulation to ensure compliance with noise requirement of the B-1 zone . . . [Note, see Section IV of this report regarding noise issues.]
9. Number of dogs permitted at the facility shall not exceed 6. No limit on cats . . . [Note, dog parking is louder than feline noise. The Cat Doctor zone change excluded dogs.]
10. Applicant shall maintain existing residential unit on the second floor.
11. Operation of the veterinary use shall be limited to 30 hours per week. There shall be no more than 4 people working at any one time.
12. No waste of any type shall be stored outside of the existing structure.
13. This contract is supplemental to uses and requirements of the B-1 zone.

#### IV. Zoning Policy Analysis

##### Comparison of Cat Doctor and Flood Zone Changes:

The Cat Doctor contract zone (183 Brighton Avenue), which served as the model for the Flood zone change, is located along a busy arterial on a lot of 8,000 sq. ft. The original zoning was B-1. The facility is adjacent to the intersection of Brighton Avenue, St. John Street, Noyes Street, and Devonshire Street. The veterinary practice is limited to cats. The Flood site is located on a lot of 4,800 sq. ft., in a dense peninsula neighborhood, with a mix of residential and commercial uses. Although the Reiche School side of the building abuts a city park, the opposite side of the building is only about 7 feet from a residential building. The Flood practice includes cats and dogs. The potential for noise concerns is therefore greater.

The Cat Doctor application offered the following reasons in support of a veterinarian in a B-1 Zone.

"(a) Veterinary Use is directly associated with residential neighborhoods. Studies have shown that the typical veterinary client resides within a 1-2 mile radius of the site selected. This is particularly true in urban/suburban settings. The location of veterinary hospitals at the periphery of residential zone provides convenient access for clientele.

(b) Most veterinary hospitals today are "high tech" health care facilities in which the overnight housing of animals is predominantly if not exclusively confined to patients requiring hospital care. Modern veterinary hospitals have characteristics similar to but no more objectionable than those generally associated with professional offices.

(c) Existing language addressing the requirements for the abatement of adverse external effects for any use in the R-P or B-1 zones (Sec. 14-151 and Sec. 14-167) can easily be applied to the operation of a veterinary hospital as well. Noise transmission, a particular concern with a veterinary facility, is a predictable and measurable quantity. Current construction technology allows us to reduce the noise transmission from within a building to adjacent property lines to any level required to the ordinances."

## Policy Analysis

The Commercial Zoning Policies of Portland's Comprehensive Plan encourage the development of new commercial enterprises within the existing neighborhood centers. Secondly, the policies recommend that the City maintain and promote a community which is attractive to both existing and prospective families and homeowners to help support the neighborhood commercial district.

A Time of Change: Portland's Transportation Plan is a component of the City's Comprehensive Plan, and it include the following policy:

Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences and fit into the fabric of the neighborhood.

The B-1 zone is designed to provide "limited areas for the location of small-scale commercial establishments intended to serve a local market". The B-1 zone permits the following business uses: professional offices; business services; personal services; offices of building tradesmen (provided that there is no exterior storage of building materials); and retail sales and services (provided no drive-in or drive-through sales and services.)

However, as a policy, the B-1 text specifically excludes veterinary uses under professional offices. Although a veterinarian is a professional office, clearly the noise factor and other factors are compelling concerns for excluding this use from that zone. However, the Board felt in the Cat Doctor scenario that the specific location and specific type of use (cat only) was appropriate for a contract zone. As discussed in the previous paragraphs, there are significance differences between the Cat Doctor and the Flood zone change in terms of location, neighborhood density, and setback from adjacent residential uses. Noise issues are addressed below.

## V. Noise Issues

The proposed contract references conformance with the B-1 zone sound standard (condition #8.) However, given the density of this neighborhood, a 55 decibel standard (at the property line) does not appear stringent enough. Staff requested that the applicant have an architect summarize the sound mitigation measures that will be utilized for this project. See Attachment D-2. The report states:

An average group of dogs barking wildly will produce a volume of approximately 80-90 decibels. To deal with this high volume, we will be increasing the sound absorbing qualities of the walls and the ceilings in the areas of high to moderate volume potential. In the drawings, you will occasionally see walls rated with an STC rating. This stands for Sound Transmission Class. The number that follows

can be thought of as a direct subtraction of the decibels as they pass through the wall. For example, if there are a couple of dogs barking loudly on one side of the wall, lets say at 85 decibels, and this wall has an STC rating of 65, then as the sound passes through that wall, it will emerge on the other side with a decibel level of 20 decibels.

The submitted drawings appear to meet a 20 decibel standard for the walls of the clinic and a 25 decibel level for the ceiling.

Given the technology to reduce noise levels, staff would suggest that the wording of condition #8 be revised to reflect a lower decibel level.

The Board could use the 20 decibel standard (walls) and 25 decibel standard (ceiling) in the contract or perhaps a more flexible approach. If the Board were to choose a 30 decibel standard (see Attachment D-4, sound level chart), it would be the equivalent of sound emitted for a "quiet residential neighborhood". This noise level falls between bird calls (40 decibels) and rustling leaves (20 decibels).

## **VII. Site Plan**

A concept site plan has been submitted. The existing building covers over half of the site. The original site plan indicates that two piggyback parking spaces will be provided on the site (Attachment C-8). Presumably this would be employee parking. A revised plan (Attachments D-5 and D-6) indicates that a wood fence and sign will be placed near the streetline in front of the parking spaces replacing a chain link fence. This will also serve as the main pedestrian entrance into the clinic. Since the opening of the gate is only about 6 1/2 feet wide, this is a very tight driveway opening. It would be awkward for a pedestrian to walk through with a parked car in place. The overall length of the two parking spaces is about 33 feet - enough for two compact cars.

It would appear that the applicant has changed his intentions since the previous workshop. We would suggest that a condition #14 be added to the contract requiring administrative site plan review. This issue will need to be clarified since the two parking spaces as designed are potentially not functional and would intrude upon pedestrians walking from the sidewalk into the clinic.

## **VIII. Motions for the Board to Consider**

On the basis of plans and materials submitted by John Flood D.V.M., the policies of the B-1 Neighborhood Business Zone, the Comprehensive Plan, the information provided in Planning Report #9-98, and/or other findings as follows:

The Board finds that:

1. The proposed contract zone change [is or is not] consistent with policies of the B-1 Neighborhood Business Zone and Comprehensive Plan of the City of Portland. The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed contract rezoning at 192 Brackett Street to permit the establishment and operation of veterinarian's offices, limited to the treatment of cats and dogs.

Potential amendments to Contract Zone

- a. Revise condition #8 referencing compliance with a sound standard of \_\_\_\_\_ decibels using the noise measuring standards of Section 14-167(2)(B-1 zone.) . . . Note: see Section VI above.
- b. Add condition #14 requiring administrative site plan review and approval for this proposal.

Attachments:

- A. Background Information
- B. Vicinity Maps
- C. Contract Zone
- D. Noise Information and Related Plans

A-4

(E)  
232.550  
CITY

BRACKETT

PLAYING  
FIELD

BASKETBALL  
COURT

2 parking spaces

EXISTING BLDG  
PROPOSED VET CLINIC

OO

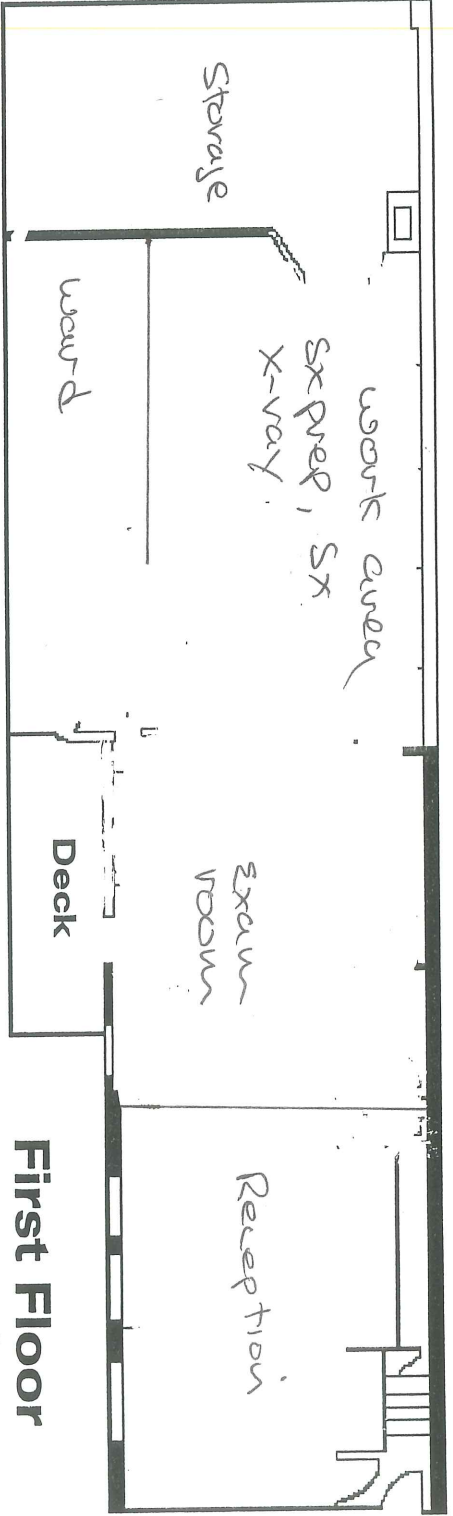
2 trash cans  
enclosed by  
fence

4 15 min. meters

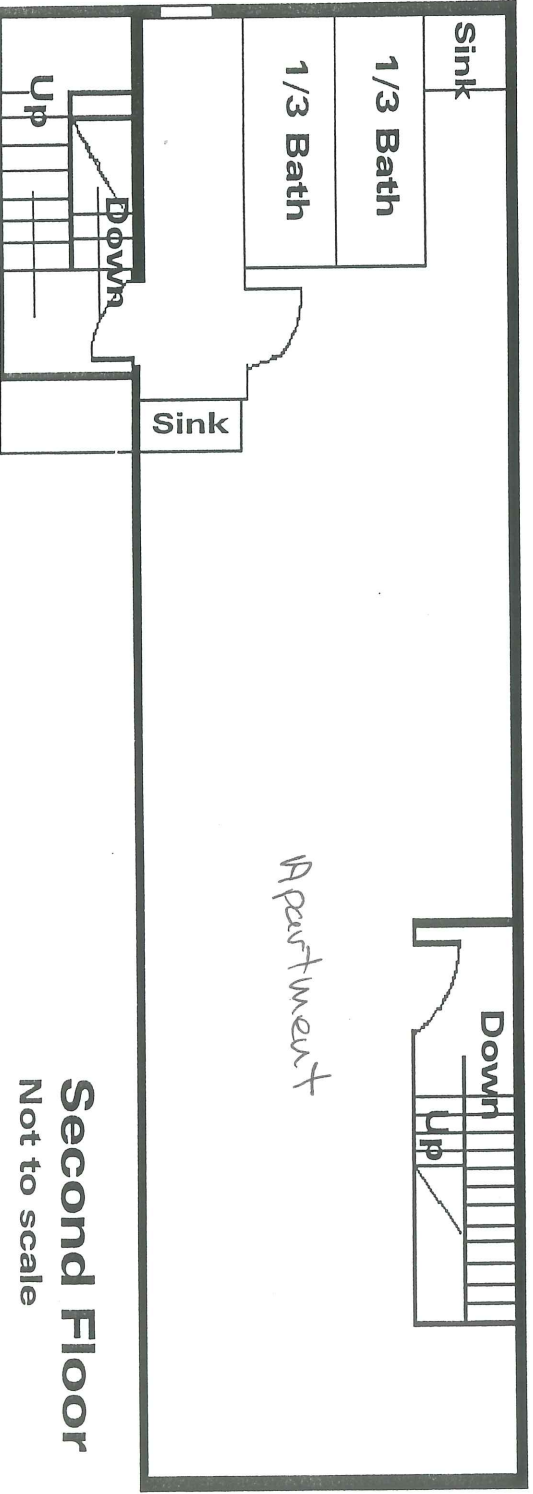
4 leased  
parking spaces

PINE

A-5



**First Floor**  
Not to scale



**Second Floor**  
Not to scale



**MALONE COMMERCIAL BROKERS**

MEMA  
Member  
Maine Restaurant  
Association

Member of  
International Council  
of Shopping Centers



Individual Member

# 192 BRACKETT STREET



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ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.  
470 Youngs Ridge Road  
Acton, Maine 04001  
Telephone: (207) 477-8144

**Re: Zoning Text Amendment**

The following two pages contain a proposed text amendment and a brief statement of the purpose of the proposed amendment. These are taken from the 1995 application of Dr. DiFalco. They serve the equally well for this application.



Purpose of Proposed Amendment

The proposed text amendment will modify the broad exclusion of veterinarians in the buffer zones (R-P, B-1, and B-1b) allowing the operation of a veterinary hospital as a conditional use when specific performance standards are met. This amendment to the zoning ordinance is desirable for the following reasons:

(1) Veterinary hospitals are a small business use ideally suited to achieve the stated goals of the R-P, B-1, and B-1b zones.

Sec. 14-146. Purposes (R-P Zone Residence-Professional Zone)

a. To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods.

b. To serve as a transition or buffer zone between residential and more intensive non-residential zones.

Sec. 14-161. Purpose (B-1 and B-1b Zones Neighborhood Business Zones)

The purpose of the B1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market.

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(2) Veterinary Use is directly associated with residential neighborhoods. Studies have shown that the typical veterinary client resides within a 1-2 mile radius of the site selected. This is particularly true in urban/suburban settings. The location of veterinary hospitals at the periphery of residential zones provides convenient access for clientele.

(3) Most veterinary hospitals today are "high tech" health care facilities in which the overnight housing of animals is predominantly if not exclusively confined to patients requiring hospital care. Modern veterinary hospitals have characteristics similar to but no more objectionable than those generally associated with professional offices.

(4) Existing language addressing the requirements for the abatement of adverse external effects for any use in the R-P or B-1 zones (Sec. 14-151 and Sec. 14-167) can easily be applied to the operation of a veterinary hospital as well. Noise transmission, a particular concern with a veterinary facility, is a predictable and measurable quantity. Current construction technology allows us to reduce the noise transmission from within a building to adjacent property lines to any level required by the ordinances.

Proposed Text Amendment

A-11

Sec. 14-147.5. Conditional Uses. (R-P Residence-Professional Zone)

existing text:

The following uses are permitted as provided in section 14-174 (conditional uses) if they meet the following requirements:

- (1) Such other offices which have characteristics similar to but no more objectionable than those generally associated with professional offices. In determining appropriateness, the zoning board shall consider the quality of building design and materials, signage, and landscaping, and their general compatibility with the surrounding residential development. Such uses shall also be shown to have vehicular patterns, including parking and storage of motor vehicles, similar to those associated with professional offices. Noise levels and hours of operation shall also be considered. An approval granted under this section shall be issued to a specific user and shall not run with the land to subsequent users. A new conditional use approval shall be required when the user changes. A new conditional use approval may be issued by the zoning authority if it determines that the new user will maintain the same use as the original user and that such use will not have substantially different external effects, including, but not limited to, parking, vehicular traffic on and off the site, noise levels, hours of operation, and visual characteristics such as signage or changes to building design.

proposed addition:

- (2) Veterinary Hospitals provided they meet the following additional requirements:
  - a. that structures or pens for housing or containing the animals shall be completely enclosed
  - b. All pens, runs, or kennels, and other facilities shall be designed, constructed,  
and maintained in accordance with specific performance standards outlined in Sec. 14-151.

Sec. 14-163. Conditional Uses. (B-1 and B-1b Neighborhood Business Zones)

existing text:

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone and in existence on November 15, 1993, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (1) Restaurants, provided they meet the following requirements:
  - a. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
  - b. The hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. each day;
  - c. Food service and consumption are the primary function of the restaurant; and
  - d. There shall be no drive-in or drive-through service.

proposed addition

- (2) Veterinary Hospitals provided they meet the following requirements:
  - a. that structures or pens for housing or containing the animals shall be completely enclosed.
  - b. All pens, runs, or kennels, and other facilities shall be designed, constructed, and  
maintained in accordance with specific performance standards outlined in Sec. 14-167.

BRACKETST.REZ  
02.23.98

**AGREEMENT BETWEEN**

**CITY OF PORTLAND**

**AND**

**JOHN FLOOD, DVM, AND NANCY FLOOD**

**AGREEMENT** made this      day of      , 1998 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **JOHN FLOOD, D.V.M.**, of 470 Youngs Ridge Road, Acton, Maine 04001 and **NANCY FLOOD**, of 969 Ocean Boulevard, Hampton, New Hampshire 03842 (hereinafter "**FLOODS**").

**W I T N E S S E T H:**

**WHEREAS**, **FLOODS** did request a rezoning of property located at 192 Brackett Street, in Portland, in order to permit the establishment and operation of veterinarian's offices, as limited herein; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS**, the **CITY** has determined that because of the unusual

BRACKETST.REZ  
02.23.98

nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan; and

WHEREAS, the CITY authorized the execution of this Agreement on , 1998;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. FLOODS shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business zone
4. Parking shall be established and assigned as indicated on Attachment 2.
5. The veterinarian office use shall be limited to the treatment of cats and dogs only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure.
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows. Ventilation from open windows shall not be permitted.

BRACKETST.REZ  
02.23.98

- 8. FLOODS shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with the requirements of section 14-167(2), the noise requirements of the B-1 zone.
- 9. The number of dogs permitted overnight at the facility shall be six (6). There shall not be a limit on the number of cats.
- 10. FLOODS shall maintain the existing residential unit located on the second floor of the structure.
- 11. Office hours shall be limited to thirty (30) hours per week. There shall be no more than four (4) clinic employees, including veterinarians, working at any one (1) time.
- 12. No waste of any type shall be stored outside of the existing structure.
- 13. The provisions of this Agreement, including the permitted veterinarian use, are intended to be supplemental to the uses and requirements of the underlying B-1 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind FLOODS, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such

C-5

BRACKETST.REZ  
02.23.98

portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that FLOODS or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to B-1 or any successor zone and that this Agreement be terminated, requiring a cessation of the veterinarian office use.

WITNESS:

\_\_\_\_\_

CITY OF PORTLAND

By \_\_\_\_\_  
Robert B. Ganley  
Its City Manager

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
John Flood, D.V.M.

WITNESS:

BRACKETST.REZ  
02.23.98

\_\_\_\_\_  
Nancy Flood

STATE OF MAINE  
CUMBERLAND, ss.

, 1998

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss.

, 1998

Personally appeared the above-named John Flood, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF NEW HAMPSHIRE  
, ss.

, 1998

Personally appeared the above-named Nancy Flood, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

The Board finds that:

1. The proposed contract zone change [is or is not] consistent with policies of the B-1 Neighborhood Business Zone and Comprehensive Plan of the City of Portland. The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed contract rezoning at 192 Brackett Street to permit the establishment and operation of veterinarian's offices, limited to the treatment of cats and dogs.

Potential amendments to Contract Zone

- a. Revise condition #8 referencing compliance with a sound standard of \_\_\_\_\_ decibels using the noise measuring standards of Section 14-167(2)(B-1 zone.) . . . Note: see Section VI above.
- b. Add condition #14 requiring administrative site plan review and approval for this proposal.

Attachments:

- A. Background Information
- B. Vicinity Maps
- C. Contract Zone
- D. Noise Information and Related Plans



March 24, 1998

**Proposed Amendments to Flood Contract Zone**

8. **FLOODS shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with a \_\_\_\_\_ decibel standard using the noise measurement standard of Section 14-167 (2) as measured at the property line.**
14. **Floods shall submit a site plan for review and approval by the Planning Authority.**

March 23, 1998

Portland City Hall  
Planning Board  
389 Congress Street  
Portland, Maine 04101

Dear Planning Board Members,

I own property at 52-56 Pine Street, Portland and am a direct abutter to the 192 Brackett Street property at which John Flood wants to create a veterinary clinic. I'm writing to say that I think a vet clinic would be a nice addition to this neighborhood.

Sincerely,

  
Dan Peters

March 23, 1998

Portland City Hall  
Planning Board  
389 Congress Street  
Portland, Maine 04101

Dear Planning Board Members,

I own property at 52-56 Pine Street, Portland and am a direct abutter to the 192 Brackett Street property at which John Flood wants to create a veterinary clinic. I'm writing to say that I think a vet clinic would be a nice addition to this neighborhood.

Sincerely,

  
Dan Peters

March 23, 1998

John Flood  
Acton Vet Clinic  
Acton, Maine

Dear John,

Per your request, I agree to lease you four parking spaces on an annual basis in my parking lot at 54 Pine Street for use at your upcoming vet clinic at 192 Brackett Street.

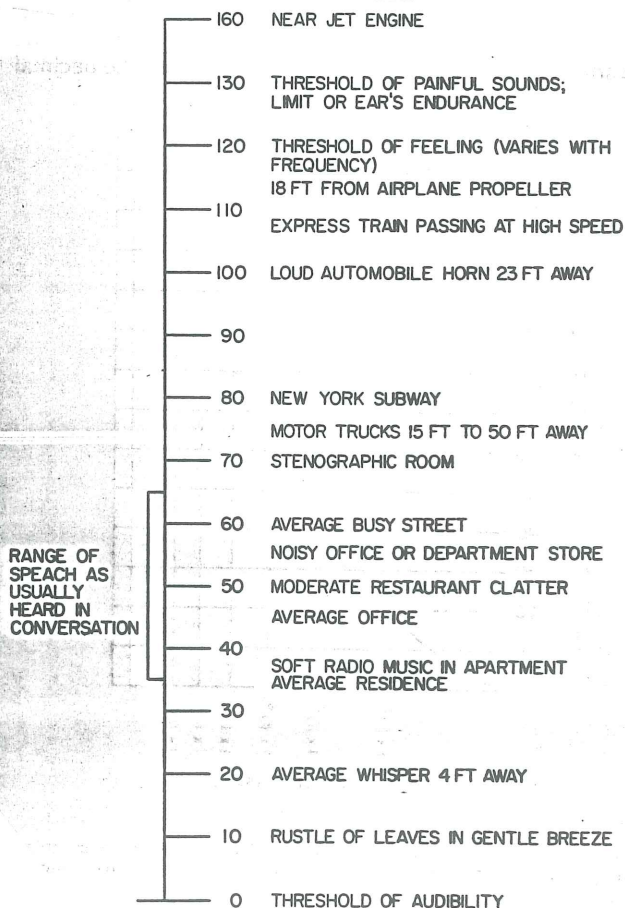
Sincerely,

Dan Peters

scale. And so on, between any two points on this chart within its entire range. What all this means is that if sound A is 100 times more intense than sound B, as measured by a sound-level meter, we will think sound B is only twice as loud. And if sound A is 1000 times more intense than sound B, we will think sound B is only three times as loud, and so on. This relationship between the subjective loudness of sounds and their actual sound intensities is true over the entire range of our hearing.

In acoustics, the relationship between actual sound intensities and their subjective loudness is measured by the *decibel* scale (abbreviated dB), named in honor of Alexander Graham Bell. Thus, on the decibel scale, a 10-point change in the apparent loudness of a sound means that the sound seems to us to become twice as loud (or one-half as loud) as it was before. In fact, of course, the actual intensity of the sound will be 100 times as great as (or less than) it was before. One of the things that the decibel scale does, therefore, is allow us to rate the intensity of sound subjectively. In Table 1, for example, a whisper is shown to be about 10 dB louder than the rustle of leaves; that is, the whisper will sound about twice as loud to us as the leaves do. In fact, of course, the noise made by the whisper is 100 times as loud as the noise made by the leaves. In the same way, Table 1 shows that there is about a 10-dB difference in apparent loudness between the noise of a loud horn in traffic and the sound made by an express train passing close to us at high speed. Again, the actual difference in sound intensity between traffic noises and an express train is enormously greater than the difference between a whisper and the sound of rustling leaves. Nevertheless, the subjective reality is that the train will sound only twice as loud as traffic and rustling leaves will sound only twice as loud as a whisper.

Table 1. The Decibel Scale of Sound Intensities



## SOUND ISOLATION

With this understanding of what decibels represent firmly in our minds, we can now consider how sounds travel from one room to another within a house and what can be done to *isolate* the sound—to prevent its traveling from one room to another.

Imagine two rooms separated from each other by a solid partition. The construction of the partition is irrelevant for the moment. A sound originating in one of these rooms will travel through the air as alternately compressed and rarefied molecules of air. The force with which these air molecules strike the partition, though extremely weak, is still sufficiently strong to cause the partition to vibrate sympathetically with the original sound. And because this apparently solid partition vibrates, no matter how imperceptibly, the original sound will be transmitted into the second room.

The loudness with which the sound is heard in the second room will be weaker than the original sound for several reasons. First, all sound waves attenuate in strength as they travel away from the source of the sound. For example, whatever the strength of the original sound (and neglecting for the moment the effects of reverberant sound within a room), 10 ft from the source the sound waves will be about one-half as energetic as they were originally; 20 ft from the source they will be about one-quarter as energetic; 30 ft away they will be about one-eighth as energetic, and so on, until the sound becomes too weak to be heard. This conforms to our ordinary experience of how sounds travel. In short, the force with which the original sound impinges on a partition will depend on the distance between the origin of the sound and the partition.

Second, a certain percentage of the impinging sound waves will be reflected back from the partition into the room. The actual percent reflected will depend on the nature of the surface. A smooth, hard plaster surface, for example, reflects more sound than heavy cloth drapes do.

Third, some of the sound will be absorbed by the wall, depending, again, on the nature of the wall material. Materials like plaster, glass, concrete, and plywood absorb very little sound. A soft, porous material like fiberboard absorbs a great deal. The type of porosity in the material is important. A material like fiberboard that has a fibrous structure in which a great many interconnecting internal passageways are exposed on the surface will trap a large percentage of impinging air molecules. The molecules will dissipate their energy in the form of heat as they repeatedly strike the sides of these passageways. The structure of another type of porous material consists of self-contained cells that are not exposed to the air. Cork and styrofoam are examples. These materials are relatively poor sound absorbers.

The proportion of impinging sound energy that is absorbed by any given material is measured by its *absorption coefficient*. This is a number that will lie somewhere between 0 (for complete reflection of the sound) to 1.0 (for complete absorption). An open window, for example, has an absorption coefficient of 1.0, since it can reflect nothing, while a sheet of glass has an absorption coefficient of 0.027, which means it reflects all but 2.7 percent of the sound energy striking it. Elaborate tests have been conducted on a wide range of construction materials to determine their absorption coefficients at different frequencies. Table 2 shows a representative sample of materials and their absorption coefficients.

When one subtracts the sound that is either reflected or absorbed, what remains is the sound energy that actually passes through the partition. The difference, in decibels, between the original amount of sound energy on opposite sides of the partition is the partition's *transmission loss*. A partition that is very efficient in preventing the passage of sound has a high transmission loss; it is an excellent sound

March 24, 1998

Proposed Amendments to Flood Contract Zone

8. FLOODS shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with a 40 decibel standard using the noise measurement standard of Section 14-167 (2) as measured at the property line.
14. Floods shall submit a site plan for review and approval by the Planning Authority.

*add to conditions  
other small domestic animal*

BK 14045PG324

## WARRANTY DEED

I, **KENNETH S. RAY**

052604

of 4 Milk Street, Portland, Maine 04101, for consideration paid, grant to

**NANCY K. FLOOD**

of 969 Ocean Blvd., Hampton, NH 03842, her heirs and assigns forever, with WARRANTY COVENANTS, the following described land in Portland, County of Cumberland, and State of Maine:

See Exhibit A attached hereto and made a part hereof


Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this 29th day of July, 1998.

  
\_\_\_\_\_  
Kenneth S. Ray

State of Maine,  
County of Cumberland,

Personally appeared before me Kenneth S. Ray and acknowledged the foregoing instrument to be his free act and deed.

  
\_\_\_\_\_  
James A. Hopkins  
Attorney-at-Law

98-2013

MAINE REAL ESTATE TAX PAID

BK14045PG325

EXHIBIT A - PROPERTY DESCRIPTION

Closing date: 07/29/1998  
Borrower(s): Nancy K. Flood  
Property Address: 192 Brackett Street, Portland, Maine 04101

A certain lot or parcel of land, with the buildings thereon, situated on the southwesterly side of Brackett Street in Portland, County of Cumberland and State of Maine, more particularly bounded and described as follows:

Beginning at the easterly corner of lot of land sold to Dudley-Weed Drug Company by deed of Annie G. Canter, dated September 16, 1932 and recorded in the Cumberland County Registry of Deeds in Book 1409, Page 44, which said point is seventy-three (73) feet distant from the city street monument at the intersection of Pine and Brackett Streets; thence southeasterly on Brackett Street thirty-eight (38) feet to land now or formerly of one Freeman; thence southwesterly by said Freeman land one hundred twenty (120) feet to land now or formerly of one Tinkham; thence northwesterly thirty-eight (38) feet to land of Dudley-Weed Drug Company; thence northeasterly by said Dudley-Weed Drug Company land one hundred twenty (120) feet to the point of beginning.

Being a portion of the same premises conveyed to Kenneth S. Ray by CGO, Inc., by deed dated May 14, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13080, Page 71.

RECEIVED  
REGISTRY OF DEEDS

1993 AUG -6 PM 3: 18

CUMBERLAND COUNTY

John B. O'Brien

KSR



## GENERAL POWER OF ATTORNEY

I, Nancy K Flood, residing at 75 Langford, Toronto, Ontario, Canada, hereby appoint John G Flood Jr of Box 770, Acton, Maine as my Attorney-in-Fact ("Agent").

My Agent shall have full power and authority to act on my behalf. This power and authority shall authorize my Agent to manage and conduct all of my affairs and to exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future. My Agent's powers shall include, but not be limited to, the power to:

1. Open, maintain or close bank accounts (including, but not limited to checking accounts, savings accounts, and certificates of deposit), brokerage accounts, and other similar accounts with financial institutions.
  - a. Conduct any business with any banking or financial institution with respect to any of my accounts, including but not limited to, making deposits and withdrawals, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity.
  - b. Perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities.
  - c. Have access to any safety deposit box that I might own, including its contents.
2. Sell, exchange, buy, invest, or reinvest any assets or property owned by me. Such assets or property may include income producing or non-income producing assets and property.
3. Purchase and/or maintain insurance, including life insurance upon my life or the life of any other appropriate person.
4. Take any and all legal steps necessary to collect any amount or debt owed to me, or to settle any claim, whether made against me or asserted on my behalf against any other person or entity.
5. Enter into binding contracts on my behalf.
6. Exercise all stock rights on my behalf as my proxy, including all rights with respect to stocks, bonds, debentures or other investments.
7. Sell, convey, lease, mortgage, manage, insure, improve, repair, or perform any other act with respect to any of my property (now owned or later acquired) including, but not limited to, real estate and real estate rights (including the right to remove tenants and to recover possession). This includes the right to sell or encumber my homestead legally described as:

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8. Prepare, sign, and file documents with any governmental body or agency, including but not limited to, authorization to:
- a. Prepare, sign and file income and other tax returns with federal, state, and local and other governmental bodies.
  - b. Obtain information or documents from any government or its agencies, and negotiate, compromise, or settle any matter with such government or agency (including tax matters).
  - c. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including military and social security benefits).

This Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, and (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney.

My Agent shall not be entitled to any compensation, during my lifetime or upon my death, for any services provided as my Agent. My Agent shall be entitled to reimbursement of all reasonable expenses incurred in connection with this Power of Attorney.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent, if I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

This Power of Attorney shall become effective immediately, shall not be affected by my disability or lack of mental competence, and shall continue effective until my death; provided, however, that this Power may be revoked by me at any time by providing written notice to my Agent.

Dated NOVEMBER 14, 1996, <sup>TORONTO</sup> at Ontario, Canada.

Signature:

Nancy K. Flood  
Nancy K Flood

PROVINCE )  
State of ONTARIO )  
County of YORK CANADA )

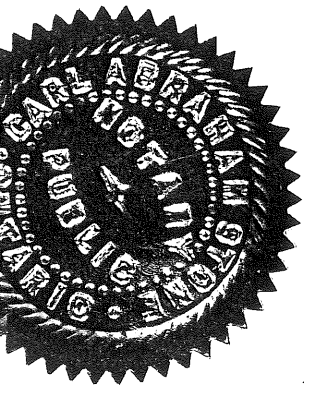
SS:

On this 14th day of NOVEMBER, 1996, before me, the undersigned, Notary Public for the State/Province of ONTARIO, personally appeared Nancy K Flood to me known (or to me proved) to be the identical person named in and who executed the above General Power of Attorney, and acknowledged that such person executed it as such person's voluntary act and deed.

My Commission expires: ✓

is for wife

Carl Alexander Lee  
A Notary Public in and for the Province of Ontario, Canada.





## ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone: (207) 477-8144

RE: 192 Brackett St., Portland  
Remodel existing building into a veterinary clinic and apartment.

Agreement Between City of Portland and John and Nancy Flood is enclosed

Owner: Nancy Flood  
C/o John Flood  
470 Youngs Ridge Rd  
Acton, Me 04001

Estimated cost of remodel: \$60,000

1. proposed use; veterinary clinic and apartment
2. land area  $\approx$  1/4 acre building area  $\approx$  1000 SF FOR REMODEL
3. there are no existing or proposed easements
4. Generation of solid wastes: clinic will be run as an out patient facility. Solid waste generation will similar to a single family dwelling e.g. 1 trash bag per day. No wastes including animal wastes will be stored outside the building as outlined in the agreement with the City of Portland.
5. The building is currently on city water and sewer
6. Surface drainage: there will be no paving or changes in contours that will affect water drainage.
7. Construction schedule: demolition to commence July 1, 1999, remodel to be complete by Aug 30, 1999.
8. No approvals are needed from the state or federal government
9. This project is not dependent upon financing from a bank, technical assistance is being provided by Steven Blatt Architects
10. Deed is enclosed
11. n/a



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10. Deed is enclosed
11. n/a

Cat DR's - Letter

Prove Ventilation

2 hr fire separation between res +  
business use

**AGREEMENT BETWEEN**

**CITY OF PORTLAND**

**AND**

**JOHN FLOOD, DVM, AND NANCY FLOOD**

**AGREEMENT** made this <sup>22<sup>nd</sup></sup> day of **July**, 1998 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **JOHN FLOOD, D.V.M.**, of 470 Youngs Ridge Road, Acton, Maine 04001 and **NANCY FLOOD**, of 969 Ocean Boulevard, Hampton, New Hampshire 03842 (hereinafter "**FLOODS**").

**W I T N E S S E T H:**

**WHEREAS**, **FLOODS** did request a rezoning of property located at 192 Brackett Street, in Portland, in order to permit the establishment and operation of veterinarian's offices, as limited herein; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS**, the **CITY** has determined that because of the unusual

nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan; and

**WHEREAS**, the CITY authorized the execution of this Agreement on June 15, 1998;

**NOW, THEREFORE**, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. **FLOODS** shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business zone.
4. Parking shall be established and assigned as indicated on Attachment 2.
5. The veterinarian office use shall be limited to the treatment of cats, dogs and other small domestic animals only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure.
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows. Ventilation from open windows shall not be permitted.

8. **FLOODS** shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with a forty (40) decibel limit using the noise measurement standards of Section 14-167(2), as measured at the property line.
9. The number of dogs permitted overnight at the facility shall be six (6). There shall not be a limit on the number of cats.
10. **FLOODS** shall maintain the existing residential unit located on the second floor of the structure.
11. Office hours shall be limited to thirty (30) hours per week. There shall be no more than four (4) clinic employees, including veterinarians, working at any one (1) time.
12. No waste of any type shall be stored outside of the existing structure.
13. The provisions of this Agreement, including the permitted veterinarian use, are intended to be supplemental to the uses and requirements of the underlying B-1 zone.
14. **FLOODS** shall submit a site plan for review and approval by the Planning Authority.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FLOODS**, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or



unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that FLOODS or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to B-1 or any successor zone and that this Agreement be terminated, requiring a cessation of the veterinarian office use.

WITNESS:

*Sonia Bear*

CITY OF PORTLAND

By *Robert B. Ganley*  
Robert B. Ganley  
Its City Manager

WITNESS:

*Jamie Victoria*

*John Flood*  
John Flood, D.V.M.

WITNESS:

Jamie Hutton

Nancy Flood  
Nancy Flood

STATE OF MAINE  
CUMBERLAND, ss.

, 1998

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

Sonia T. Bean  
Notary Public/Attorney at Law  
SONIA T. BEAN  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES JANUARY 10, 2001

STATE OF MAINE  
CUMBERLAND, ss.

July 16, 1998

Personally appeared the above-named John Flood, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Jacqueline V. Roberts  
Notary Public/Attorney at Law  
Jacqueline V. Roberts  
Notary Public, Maine  
My Commission Expires July 20, 1999  
July 16, 1998

STATE OF MAINE  
CUMBERLAND, ss.

Personally appeared the above-named Nancy Flood, and acknowledged the foregoing instrument to be her free act and deed.

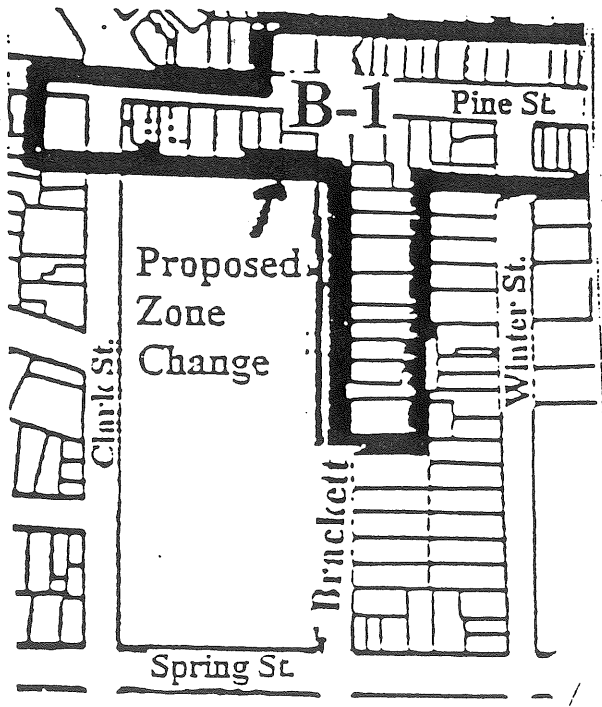
Before me,

Jacqueline V. Roberts  
Notary Public/Attorney at Law

Jacqueline V. Roberts  
Notary Public, Maine  
My Commission Expires July 20, 1999

ATTACHMENT 1

PROPOSED CONTRACT ZONE IN THE VICINITY  
OF 192 BRACKETT STREET

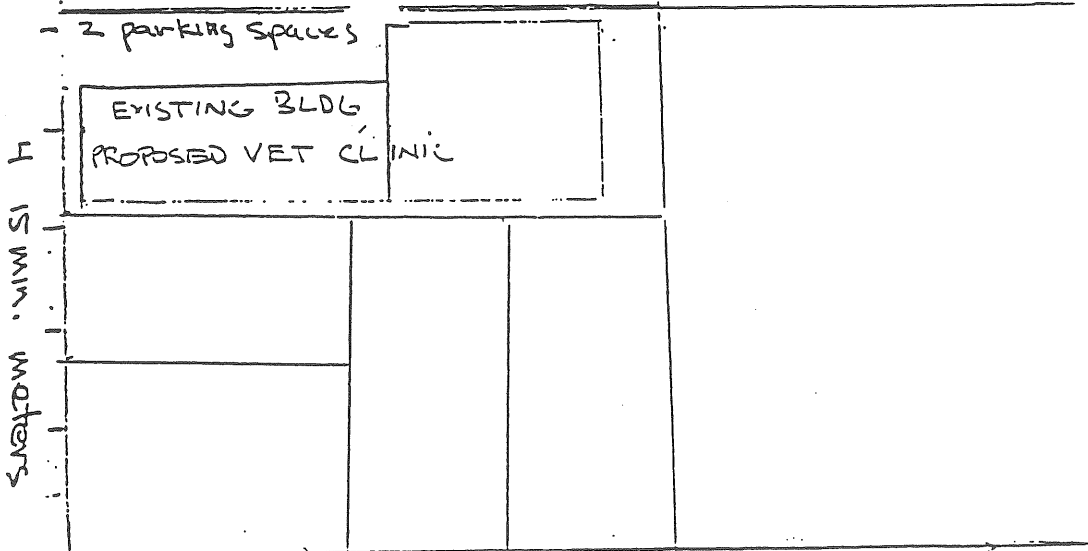


(E)  
232.550  
CITY

BASKETBALL COURT

PLAYING FIELD

BASKETBALL COURT



PINE

**NOTES**

Sound is produced by a vibrating object or surface. In order for sound to be transmitted or propagated, it requires an elastic medium. The most common medium for transmission is the air. Such sound is called "air-borne sound." However, sound can also be easily transmitted through common building materials and components such as steel, concrete, wood and metal framing, piping, and gypsum wallboard. This type of sound is called "structure-borne sound."

A-weighted decibel (dB(A)) is a standard single-number rating representing the overall sound energy of a given source. The A-weighting network in a sound level meter filters sound in a manner similar to the human ear by downgrading low frequencies.

**DECIBEL SCALE**

The decibel (dB) scale is a logarithmic scale based on 10 times the logarithm of a ratio of sound pressures. The decibel levels of two noise sources can not be added directly; instead use this simplified method:

difference between two sound levels, in dB

0-1	2-3	4-9	>10
3	2	1	0

add to the higher level

For example: 90 dB + 20 dB = 90 dB  
60 dB + 60 dB = 63 dB

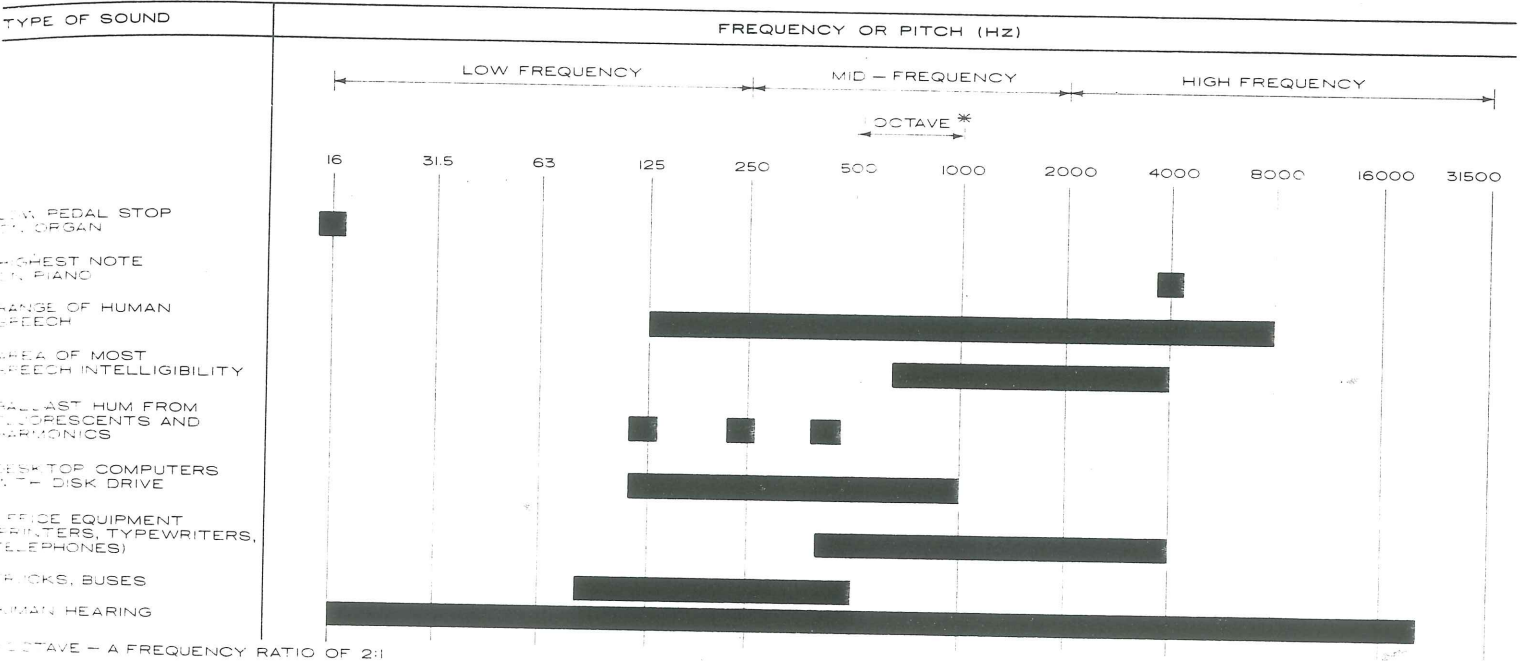
**OCTAVE BAND**

An octave band covers the range from one frequency (Hz) to twice that frequency, f to 2f.

**SUBJECTIVE FACTORS: EFFECT OF CHANGE IN SOUND PRESSURE LEVEL**

CHANGE IN SOUND PRESSURE LEVEL (+ OR -) (dB)	CHANGE IN APPARENT LOUDNESS
3	Barely perceptible
5	Clearly noticeable
10	Dramatic: Twice as loud (OR 1/2)
15	Dramatic: Three times as loud (OR 1/3)
20	Dramatic: Four times as loud (OR 1/4)

**FREQUENCY OF COMMON SOUNDS**



**RELATIONSHIP OF SOUND LEVEL AND SUBJECTIVE LOUDNESS**

SOUND LEVEL (dB(A))	SUBJECTIVE EVALUATIONS	ENVIRONMENT		COMMENTS
		OUTDOOR	INDOOR	
140	Deafening	Near jet aircraft and artillery fire		Continuous exposure above here is likely to degrade the hearing of most people
130	Threshold of pain			
120	Threshold of feeling	Elevated train	Hard rock band	
110		Jet flyover at 1000 ft	Inside propeller plane	
100	Very loud	Power mower, motorcycle at 25 ft, auto horn at 10 ft		
90		Propeller plane flyover at 1000 ft, noisy urban street	Full symphony or band, food blender, noisy factory	Range of Speech
80	Moderately loud	Diesel truck at 40 mph at 50 ft	Inside auto at high speed, garbage disposal, dishwasher	
70	Loud		Face-to-face conversation, vacuum cleaner, electric typewriter	
60	Moderate	Air conditioning condenser at 15 ft, near freeway auto traffic	General office	
50	Quiet	Large transformer at 100 ft		
40		Birdcalls	Private office, soft radio music in apartment	
30	Very quiet	Quiet residential neighborhood	Bedroom, average residence without stereo	
20		Rustling leaves	Quiet theater, whisper	
10	Just audible			
0	Threshold of hearing			

J. J. Rosenberg, AIA; Accentech Inc.; Cambridge, Massachusetts

NOTE

The material below outlines a design procedure, in abbreviated form, for the architect to use in analyzing a noise control problem and developing a solution or solutions. The three major elements of an acoustical circuit—source, path, and receiver—can each be quantified as shown here; hence there is no need for guesswork.

1. SELECT RECOMMENDED BACKGROUND NOISE DESIGN CRITERIA FOR TYPICAL OCCUPANCIES

TYPE OF SPACE	RECOMMENDED MAXIMUM BACKGROUND NOISE CRITERION CURVE*
Broadcast studios, concert halls	NC 15-25
Legitimate theaters, churches (no amplification)	NC 20-30
Large conference rooms, small auditoriums, orchestra rehearsal rooms, movie theaters, courtrooms, teleconferencing	NC 25-30
Bedrooms (residences, apartments, hotels, hospitals)	NC 25-35
Small conference rooms, classrooms	NC 30-35
Small private offices, libraries	NC 30-35
Hospitals, clinics	NC 30-45
Restaurants, stores, general offices	NC 35-40
Coliseums for sports only (with amplification)	NC 40
Computer rooms	NC 40-50

\*Noise Criteria (NC) Curves—The noise criteria curves provide a convenient way of defining the ambient noise level in terms of octave band sound pressure levels. The NC curves consist of a family of curves relating the spectrum of a noise to the environment being specified. Higher noise levels are permitted at the lower frequencies, since the ear is less sensitive to noise in this frequency region. By using one NC number, the complete octave band frequency of an acceptable ambient noise can be specified.

2. IDENTIFY ALL NOISE SOURCES—INTERIOR AND EXTERIOR: Note proximity of noise sensitive areas to all exterior and interior sources of intrusive background noise—whether speech (in corridors, outdoor play areas, etc.), music (auditorium, rehearsal and practice rooms, etc.), impact noise (pedestrian traffic, etc.), activity noise (recreation areas, workrooms, traffic, etc.), or mechanical equipment noise (roof-top, perimeter, basement, etc.). Measured sound pressure level data for all these sources are generally available or can be calculated.

3. CALCULATE REQUIRED NOISE REDUCTION (NR) = SOURCE LEVEL—NC: To minimize NR requirements, locate noisy spaces next to spaces having a relatively high NC; when this is not possible, a heavier and more expensive construction assembly is required. See Figs. 1 and 2.

4. SELECT PARTITION TYPES (AND FLOOR/CEILING ASSEMBLIES) WHOSE TRANSMISSION LOSS (TL) CURVES EXCEED REQUIRED NR CURVES.

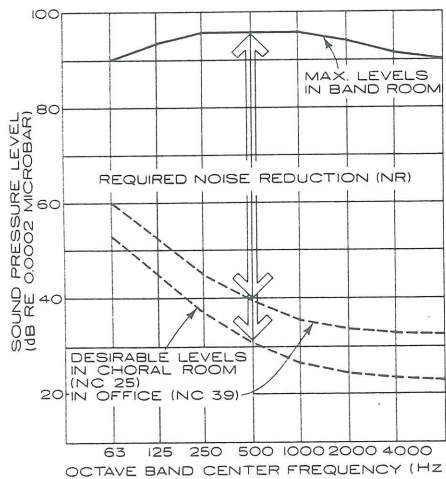
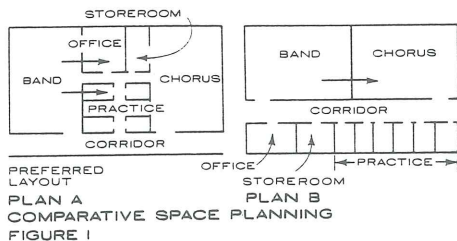


FIGURE 2

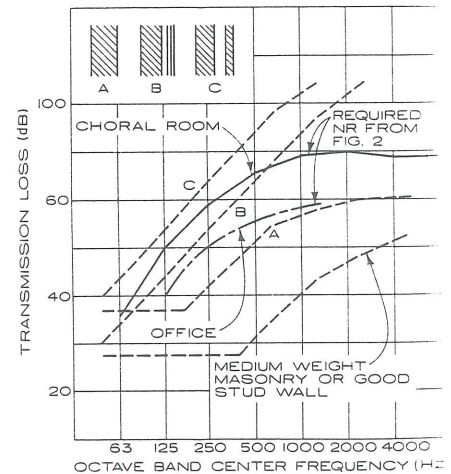
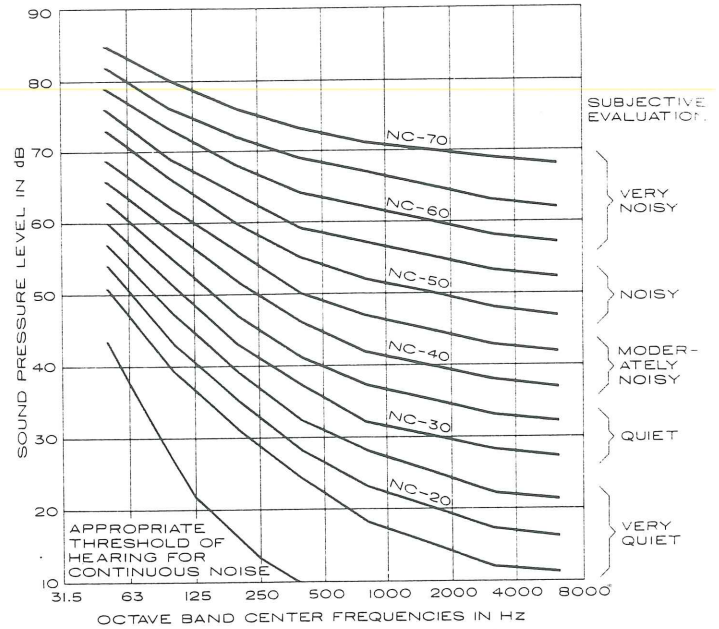


FIGURE 3



NOISE CRITERIA SOUND PRESSURE LEVEL TABLE\*

NC CURVE	SOUND PRESSURE LEVEL, dB							
	63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
NC-70	83	79	75	72	71	70	69	68
NC-65	80	75	71	68	66	64	63	62
NC-60	77	71	67	63	61	59	58	57
NC-55	74	67	62	58	56	54	53	52
NC-50	71	64	58	54	51	49	48	47
NC-45	67	60	54	49	46	44	43	42
NC-40	64	57	50	45	41	39	38	37
NC-35	60	52	45	40	36	34	33	32
NC-30	57	48	41	36	31	29	28	27
NC-25	54	44	37	31	27	24	22	21
NC-20	50	41	33	26	22	19	17	16
NC-15	47	36	29	22	17	14	12	11

\*For convenience in using noise criteria data, the table lists the sound pressure level (SPLs) in decibels for the NC curves from the above chart.

ACOUSTICAL DESIGN CHECKLIST

1. Build in good acoustical design—sound isolation and reverberation control—from the beginning. It is much cheaper to avoid noise problems in the initial design than to correct them later. Good acoustics is not cosmetics; it must be an integral part of the building design and is not a superficially applied treatment either before or after the fact.
2. Select materials with adequate mass and sound isolation design; choose the simplest construction that meets the NR criteria. Detail well and build well; minimize penetrations of walls, floors, and ceilings and make all holes and openings airtight to maintain acoustical integrity. Use materials wisely; Do not confuse lightweight, porous, sound-absorbing materials (for echo and reverberation control) with heavy, impervious, sound-isolating materials (for sound transmission control). Both may be needed, but both cannot be achieved with the same material.
3. Consider the mechanical and electrical equipment as an integral part of the acoustical design. Choose quiet-

4. rated fixtures and equipment and beware of the sound "leaks" that the ductwork, piping, and conduit provide. Use as needed vibration isolators and sound absorbing duct lining together with flexible connections and low flow velocities in ducts and pipes.
4. Seek out qualified professional advice for all spaces with critical acoustical requirements. Do not rely solely on rules of thumb.

**INSTRUCTIONS FOR THE PROPER USE OF SOUND TRANSMISSION CLASS (STC) DATA**

**DESIGN CRITERIA FOR PARTITIONS**

STC ratings are a measure of the effectiveness of a given partition construction in reducing airborne sound transmission, not the transmission of impact noise, low frequency noise sources (e.g., HVAC equipment and vehicular traffic), or amplified music. Because of the limited frequency range covered (125-4000 Hz), STC ratings are limited to evaluating the speech privacy potential of the various partitions and therefore are best used in the design of partitions separating adjacent offices, hospital patient rooms, classrooms (with little or no amplified speech or playback of recordings), dormitories, apartments, courtrooms, small conference rooms, etc. The single number STC ratings should not be relied on, solely, for the selection of partitions separating, say, movie theaters, large conference rooms, auditoriums, music practice rooms, computer and business machine rooms, and mechanical equipment rooms, from, say, private offices and apartments. Typically, a more extensive acoustical analysis is required for such adjacent locations; consult an acoustical consultant for additional information.

Note also that the STC ratings are based on test data measured in a laboratory installation of the given partitions, that is, under ideal construction conditions. Dry-wall manufacturers admit to a 5-15 point reduction in the lab ratings for the actual field performance, depending on the quality of detailing and workmanship. The importance of communication between the design team and the construction team cannot be overemphasized. The presence of flanking paths—interconnecting ductwork, nonairtight edge joints, inadequate door and window construction, untreated piping and conduit penetrations, and so on—in a completed building can result from improper design, improper construction, or both. The stated criteria assume no flanking paths.

Partitions with STC ratings within 1-2 points (1-2 dB) of the listed criteria would still be acceptable given the anticipated tolerances in test results. (Subjectively, the human ear would consider a 1-2 dB change as "just barely audible" at best, which is insignificant.)

The stated performance criteria assume acceptable background noise levels in the source and receiver rooms, that is, some masking of intrusive sounds without loss of speech intelligibility or other interference in listening conditions. The stated criteria are for buildings that fall into an average construction cost range and thus are not weighted toward any one type of construction or geographic region. The primary concern on which these criteria are based is the desire to provide adequate acoustical privacy for the building user. It is clear, however, that these acoustical criteria must be tempered by the designer's consideration of other design parameters—fire ratings, structural loads, energy conservation, and so on—which may downgrade (or even upgrade) the quality of the acoustical design.

For this reason the acoustical criteria listed here tend to be reasonably conservative, rather than lenient, given the many possible compromises.

**DESIGN CRITERIA FOR FLOOR/CEILING ASSEMBLIES**

- 1. AIRBORNE SOUND: STC ratings for floor/ceiling assemblies should be equal to or greater than those for the partitions.
- 2. STRUCTUREBORNE (IMPACT) SOUND: Impact Isolation Class (IIC) ratings should be equal to or greater than the STC ratings.

Both criteria must be met to ensure adequate acoustical privacy.

STC values for constructions built in the field range from practically no isolation; an open doorway) to 65 or 70 (such performance requires special constructions). Average constructions might provide noise reduction in the range of STC 30 to STC 60.

It is extremely difficult to measure the STC performance of a single wall or door in the field because of the many flanking paths and nonstandard conditions. Field performance is measured as Noise Isolation Class (NIC), which includes the contribution of all sound transfer between rooms.

**SOUND ISOLATION CRITERIA**

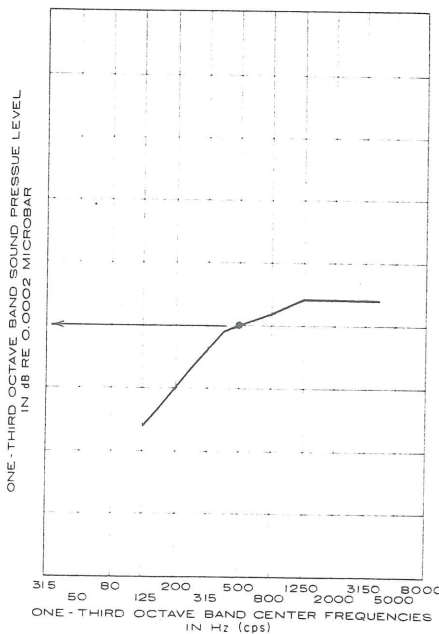
SOURCE ROOM OCCUPANCY	RECEIVER ROOM ADJACENT	SOUND ISOLATION REQUIREMENT (MINIMUM) FOR ALL PATHS BETWEEN SOURCE AND RECEIVER
Executive areas, doctors' suites, personnel offices, large conference rooms; confidential privacy requirements	Adjacent offices and related spaces	STC 50-55
Normal offices, regular conference rooms for group meetings; normal privacy requirements	Adjacent offices and similar activities	STC 45-50
Large general business offices, drafting areas, banking floors	Corridors, lobbies, data processing; similar activities	STC 40-45
Shop and laboratory offices in manufacturing laboratory or test areas; normal privacy	Adjacent offices; test areas, corridors	STC 40-45
Mechanical equipment rooms	Any spaces	STC 50-60 <sup>+1</sup>
Multifamily dwellings	Neighbors (separate occupancy)	
(a) Bedrooms	Bedrooms Bathrooms Kitchens Living rooms	STC 48-55 <sup>2</sup> STC 52-58 <sup>2</sup> STC 52-58 <sup>2</sup> STC 50-57 <sup>2</sup>
(b) Living rooms	Corridors Living rooms Bathrooms Kitchens	STC 52-58 <sup>2</sup> STC 48-55 <sup>2</sup> STC 50-57 <sup>2</sup> STC 48-50 <sup>2</sup>
School buildings		
(a) Classrooms	Adjacent classrooms Laboratories Corridors	STC 50 STC 50 STC 45
(b) Large music or drama area	Adjacent music or drama area	STC 60 <sup>3</sup>
(c) Music practice rooms	Music practice rooms	STC 55 <sup>3</sup>
Interior occupied spaces	Exterior of building	STC 35-60 <sup>4</sup>
Theaters, concert halls, lecture halls, radio and TV studios	Any and all adjacent	Use qualified acoustical consultants to assist in the design of construction details for these critical occupancies

**NOTES**

1. Use acoustical consultants for mechanical equipment rooms housing other than air handling equipment—e.g., chillers, pumps, compressors—and for heavy manufacturing areas employing equipment generating noise levels at or above OSHA allowable levels or generating high vibration levels.
2. Depends on nighttime, exterior background levels, and other factors that affect actual location of building. Grades I, II, and III are discussed in "Guide to Airborne, Impact and Structureborne Noise Control in Multifamily Dwellings," HUD TS-24, 1974.
3. The STC ratings shown are guidelines only. These situations require, typically, double layer construction

with resilient connections between layers or, preferably, structurally independent "room-within-a-room" construction. The level of continuous background noise, such as that provided by the HVAC system or an electronic masking system, has a significant impact on the quality of construction selected and must be coordinated with the other design parameters.

4. Depends on the nature of the exterior background noise—its level, spectrum shape, and constancy—as well as the client's budget and on thermal considerations. Use qualified acoustical consultants for analysis of high noise outdoor environments such as airport areas, highways (with heavy truck traffic especially), and industrial facilities.



**STC RATING CURVE**

**DERIVATION AND USE OF THE STC CURVE**

To determine the STC rating for a given construction, the STC curve shown in the adjacent figure is applied over the transmission loss (TL) curve for a laboratory test of that construction. Typical TL curves are shown on the next page, Fig. 2. The STC curve is then manipulated in accordance with prescribed rules to obtain the highest possible rating. The procedure states that the TL curve can not be less than the STC curve by more than 8 dB in any one-third octave band; nor can the TL curve be less than the STC curve by more than a total of 32 dB (average of 2 dB for each of 16 one-third octave band frequencies). Any values from the TL curve that are above the STC curve are of no benefit in the rating. The object is to move the STC curve up as high as possible, and to read the STC rating number from the point where the STC curve at 500 Hz crosses the TL curve.

The STC curve has three segments: the first segment, from 125 to 400 Hz, rises at the rate of 9 dB per octave (3 dB per one-third octave); the second segment, from 400 to 1250 Hz, rises at the rate of 3 dB per octave (1 dB per one-third octave); the third segment, from 1250 to 4000 Hz, is flat.

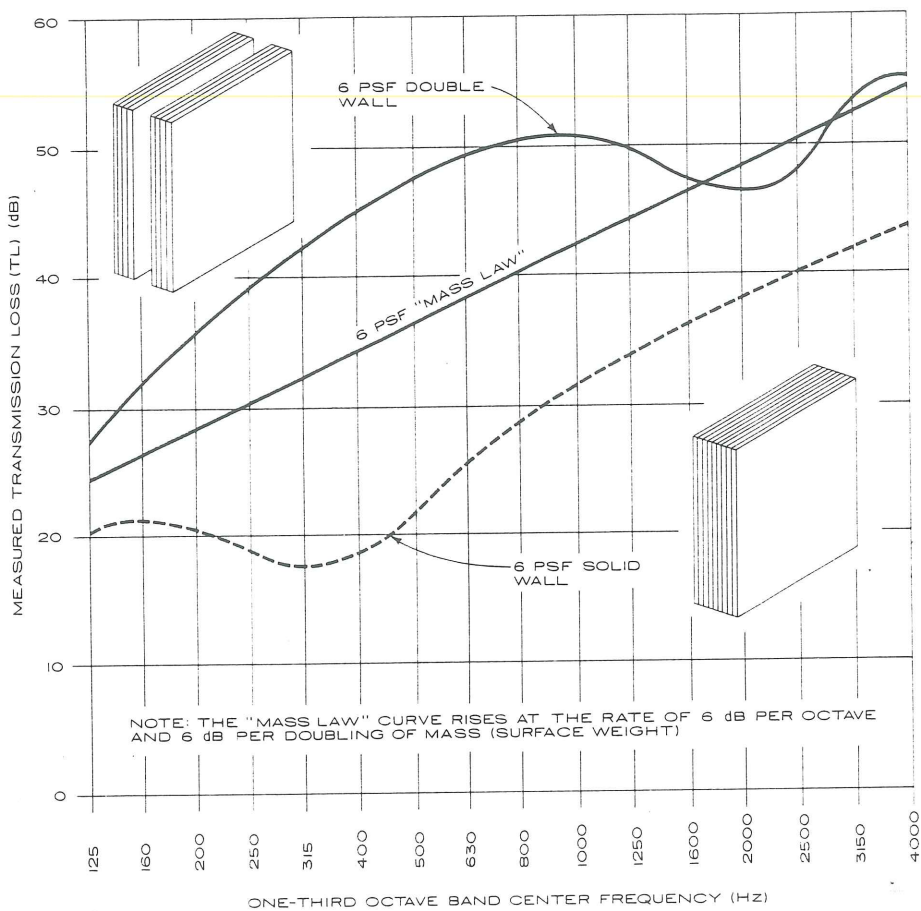


FIGURE 1

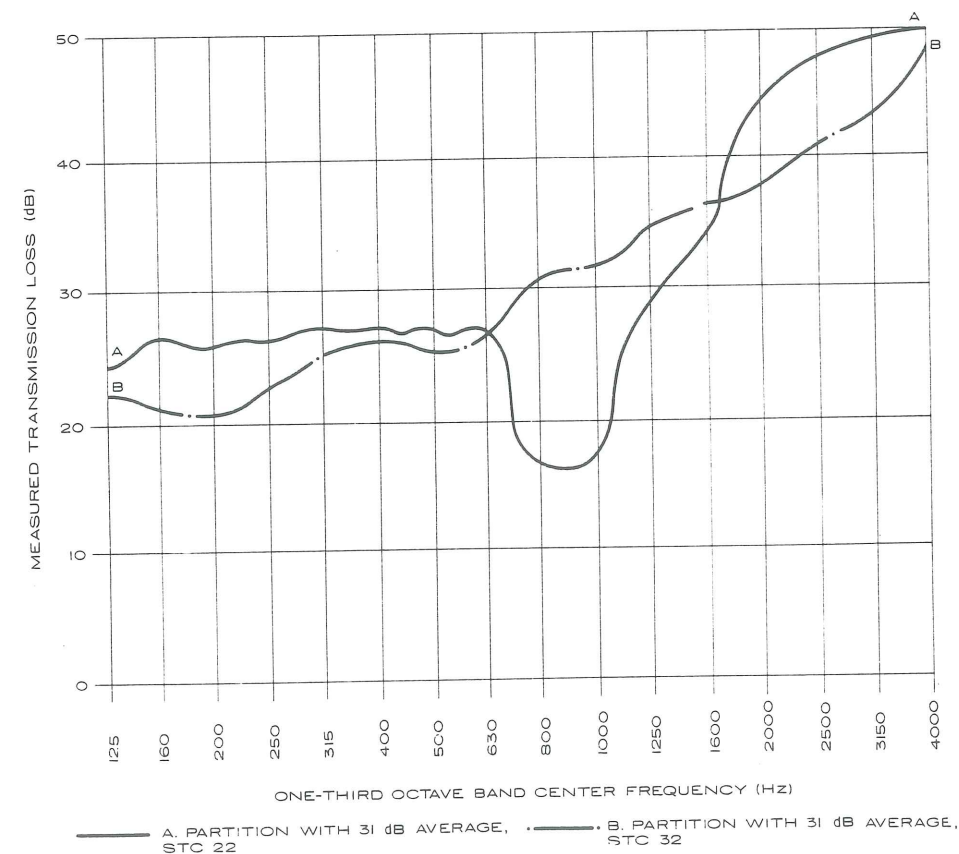


FIGURE 2

Carl J. Rosenberg, AIA; Accentech Inc.; Cambridge, Massachusetts

## NOTES AND DEFINITIONS

1. TRANSMISSION LOSS (TL): The measure of the properties of a material to block sound; specifically, the attenuation of air-borne sound transmitted through construction when tested in a laboratory according to ASTM E90. The measured test data, as opposed to calculations, provide the most accurate information on which to base the single-number sound transmission class descriptor. (See note 2 below.)

Design of construction and materials for high transmission loss builds on three principles:

a. MASS: Lightweight materials do not block sound. Sound transmission through walls, floors, and ceilings varies with the frequency of sound, the weight (or mass), the stiffness of the construction, and the cavity absorption. Theoretically, the transmission loss varies at the rate of 6 dB per doubling (or halving) of the surface weight of the construction.

A single solid panel behaves less well than the mass law would predict, since the mass law assumes a homogeneous, infinitely resilient material/wall.

b. SEPARATION: Improved TL performance without undue increase of mass can be achieved by separating materials. A true double wall of the same weight with separate unconnected wythes performs better than the mass law predicts. Note in Figure 1 the significant improvement in transmission loss with increased resiliency—approximately 15 dB  $\pm$ , depending on the octave band. The transmission loss tends to increase about 5 dB for each doubling of the airspace between wythes (minimum effective space approximately 2 in.). Resilient attachment of surface skins to studs or structural surfaces provides similar benefit, as do separate wythes.

c. ABSORPTION: Soft, resilient absorptive materials in the cavity between wythes, particularly for lightweight staggered stud construction, increase transmission loss significantly. Viscoelastic (somewhat resilient but not fully elastic) materials, such as certain insulation boards, dampen or restrict the vibration of rigid panels such as gypsum board and plywood and thus increase transmission loss appreciably. Installation details recommended by manufacturers should be followed.

2. SOUND TRANSMISSION CLASS (STC): A single-number rating system that compares the laboratory TL test curve for a particular material or assembly with a standard contour as described in ASTM E413. The contour is fitted to the test curve of the construction, allowing for a certain maximum amount of deviation. See Figure 2 for an example that compares two constructions with identical average TL values but widely differing effectiveness (10 points) shown by the STC rating.

The sound transmission loss at all frequencies, from 125 to 4000 Hz, is important (in varying degrees), so a single TL number or an average is meaningless. The shape of the entire TL test curve as related to the standard contour is important. Deep dips (as in curve A) are harmful, and yet the numerical average misses this dip; the sound transmission class contour properly evaluates its effect by downgrading the overall performance accordingly.

3. NOISE REDUCTION (NR): This depends on the properties of the rooms and is the actual difference in sound pressure level between two spaces being considered. It is what the ear hears and what is actually of interest to us and consists of the noise reduction of the walls, floors, and ceilings as well as the sound absorption present in the receiver room being considered.

Noise reduction also depends on the relative size of the room in question. If the noise source is in a small room next to a large receiving room, like an office next to a gymnasium, then the noise reduction will be greater than the transmission loss performance alone of the wall, because the sound radiating from the common wall between office and gym has such a large space to be dissipated into. On the contrary, if the noise source is in a large room next to a small one, like the gym next to the office, then the noise reduction will be far less than the transmission loss, because the common wall, which is radiating sound, is such a large part of the surface of the smaller room.

This adjustment, plus the contribution of the absorptive finishes in the receiving room, enter into our calculation of actual noise reduction.



**IMPACT NOISE DESIGN CRITERIA**

Floors are subject to impact or structure-borne sound transmission—noises such as footfalls, dropped objects, and scraping furniture. Parallel to development of laboratory Sound Transmission Class (STC) ratings for partition constructions is Impact Insulation Class (IIC), a single-number rating system to evaluate the effectiveness of floor construction to prevent impact sound transmission to spaces underneath the floor. The current IIC rating method replaces the previously used Impact Noise Rating (INR) method. To compare the ratings, note that  $IIC = INR + 51 \pm 1$ . [The amount of deviation is relatively small ( $\pm 2$ ), but should still be noted.] For example,  $INR = -4$  would be equivalent basically to  $IIC = 55$ .

**SUMMARY OF IMPACT SOUND PRESSURE LEVELS MEASUREMENT (ASTM E492.77)**

$$L_n = L_p - 10 \log (A_0/A_2)$$

- where  $L_n$  = normal impact sound pressure
- $L_p$  = sound pressure level in the receiving room
- $A_2$  = sound absorption of the receiving room
- $A_0$  = reference absorption (108 sabins)

A standard tapping machine is used on a test floor specimen, which forms a horizontal separation between two rooms, one directly above the other. The transmitted impact sound is characterized by the one-third octave band spectrum of the average sound pressure level produced by the tapping machine in the receiving room located directly beneath the test floor specimen. This spectrum is then rated by comparing it with standardized curves to determine the matching IIC class (see accompanying figure).

Since the noise levels depend on the absorption of the receiving room, it is desirable to normalize the impact sound pressure levels to a reference absorption for purposes of comparing results obtained in receiving rooms that have different absorption.

To achieve adequate acoustical privacy in multifamily dwellings and other structures where both air-borne and structure-borne sound transmission are concerns, controlling impact sound transmission is as important as the control of air-borne sound transmission, or, expressed in its simplest terms:  $IIC \geq STC$  for a given construction. Again, as with STC ratings, the higher the IIC number, the greater the sound control.

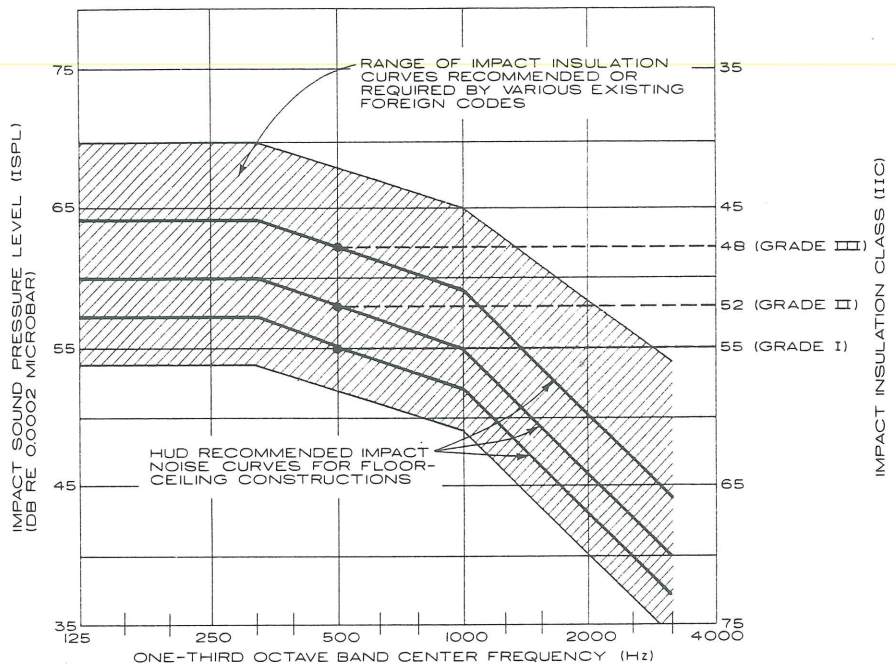
**PRACTICAL CONSIDERATIONS**

Because it is portable, the tapping machine cannot simulate the weight of a human walker. Therefore, the creak or boom of a timber floor caused by such footsteps cannot be reflected in the single-figure impact rating. The correlation between tapping machine tests in the laboratory and field performance of floors under typical conditions may vary greatly, depending on floor construction and the nature of the impact.

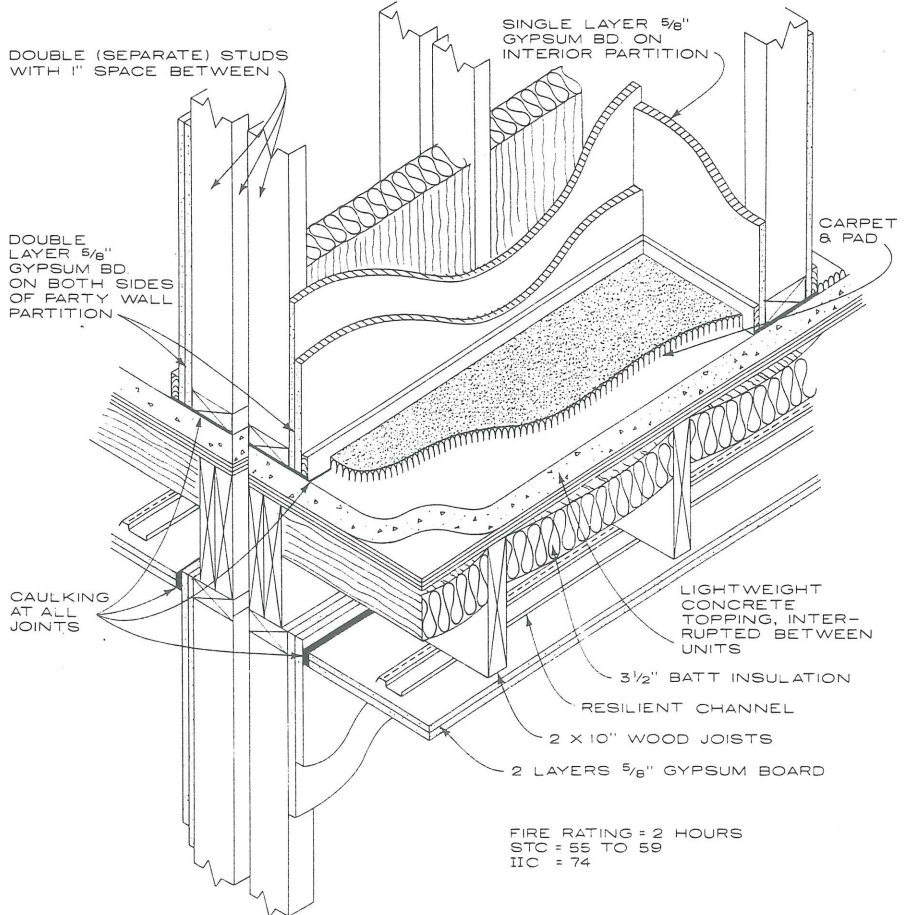
Often, the greatest annoyance caused by footfall noise is generated by low-frequency sound energy beyond standardized test frequency range. Sometimes it is near or at the resonant frequency of the building structure.

To summarize, think resiliency. Wherever possible, use carpet with padding on floors of residential buildings. Use resilient, suspended ceilings with cavity insulation. For especially critical situations such as those involving pedestrian bridges or tunnels, use an acoustics consultant.

Other sources of impact noise are slamming of doors or drawers of cabinets. If possible, bureaus should not be placed directly against a wall. Door closers or stops can be added to cushion the impact of the energy so that it is not imparted directly into the structure. Common sense arrangements can help minimize problems in multi-family dwellings. Kitchen cabinets should not be placed on a common wall to a neighbor's bedroom, for example.



**IMPACT NOISE INSULATION CRITERIA**



**GOOD SOUND ISOLATION CONSTRUCTION**

**NOTE**  
 Edge attachment and junctions of walls, partitions, floors, and ceilings can cause large differences in TL performance. The transverse waves set up in continuous, stiff, lightweight walls or floors can carry sound a long distance from the source to other parts of the structure with little attenuation. Curtain walls, thin concrete floors on bar joists, and wood framed structures are particularly subject to this weakness.

Properly designed discontinuities such as interrupted floor slab/toppings are helpful in reducing structural flanking. A resilient (airtight) joint between exterior wall and partition or partition and floor can appreciably improve TL. Continuous pipes, conduits, or ducts can act as transmission paths from room to room. Care must be taken to isolate such services from the structure.

USE OF ABSORPTION IN COMMON OCCUPANCIES

ROOM OCCUPANCY	CEILING TREATMENT	WALL TREATMENT	SPECIAL
Auditoriums, churches, theaters, concert halls, lecture halls, radio, recording and T.V. studios, speech and music rooms			●
Boardrooms, teleconferencing	●	●	
Classrooms	●		
Commercial kitchens	●		
Computer and business machine rooms	●		
Corridors and lobbies	○		
Gymnasiums, arenas, and recreational spaces	●	●	
Health care patient rooms	●		
Laboratories	●		
Libraries	●		
Mechanical equipment rooms			●
Meeting and conference rooms	●		
Open office plan	●	●	
Private offices	●		
Restaurants	●		
Schools and industrial shops, factories	●	●	
Stores and commercial shops	●		

● Strongly recommend  
○ Advisable

NOTES

- This table lists conservative rule-of-thumb recommendations for use of absorption.
- Wall treatment is advisable in addition to ceiling treatment for the reduction of reflections, flutter, or echo. This treatment will further reduce noise and control reverberation.
- Complex applications require an acoustical consultant.

DEFINITIONS

The percentage of sound energy absorbed by a material is the coefficient of absorption ( $\alpha$ ), which ranges from 0 to .99; the coefficient varies with frequency.

The total sound-absorbing units (sabins) provided by a given material are a function of its absorptive properties and surface area, as defined by this formula:

$$a = S\alpha$$

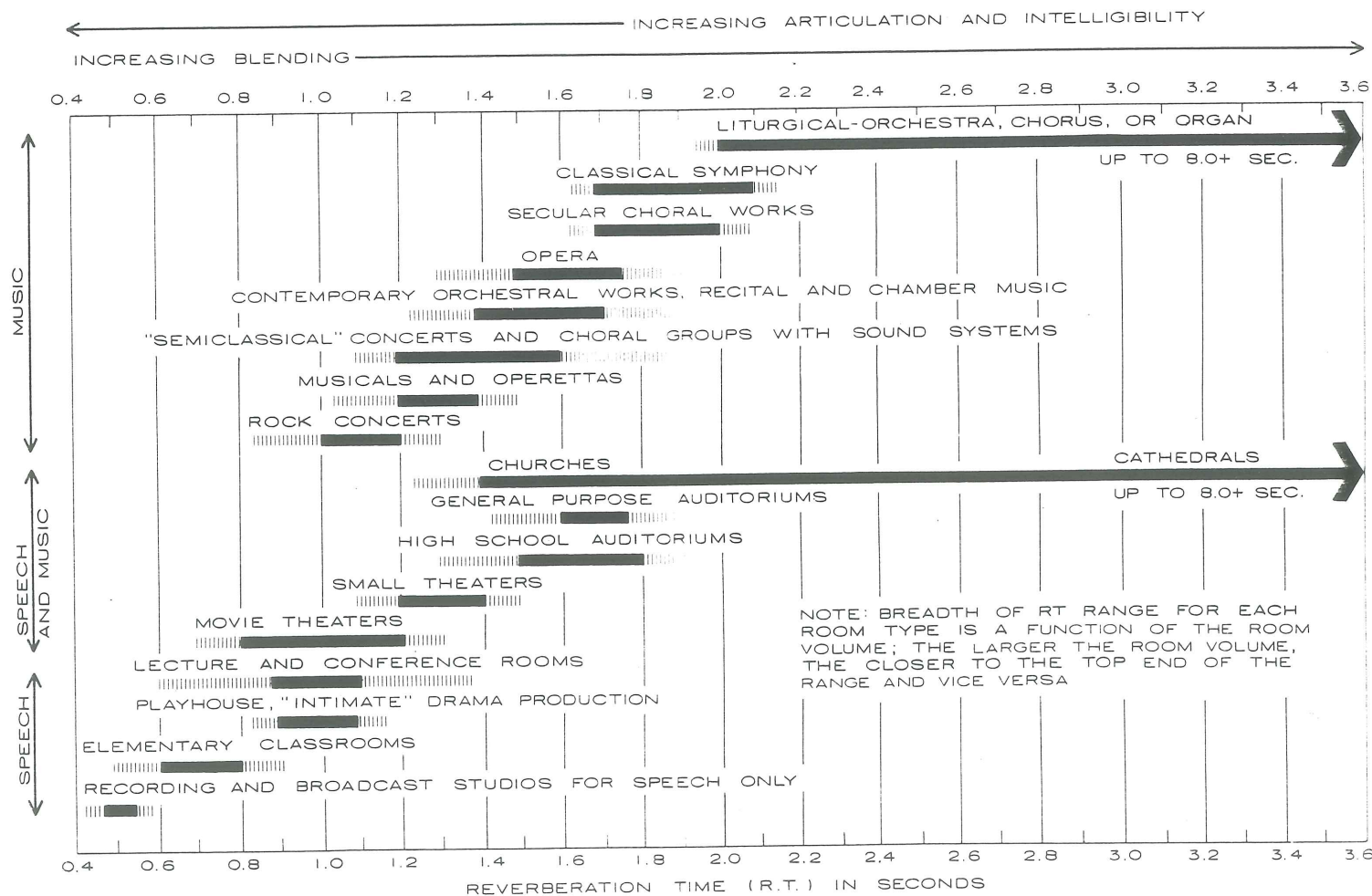
where  $a$  = sabins, units of sound absorption  
 $S$  = surface area, in square feet or square meters  
 $\alpha$  = coefficient of absorption

The total sound absorption for a space is the sum of sabins for all surfaces in the room.

Reverberation time is directly proportional to the volume of a space and inversely proportional to the units of absorption:

$$R_t = \frac{KV}{a}$$

where  $R_t$  = reverberation time, in seconds  
 $K$  = .161  
 $V$  = volume, in cubic meters  
 $a$  = total absorption,  $m^2$ -sabins



OPTIMUM REVERBERATION TIMES AT MID-FREQUENCIES (500/1000 Hz) FOR AUDITORIUMS AND SIMILAR FACILITIES

Carl J. Rosenberg, AIA; Accentech Inc.; Cambridge, Massachusetts

FIRE RATING	STC	WALL THICKNESS	CONSTRUCTION DESCRIPTION	WALL SECTIONS	
1 HOUR	30 TO 34	4 7/8"	One layer 1/2 in. type X veneer base nailed to each side of 2 x 4 in. wood studs 16 in. o.c. with 5d coated nails 8 in. o.c. Minimum 3/32 in. gypsum veneer plaster. Joints staggered vertically 16 in. and horizontal joints each side at 12 in.		
		4 7/8"	One layer 5/8 in. type X gypsum wallboard or veneer base nailed to each side of 2 x 4 in. wood studs 16 in. o.c. with 6d coated nails 7 in. o.c. Stagger joints 24 in. on each side.		
	35 TO 39	5 1/8"	Two layers 3/8 in. regular gypsum wallboard or veneer base nailed to each side of 2 x 4 in. wood studs 16 in. o.c. First layer attached with 4d coated nails, second layer applied with laminating compound and nailed with 5d coated nails 8 in. o.c. Stagger joints 16 in. o.c. each side.		
		5 3/8"	Base layer 3/8 in. regular gypsum wallboard or veneer base nailed to each side of 2 x 4 in. wood studs 16 in. o.c. Face layer 1/2 in. (same as base layer). Use 5d coated nails 24 in. o.c. for base layer and 8d coated nails 12 in. o.c. to edge and 24 in. o.c. to intermediate studs. Stagger joints 16 in. o.c. each layer and side.		
	45 TO 49	5 7/8"	Base layer 1/2 in. wood fiberboard to each side of 2 x 4 in. wood studs 16 in. o.c. with 5d coated nails 24 in. o.c. on vertical joints and 16 in. o.c. to top and bottom plates. Face layer 5/8 in. type X gypsum wallboard or veneer base applied to each side with laminating compound and nailed with 8d coated nails 24 in. o.c. on vertical joints and 16 in. o.c. to top and bottom plates. Stagger joints 24 in. o.c. each layer and side.		
		5 7/8"	Both sides resilient channels 24 in. o.c. attached with GWB 54 drywall nails to each side of 2 x 4 in. wood studs 16 in. o.c. One layer 5/8 in. type X gypsum wallboard or veneer base attached with 1 in. type S drywall screws 12 in. o.c. to each side and vertical joints back-blocked. GWB filler strips along floor and ceiling both sides. Stagger joints 24 in. o.c. each side.		
	50 TO 54	5 3/8"	Base layer 1/4 in. proprietary gypsum wallboard applied to each side of 2 x 4 in. wood studs 16 in. o.c. with 4d coated nails 12 in. o.c. Face layer 5/8 in. type X gypsum wallboard or veneer base applied with laminating compound and nailed with 6d coated nails 16 in. o.c. to each side. 1 1/2 in. mineral fiber insulation in cavity. Stagger joints 24 in. o.c. each side.		
		5 3/8"	One side resilient channel 24 in. o.c. with 1 1/4 in. type S drywall screws to 2 x 4 in. wood studs 16 in. o.c. Both sides 5/8 in. gypsum wallboard or veneer base attached to resilient channel with 1 in. type S drywall screws 12 in. o.c. and GWB to stud with 1 1/4 in. type W drywall screws. 1 1/2 in. mineral fiber insulation in cavity. Stagger joints 48 in. o.c. each side.		
	60 TO 64	6 7/8"	One side resilient channels 24 in. o.c. attached with 1 in. type S drywall screws to 2 x 4 in. wood studs 16 in. o.c. Two layers of 5/8 in. type X gypsum wallboard or veneer base. First layer attached with 1 in. type S drywall screws, second layer applied with laminating compound. Other side one layer each of 5/8 in. and 1/2 in. gypsum wallboard or veneer base plus top 3/8 in. gypsum wallboard applied with laminating compound. Use 5d coated nails 32 in. o.c. for base, 8d for 1/2 in. center layer. 2 in. glass fiber insulation in cavity. Stagger all joints 16 in. o.c.		
			Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 2 x 4 in. wood studs 24 in. o.c. Use 6d coated nails 24 in. o.c. for base layer and 8d coated nails 8 in. o.c. for face layer. Stagger joints 24 in. o.c. each layer and side.		
2 HOUR	40 TO 44	6 1/8"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 2 x 4 in. wood studs 24 in. o.c. Use 6d coated nails 24 in. o.c. for base layer and 8d coated nails 8 in. o.c. for face layer. Stagger joints 24 in. o.c. each layer and side.		
	50 TO 54	8"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 2 x 4 in. wood studs 16 in. o.c. staggered 8 in. o.c. on 2 x 6 in. wood plates. Use 6d coated nails 24 in. o.c. for base layer and 8d coated nails 8 in. o.c. for face layer. Stagger vertical joints 16 in. o.c. each layer and side.		
	55 TO 59	10 3/4"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of double row of 2 x 4 in. wood studs 16 in. o.c. on separate plates 1 in. apart. Use 6d coated nails 24 in. o.c. for base layer and 8d coated nails 8 in. o.c. for face layer. 3 1/2 in. glass fiber insulation in cavity. Stagger joints 16 in. o.c. each layer and side. GWB fire stop continuous in space between plates.		

FIRE RATING	STC	WALL THICKNESS	CONSTRUCTION DESCRIPTION	WALL SECTIONS	
1 HOUR	35 TO 300	2 7/8"	One layer 5/8 in. type X gypsum wallboard or veneer base applied to each side of 1 5/8 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 8 in. o.c. to edges and 12 in. o.c. to intermediate studs. Stagger joints 24 in. o.c. each side.		
	40 TO 44	3 3/8"	Base layer 3/8 in. regular gypsum wallboard or veneer base applied to each side of 1 5/8 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 27 in. o.c. to edges and 54 in. o.c. to intermediate studs. Face layer 1/2 in. attached on each side to studs with 1 5/8 in. type S drywall screws 12 in. o.c. to perimeter and 24 in. o.c. to intermediate studs. Stagger joints 24 in. o.c. each layer and side.		
		4 7/8"	One layer 5/8 in. type X gypsum wallboard or veneer base applied to each side of 3 5/8 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 8 in. o.c. to vertical edges and 12 in. o.c. to intermediate studs. Stagger joints 24 in. o.c. each side.		
	45 TO 50	3 1/8"	Two layers 1/2 in. regular gypsum wallboard or veneer base applied to each side of 1 5/8 in. metal studs 24 in. o.c. Use 1 in. type S drywall screws 12 in. o.c. for base layer and 1 5/8 in. type S drywall screws 12 in. o.c. for face layer. Stagger joints 24 in. o.c. each layer and side.		
		3 1/8"	Base layer 1/4 in. gypsum wallboard applied to each side of 1 5/8 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 24 in. o.c. to edges and 36 in. o.c. to intermediate studs. Face layer 1/2 in. type X gypsum wallboard or veneer base applied to each side of studs with 1 5/8 in. type S drywall screws 12 in. o.c. Stagger joints 24 in. o.c. each layer and side.		
		5 1/2"	One layer 5/8 in. type X gypsum wallboard or veneer base applied to each side of 3 5/8 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 8 in. o.c. to edge and vertical joints and 12 in. o.c. to intermediate stud. Face layer 5/8 in. (same as other layer) applied on one side to stud with laminating compound and attached with 1 5/8 in. type S drywall screws 8 in. o.c. to edges and sides and 12 in. o.c. to intermediate studs. 3 1/2 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and side.		
	55 TO 60	4"	Base layer 1/4 in. regular gypsum wallboard applied to each side of 2 1/2 in. metal studs 24 in. o.c. with 1 in. type S drywall screws 12 in. o.c. Face layer 1 1/8 in. type X gypsum wallboard or veneer base applied to each side of studs with laminating compound and with 1 5/8 in. type S drywall screws in top and bottom runners 8 in. o.c. 2 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and side.		
		4"	Two layers 1/2 in. type X gypsum wallboard or veneer base applied to one side of 2 1/2 in. metal studs 24 in. o.c. Base layer 1 in. and face layer 1 5/8 in. type S drywall screws 8 in. o.c. to edge and adhesive beads to intermediate studs. Opposite side layer 1/2 in. type X gypsum wallboard or veneer base applied with 1 in. type S drywall screws 8 in. o.c. to vertical edges and 12 in. o.c. to intermediate studs. 3 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and face.		
	55 TO 60	4 1/4"	Base layer 1/4 in. gypsum wallboard applied to each side of 2 1/2 in. metal studs 24 in. o.c. with 7/8 in. type S drywall screws 12 in. o.c. Face layer 5/8 in. type X gypsum wallboard or veneer base applied on each side of studs with 1 5/8 in. type S drywall screws 12 in. o.c. 1 1/2 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and side.		
	2 HOUR	40 TO 44	5"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 2 1/2 in. metal studs 16 in. o.c. braced laterally. Use 1 in. for base layer and 1 5/8 in. for face layer type S-12 drywall screws 12 in. o.c. Stagger joints 16 in. o.c. each layer and side.	
50 TO 54		3 5/8"	Base layer 1/2 in. type X gypsum wallboard or veneer base applied to each side of 1 5/8 in. metal studs 24 in. o.c. Use 1 in. type S drywall screws 12 in. o.c. for base layer and 1 5/8 in. type S drywall screws 12 in. o.c. for face layer. 1 1/2 in. glass fiber insulation in cavity. Stagger joints 24 in. o.c. each layer and side.		
55 TO 59		6 1/4"	Two layers 5/8 in. type X gypsum wallboard or veneer base applied to each side of 3 5/8 in. metal studs 24 in. o.c. Use 1 in. type S drywall screws 32 in. o.c. for base layer and 1 5/8 in. type S drywall screws 12 in. o.c. to edge and 24 in. o.c. to intermediate studs. One side third layer 1/4 or 3/8 in. gypsum wallboard or veneer base applied with laminating compound. Stagger joints 24 in. o.c. each layer and side.		

# Shaft Walls and Solid Gypsum Board Partitions

LIMITING HEIGHT	STC	WALL THICKNESS	CONSTRUCTION DESCRIPTION	WALL SECTIONS
1 HOUR	35 TO 39	3 1/8"	1 in. x 24 in. proprietary type X gypsum panels inserted between 2 1/2 in. floor and ceiling J runners with 2 1/2 in. proprietary vented C-H studs between panels. One layer 3/8 in. proprietary type X gypsum wallboard or veneer base applied parallel to studs on side opposite proprietary gypsum panels with 1 in. type S drywall screws spaced 12 in. o.c. in studs and runners. STC estimate based on 1 in. mineral fiber in cavity. (NLB)	
	40 TO 44	2 7/8"	3/4 in. x 24 in. proprietary type X gypsum panels inserted between 2 1/4 in. floor and ceiling track and fitted to proprietary 2 1/4 in. slotted metal I studs with tab-flange. Face layer 3/8 in. type X gypsum board applied at right angles to studs, with 1 in. type S drywall screws, 12 in. o.c. Sound tested with 1 in. glass fiber friction fit in stud space. (NLB)	
2 HOURS	30 TO 34	2 1/4"	One layer 3/8 in. type X gypsum wallboard or veneer base applied vertically to each side of 1 in. gypsum board panels (solid or laminated) with laminating compound combed over entire contact surface. Panel supported by metal runners at top and bottom and horizontal bracing angles of No. 22 gauge galvanized steel 3/4 in. x 1 1/4 in. spaced 5 ft. 0 in. o.c. or less on shaft side. (NLB)  *Limiting height shown is based on interior partition exposure conditions. Shaft wall exposure conditions may require reduction of limiting height.	
	35 TO 39	4 1/8"	Four layers 3/8 in. type X gypsum wallboard or veneer base applied at right angles to one side of 1 3/8 in. metal studs 24 in. o.c. Base layer attached to studs with 1 in. type S drywall screws 12 in. o.c. Second layer attached to studs with 1 3/8 in. type S drywall screws using only two screws per board. Third layer attached with 2 5/8 in. type S drywall screws similar to second layer. Steel strips 1 1/2 in. wide vertically applied over third layer at stud lines and attached 12 in. o.c. to studs with 2 5/8 in. type S drywall screws. Third layer also attached to top and bottom track with 2 5/8 in. type S drywall screws placed midway between studs. Face layer attached to steel strips with 1 in. type S drywall screws 8 in. o.c. at each stud. Stagger joints of each layer. (NLB)	
	40 TO 44	3 1/2"	1 in. x 24 in. proprietary type X gypsum panels inserted between 2 1/2 in. floor and ceiling J track with T section of 2 1/2 in. proprietary C-T metal studs between proprietary gypsum panels. Two layers of 1/2 in. type X gypsum wallboard applied to face of C-T studs. Base layer applied at right angles to studs with 1 in. type S drywall screws 24 in. o.c. and face layer applied at right angles to studs with 1 3/8 in. type S drywall screws 8 in. o.c. Stagger joints 24 in. o.c. each layer. (NLB)	
	45 TO 49	3 1/2"	1 in. x 24 in. proprietary type X gypsum panels inserted between 2 1/2 in. floor and ceiling track with tab-flange section of 2 1/2 in. metal I studs between proprietary gypsum panels. One layer of 1/2 in. proprietary type X gypsum wallboard or veneer base applied at right angles to each side of metal I studs with 1 in. type S drywall screws 12 in. o.c. Sound tested using 1 1/2 in. glass fiber friction fit in stud space. (NLB)	
	50 TO 54	4"	1 in. x 24 in. proprietary type X gypsum panels inserted between 2 1/2 in. floor and ceiling track with tab-flange section of 2 1/2 in. metal I studs between proprietary gypsum panels. One layer of 1/2 in. proprietary type X gypsum wallboard or veneer base applied at right angles to flanges of I studs adjacent to proprietary gypsum panels with 1 in. type S drywall screws 12 in. o.c. Resilient channels spaced 24 in. o.c. horizontally, screw attached to opposite flanges of I studs with 3/8 in. type S screws, one per channel-stud intersection. 1/2 in. proprietary type X gypsum wallboard or veneer base applied parallel to resilient furring channels with 1 in. type S drywall screws 12 in. o.c. Sound tested using 1 in. glass fiber friction fit in stud space. (NLB)	
3 HOURS	40 TO 44	4 1/8"	2 in. x 24 in. laminated gypsum board panels installed vertically between floor and ceiling 20 gauge J runners with 25 gauge steel H members between panels. Panels attached at midpoint to 2 1/2 in. leg of J runners with 2 3/8 in. type S-12 drywall screws. H studs formed from 20 or 25 gauge 2 in. x 1 in. channels placed back to back and spot welded 24 in. o.c. Base layer 3/8 in. gypsum wallboard or veneer base applied parallel to one side of panels, with 1 in. type S drywall screws 12 in. o.c. to H studs. Rigid furring channels horizontally attached 24 in. o.c. to H studs with 1 in. type S drywall screws. Face layer 3/8 in. gypsum wallboard or veneer base attached at right angles to furring channels with 1 in. type S drywall screws 12 in. o.c. Stagger joints 24 in. o.c. each layer and side. (NLB)	
	45 TO 49	5 1/4"	3/4 in. x 24 in. proprietary type X gypsum panels inserted between 2 1/4 in. floor and ceiling tracks and fitted to 2 1/4 in. slotted metal I studs with tab-flange. First layer 3/8 in. type X gypsum board applied at right angles to studs with 1 in. type S drywall screws 24 in. o.c. Second layer 3/8 in. type X gypsum board applied parallel to studs with 1 3/8 in. type S drywall screws 42 in. o.c. starting 12 in. from bottom. Third layer 3/8 in. type X gypsum board applied parallel to studs with 2 1/4 in. type S drywall screws 24 in. o.c. Resilient channels applied 24 in. o.c. at right angles to studs with 2 1/4 in. type S drywall screws. Fourth layer 3/8 in. type X gypsum board applied at right angles to resilient channels with 1 in. type S drywall screws 12 in. o.c. Sound tested with 1 in. glass fiber friction fit in stud space. (NLB)	

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Carroll and Members of the Portland Planning Board  
**FROM:** Richard Knowland, Senior Planner  
**DATE:** February 10, 1998  
**RE:** Proposed Contract Zone for Veterinary Practice at 192 Brackett Street

**Introduction**

John Flood requests workshop review for a proposed contract zone at 192 Brackett Street. The proposed use is a small animal veterinary practice. Although the site is presently zoned B-1 Business, the zoning text specifically excludes veterinarians (sec. 14-162(2)(a)). The applicant is therefore requesting that a contract zone be considered. Background information on the zone change is shown on Attachment A.

The site is adjacent to the Reiche School campus. A basketball court owned by the City directly abuts the site. A zoning and land use map of the area is shown on Attachment B.

The existing building on the site was previously used as a daycare center, and has a floor area of about 3,876 sq. ft. Land area of the site is 4800 sq. ft.

The applicant proposes to have the veterinary practice on the first floor of the building, with an apartment on the second floor. The practice would be limited to dogs and cats. The application states that "adequate soundproofing, mechanical ventilation windows should assure noise for the neighborhood is kept to a minimum".

The practice is intended to function primarily on an outpatient basis. The applicant states "occasional overnight stays would be necessary for critically ill pets; for example, those requiring IV fluid therapy that couldn't be accomplished during hours . . . Pertaining to dogs, these cases would be uncommon, perhaps several per month." Any animals staying overnight would stay inside the building. Kennelling of animals is not intended as an ancillary service. There are no outside pens proposed.

Staffing for the clinic would include a veterinarian, a receptionist, and a veterinary technician.

The site plan indicates two parking spaces on the property, although only one can be used for visitor parking, since they are stacked. Four leased spaces are shown in a parking lot across the street.

**Contract Zone**

In 1995, the Planning Board and City Council approved a contract zone for veterinarian offices in a B-1 zone at 183 Brighton Avenue (corner of Devonshire Street). The Cat Doctor zone change (proposed by D. DiFalco and K. Hoyt) is similar to the applicant's, except that the Cat Doctor practice was limited to cats. The Flood proposal

13 Clark

includes cats and dogs.

Using the Cat Doctor's contract zone as a model for the Flood application, staff has developed the following list of possible conditions:

1. Reference to city zoning map.
2. Property shall be developed substantially in accordance with the submitted site plan .
3. Applicant shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business zone.
4. Parking shall be established and assigned as indicated on the site plan.
5. The veterinarian office use shall be limited to the treatment of cats and dogs only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure.
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows.
8. Applicant shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with the requirements of section 14-167(2), the noise requirements of the B-1 zone.
9. The provisions of this agreement, including the permitted veterinarian use, are intended to be supplemental to the uses and requirements of the underlying B-1 zone.

12? Johns per week office opps  
 3 staff  
 13. waste shall not be stored outside

Issues

10. 6 dogs and no limit on cats
11. Maintain a residence on the 2nd floor

The Cat Doctor zone change is located along a busy arterial (Brighton Avenue), on a lot of 8,000 sq. ft. The facility is adjacent to the intersection of Brighton Avenue, St. John Street, Noyes Street, and Devonshire Street. The veterinary practice is limited to cats. The Flood site is located on a lot of 4,000 sq. ft. in a dense peninsular neighborhood with a mix of residential and commercial uses. Cats as well as dogs would be served. Given the relative compactness and density of the Brackett Street area, are there additional conditions that should be considered for the zone change?

Although the side of the property @ BUNJ a city park, the side of the building is only about \_\_\_\_\_ feet from a residential building

For example, should there be a limitation on the number of dogs and/or cats that could be housed in the facility overnight for medical purposes? At Tuesday's workshop, the Board should review the list of conditions and be prepared to comment on any addition/deletions that should be made to the list.

The initial Cat Doctor application requested a general zone change to allow veterinarians in the B-1 and R-P

zones. The Board felt that the amendment was too broad and was inappropriate for those zones. As a policy, the B-1 zoning text specifically excludes veterinary uses under professional offices. Although a veterinarian is a professional office, clearly the noise factor and other factors are compelling concerns for excluding this use from that zone. However, the Board felt in the Cat Doctor scenario that the specific location and specific type of use (cats only) was appropriate for a contract zone.

The purpose statement of the B-1 zone "is to provide limited areas for the location of small-scale commercial establishments, intended to serve a local market". Theoretically, a veterinary practice could serve a neighborhood or local market but external impacts need to be considered.

Attachments:

1. Background Information
2. Land Use and Zoning Map



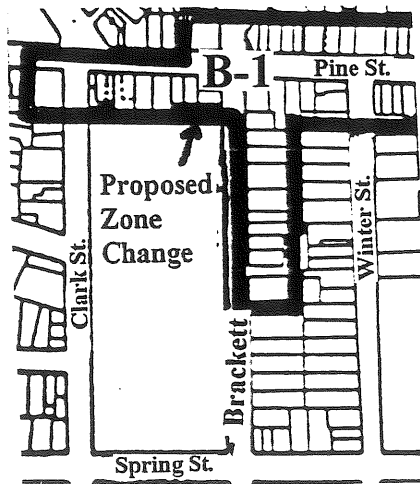
# Area Map

## 192 Brackett Street



PORTLAND PLANNING BOARD  
PUBLIC NOTICE

Notice is hereby given that the Portland Planning Board will hold a public hearing Tuesday evening, March 24, 1998, at 6:00 p.m. in Room 209, City Hall, Portland, Maine to consider a contract rezoning requested by John Flood to allow a small-animal veterinary clinic at 192 Brackett Street. The proposed zone change would allow a veterinarian office on the first floor of an existing building at this location. The site is currently zoned B-1 Business. The B-1 zone does not permit veterinarian offices which is the reason for this zone change. Land area of the site is 4,800 sq. ft. The location of the zone change is shown on the fragmentary map below.



A summary of proposed contract zone text is shown below:

1. Proposed zone change amends the City zoning map.
2. Property to be developed in accordance with site plan.
3. Veterinarian use allowed in addition to other uses permitted in the B-1 zone.
4. Parking shall be provided as shown on the site plan.
5. Veterinarian use limited to treatment of cats and dogs.
6. Housing of animals shall be located within a completely enclosed structure.
7. Building shall have mechanical air exchange and cooling system to prevent need for open windows for ventilation.
8. Documentation shall be provided that the building has sufficient sound insulation to ensure compliance with noise requirement of the B-1 zone.
9. Number of dogs permitted at the facility shall not exceed 6. Not limit on cats.
10. Applicant shall maintain existing residential unit on the second floor.
11. Office hours of the veterinary use shall be limited to 30 hours per week. There shall be no more than 4 employees working at any one time.
12. No waste of any type shall be stored outside of the existing structure.
13. This contract is supplemental to uses and requirements of the B-1 zone.

Further information on this zone change request can be obtained at the Planning Department Office, City Hall, 4th floor or by calling 874-8721, extension 8725.

John Carroll, Chair  
Portland Planning Board

A COPY OF THE CONTRACT ZONE  
IS ATTACHED

①  
232.550  
CITY

BRACKETT

PLAYING  
FIELD

BASKETBALL  
COURT

2 parking spaces

EXISTING BLDG  
PROPOSED VET CLINIC

4 15 min. meters

4 leased  
parking spaces

PINE

**AGREEMENT BETWEEN**

**CITY OF PORTLAND**

**AND**

**JOHN FLOOD, DVM, AND NANCY FLOOD**

**AGREEMENT** made this      day of      , 1998 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **JOHN FLOOD, D.V.M.**, of 470 Youngs Ridge Road, Acton, Maine 04001 and **NANCY FLOOD**, of 969 Ocean Boulevard, Hampton, New Hampshire 03842 (hereinafter "**FLOODS**").

**W I T N E S S E T H:**

**WHEREAS**, **FLOODS** did request a rezoning of property located at 192 Brackett Street, in Portland, in order to permit the establishment and operation of veterinarian's offices, as limited herein; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS**, the **CITY** has determined that because of the unusual

nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan; and

**WHEREAS**, the CITY authorized the execution of this Agreement on \_\_\_\_\_, 1998;

**NOW, THEREFORE**, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. **FLOODS** shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business zone
4. Parking shall be established and assigned as indicated on Attachment 2.
5. The veterinarian office use shall be limited to the treatment of cats and dogs only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure.
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows. Ventilation from open windows shall not be permitted.

BRACKETST.REZ  
02.23.98

8. **FLOODS** shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with the requirements of section 14-167(2), the noise requirements of the B-1 zone.
9. The number of dogs permitted overnight at the facility shall be six (6). There shall not be a limit on the number of cats.
10. **FLOODS** shall maintain the existing residential unit located on the second floor of the structure.
11. Office hours shall be limited to thirty (30) hours per week. There shall be no more than four (4) clinic employees, including veterinarians, working at any one (1) time.
12. No waste of any type shall be stored outside of the existing structure.
13. The provisions of this Agreement, including the permitted veterinarian use, are intended to be supplemental to the uses and requirements of the underlying B-1 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FLOODS**, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such

portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that FLOODS or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to B-1 or any successor zone and that this Agreement be terminated, requiring a cessation of the veterinarian office use.

WITNESS:

\_\_\_\_\_

CITY OF PORTLAND

By \_\_\_\_\_  
Robert B. Ganley  
Its City Manager

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
John Flood, D.V.M.

WITNESS:

BRACKETST.REZ  
02.23.98

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Nancy Flood

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STATE OF MAINE  
CUMBERLAND, ss.

, 1998

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

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Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss.

, 1998

Personally appeared the above-named John Flood, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

---

Notary Public/Attorney at Law

STATE OF NEW HAMPSHIRE  
, ss.

, 1998

Personally appeared the above-named Nancy Flood, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

---

Notary Public/Attorney at Law



BK13080FG071

**023831**

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That CGO, INC., a Maine corporation with a registered office in Naples, County of Cumberland and State of Maine;

for consideration paid, grant to: KENNETH S. RAY, of Portland, County of Cumberland and State of Maine;

whose mailing address is: 4 Milk Street, Portland, ME 04101

with warranty covenants the land in Portland, County of Cumberland and State of Maine, described as follows:

**Parcel A**

A certain lot or parcel of land situated on Pine Street in the City of Portland, County of Cumberland, State of Maine bounded and described as follows:

Beginning at the easterly corner of Brackett and Pine Streets in said Portland, and running thence northeasterly on the line of Pine Street 48 1/2 East fifty-four (54) feet, more or less, to a point opposite the former location of a partition wall that divided the house formerly on said lot from the house formerly occupied by James O'Donnell, Esquire; thence southeasterly through said partition wall location and parallel with Brackett Street eighty (80) feet, more or less, to land now or formerly owned by John Plaisted; thence by said Plaisted line fifty-four (54) feet, more or less, to Brackett Street; thence by Brackett Street to the first bound, number forty-two (42) on said Pine Street.

**Parcel B**

A certain lot or parcel of land situated in the City of Portland, County of Cumberland, State of Maine on the southeasterly side of Pine Street, bounded and described as follows:

Beginning at the most northwesterly corner of land conveyed to Richard D. Sylvester by Elaine C. Harper by deed dated August 3, 1973, and recorded in said Registry of Deeds in Book 3452, Page 3; thence southerly along line of Sylvester seventy-nine (79) feet to the most southwesterly corner of land of Sylvester; thence easterly parallel to Pine Street eighteen (18) feet to a point; thence northerly parallel to line of Sylvester seventy-nine (79) feet to a point on the southeasterly side line of Pine Street eighteen (18) feet easterly of point of beginning; thence westerly along the southeasterly side line of Pine Street eighteen (18) feet to the point of beginning.

**Parcel C**

A certain lot or parcel of land, with the buildings thereon, situated on the southwesterly side of Brackett Street in Portland, County of Cumberland, State of Maine, more particularly bounded and described as follows:

MAINE REAL ESTATE TAX PAD

023833

COLLATERAL ASSIGNMENT OF LEASES AND RENTALS

THIS ASSIGNMENT made as of this <sup>14</sup> day of May, 1997, by Kenneth S. Ray, a resident of the City of Portland, County of Cumberland and State of Maine, with a mailing address of 502 Stevens Avenue, Portland, Maine 04103, ("Assignor"), to ANDROSCOGGIN SAVINGS BANK, having a principal place of business at 30 Lisbon Street, Lewiston, Maine 04240, (the "Assignee").

WITNESSETH:

THAT the Assignor for good and valuable consideration, receipt whereof is hereby acknowledged, hereby grants, transfers and assigns to the Assignee, its successors and assigns:

All his interest in all existing and future leases  
pertaining to the premises located at 192 Brackett Street  
and 42-44 Pine Street in Portland, Maine,  
more particularly described in  
Exhibit A annexed hereto.

TOGETHER with all rents, income and profits arising from said leases and together with all rents, income and profits for the use and occupation of the premises described in said leases upon said premises which may be executed or tenancies which may arise in the future and during the term of this assignment.

THIS ASSIGNMENT is made for the purpose of securing:

A. The payment of the indebtedness evidenced by a certain promissory note of the Assignor to the Assignee, including any extensions or renewals thereof, or substitutions or replacements thereof (the "Note"), in the original principal amount of One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00) with interest thereon, and all costs and reasonable attorney's fees, all of which obligations are secured by a Mortgage, Security Agreement and Fixture Filing (the "Mortgage") from the Assignor to the Assignee dated as of the date hereof.

B. The payment of all other sums with interest thereon becoming due and payable to the Assignee under the provisions of this assignment or of said Note and said Mortgage, or any other documents of agreements evidencing, securing or governing said obligations.

C. The performance and discharge of each and every obligation, covenant and agreement of the Assignor contained herein or in said Note or the Mortgage or any other document or agreement evidencing, securing, guaranteeing or governing such obligations.

BK 13080PG072

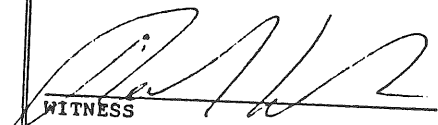
Beginning at the easterly corner of lot of land sold to Dudley-Weed Drug Company by deed of Annie G. Canter, dated September 16, 1932 and recorded in the Cumberland County Registry of Deeds in Book 1409, page 44, which said point is seventy-three (73) feet distant from the city street monument at the intersection of Pine and Brackett Streets; thence southeasterly on Brackett Street thirty-eight (38) feet to land now or formerly of one Freeman; thence southwesterly by said Freeman land one hundred twenty (120) feet to land now or formerly of one Tinkham; thence northwesterly thirty-eight (38) feet to land of Dudley-Weed Drug Company; thence northeasterly by said Dudley-Weed Drug Company land one hundred twenty (120) feet to the point of beginning.

Being the same premises as described in Warranty Deed of 192 Brackett Street Associates to CGO, Inc. dated August 24, 1994 and recorded in the Cumberland County Registry of Deeds Book 11606, Page 119.

WITNESS my hand and seal this 14 day of the month of May, 1997.

Signed, Sealed and Delivered  
in presence of

CGO, INC.


  
WITNESS

  
BY: THOMAS COURTNEY  
ITS PRESIDENT

STATE OF MAINE  
COUNTY OF CUMBERLAND

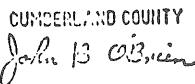
May 14, 1997

Then personally appeared the above-named Thomas Courtney, in his said capacity and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me,  
  
NOTARY PUBLIC/ATTORNEY AT LAW  
Robert Neault, Esq.

RECEIVED  
RECORDED IN THE REGISTRY OF DEEDS

1997 MAY 15 PM 1:43

CUMBERLAND COUNTY  


CONTRACT REZONING OF A B-1 NEIGHBORHOOD BUSINESS ZONE TO PERMIT  
THE ESTABLISHMENT AND OPERATION OF VETERINARIAN'S OFFICES,  
LIMITED TO THE TREATMENT OF CATS AND RELATED SERVICES AT  
183 BRIGHTON AVENUE

Submitted to:

Portland Planning Board  
Portland, Maine

January 9, 1995

## I. INTRODUCTION

Debra G. DiFalco, D.V.M. and Kristine L. Hoyt, D.V.M. are requesting a contract rezoning of a B-1 Neighborhood Business Zone at 183 Brighton Avenue to permit the establishment and operation of a veterinary hospital, limited to the treatment of cats and related services. The contract rezoning would allow Dr. DiFalco and Dr. Hoyt to relocate their business, The Cat Doctor, from 222 St. John Street to 183 Brighton Avenue. Attachment 1 is a copy of the contract, Attachment 2 is the zone change map, and Attachment 3 is a copy of the application.

272 notices were sent to area property owners. Two notices of the public hearing appeared in the Portland Press Herald. The notice was posted in the City Clerks Office 14 days prior to the public hearing.

## II. FINDINGS

Current Zoning:	B-1 Neighborhood Business
Proposed Zoning:	B-1 Neighborhood Business with a contract
Land Area:	8,000 square feet
Building Floor Area:	2,700 square feet
Existing Use:	Brighton Avenue Pharmacy
Proposed Use:	Feline Exclusive Veterinary Hospital
Existing Parking:	12 spaces
Proposed Parking:	10 spaces, 1 handicapped space
Land Uses in the vicinity:	The intersection of St. John Street, Noyes Street, and Brighton Avenue is a node of commercial uses with residential uses located in the surrounding R-5 and R-3 zones (refer to Attachment 4, Land Use Map). The rail line for the Portland Terminal Co. crosses this intersection and is located along the westerly boundary of the site. The commercial uses along the northerly side of Brighton Avenue include the Brighton Avenue Pharmacy (the proposed site) a Texaco station, a dentist's office, and a chiropractic center. At the corner of Noyes and Devonshire there are two businesses: A Thai restaurant/store; and a beauty parlor. Christy's and Corsetti's are located on either side of St. John Street across from the site. The Portland Water District and the Village Condominiums are located on the westerly side of the railroad tracks. The remainder of the uses are residential.

## III. PROPOSED ZONE CHANGE

The applicants are requesting a contract rezoning, so that their veterinary hospital may be located in the 2,700 square foot building at 183 Brighton Avenue in a B-1 zone. The Brighton Avenue Pharmacy currently occupies this structure. The 8,000 square foot site is fully developed with a building, a twelve (12) vehicle parking lot, and two access points, one from Brighton Avenue and one on Devonshire Street.

Dr.'s DiFalco and Hoyt, d.b.a. The Cat Doctor, operate a veterinarian hospital for cats at 222 St. John Street in the B-2 Community Business Zone. They have been seeking a larger facility that is conveniently located to serve current patients. Dr. DiFalco's original application (Attachment 3A) presents the following reasons to support relocating their veterinarian hospital near a residential area and close to her current business site:

"(a) Veterinary Use is directly associated with residential neighborhoods. Studies have shown that the typical veterinary client resides within a 1-2 mile radius of the site selected. This is particularly true in urban/suburban settings. The location of veterinary hospitals at the periphery of residential zone provides convenient access for clientele.

(b) Most veterinary hospitals today are "High tech" health care facilities in which the overnight housing of animals is predominantly if not exclusively confined to patients requiring hospital care. Modern veterinary hospitals have characteristics similar to but no more objectionable than those generally associated with professional offices.

(c) Existing language addressing the requirements for the abatement of adverse external effects for any use in the R-P or B-1 zones (Sec. 14-151 and Sec. 14-167) can easily be applied to the operation of a veterinary hospital as well. Noise transmission, a particular concern with a veterinary facility, is a predictable and measurable quantity. Current construction technology allows us to reduce the noise transmission from within a building to adjacent property lines to any level required to the ordinances."

#### IV. ZONING POLICY ANALYSIS

The Commercial Zoning Policies of Portland's Comprehensive Plan encourage the development of new commercial enterprises within the existing neighborhood centers. Secondly, the policies recommend that the City maintain and promote a community which is attractive to both existing and prospective families and homeowners to help support the neighborhood commercial district.

A Time of Change: Portland's Transportation Plan is a component of the City's Comprehensive Plan, and it includes the following policy:

Vibrant Neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences and fit into the fabric of the neighborhood.

The applicant is seeking a contract rezoning. Portland's conditional or contract zoning is authorized for rezoning "...where, for reasons such as the unusual nature or unique location of the development proposed, the city council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's comprehensive plan."

The B-1 zone is designed to provide "limited areas for the location of small-scale commercial establishments intended to serve a local market." The B-1 zone permits the following business uses: professional office, excluding veterinarians; business services; personal services; offices of building tradesmen, provided that there is no exterior storage of building materials; and retail sales and services, provided no drive-in or drive-through sales and services, excluding gasoline sales. The external effect standard for noise in the B-1 zone is a maximum level of 55 decibels at the property lines.

Dr. DiFalco's and Dr. Hoyt's practice, The Cat Doctor, may be considered an unusual practice in that it provides veterinarian services to felines only. While the B-1 zone excludes veterinarian offices, the proposed contract rezoning would enable a veterinarian office limited to the treatment of cats only at 183 Brighton Avenue. Dr. DiFalco and Dr. Hoyt are seeking to be located near their current client base and to be accessible to a residential neighborhood as suggested in the City's Commercial and Transportation policies. The external effect standards of the B-1 zone, including the noise standards, would apply to the proposed use. In addition, the contract requires documentation by a professional engineer or architect to certify that sufficient sound insulation is installed to meet the City's noise standards for the B-1 zone.

#### **V. CONTRACT REZONING PROVISIONS**

The contract rezoning provisions have been drafted to limit the physical and noise impacts of the proposed contract zone change. A summary of the contract rezoning conditions are shown below. The complete text is shown as Attachment 1.

1. The City shall amend the Zoning Map of the City of Portland, by adopting the map change amendment for a contract zone.
2. The property shall be developed substantially in accordance with the submitted site plan.
3. The applicants shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business Zone.
4. Parking shall be established and assigned as indicated on the site plan.

5. The veterinarian office use shall be limited to the treatment of cats only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure.
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows.
8. The applicants shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with the noise requirements of the B-1 zone.
9. The provisions of this Agreement, including the permitted veterinarian use are intended to be supplemental to the uses and requirements of the underlying B-1 Zone.

#### VI. SITE PLAN

The proposal is to reuse the current Brighton Avenue Pharmacy building and parking areas for The Cat Doctor office. The structure is built to the property line along Devonshire Street and Brighton Avenue. It has a tan stucco type of material on the two street sides of the building. Brick is the exterior material on the side and rear of the building. The remainder of the site is paved with complete lot coverage. There are two access points to the site: an entrance from Brighton Avenue; and a driveway onto Devonshire Street.

The improvements proposed by the applicant include the following (refer to site plan and building elevations, Attachments 5 and 6, respectively):

1. Some of the pavement will be removed along the Brighton Avenue sidewalk and plantings, including two street trees, are proposed in these areas. Landscape blocks will be used around the perimeter of the landscape areas. The selection of plant material will be coordinated with the City Arborist, which is noted on the plan;
2. An enclosed entry of 35 to 40 square feet is proposed along the westerly side of the building. A planter is proposed alongside the entry;
3. The applicant is proposing to continue the stucco type of material (dryvit) on the remaining two sides of the building. The base color will be tan and two bands of color will be located along the roof edge. One of the colors will be a dark green, which is the signature color on the Cat Doctor logo. The second color will be a complementary color;



4. Three new windows are proposed on the westerly side of the building and in the entry. Replacement windows will be installed in the existing openings;
5. The parking lot is designed for ten (10) vehicle spaces, which exceeds the minimum of seven (7) required by the zoning code;
6. The proposed dumpster is enclosed;
7. Two light fixtures are proposed along the westerly edge of the parking area. The fixtures will be cut-off non-glare and of a contemporary style; and
8. The signs for the site are shown on the elevations. The logo is proposed over the entrance and on the corner of the building. Both of these will be etched into the dryvit. The signs have an arch that will extend approximately 2 1/2 feet (at the highest point of the arch) above the flat roofline.

#### VII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by Debra G. DiFalco D.V.M. and Kristine L. Hoyt D.V.M., the policies of the B-1 Neighborhood Business Zone, the Comprehensive Plan, the information provided in Planning Report #1-96, and/or other findings as follows:

The Board finds that:

1. The proposed contract zone change [is or is not] consistent with policies of the B-1 Neighborhood Business Zone and Comprehensive Plan of the City of Portland . The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed contract rezoning at 183 Brighton Avenue to permit the establishment and operation of veterinarian's offices, limited to the treatment of cats and related services.

#### Attachments

1. Contract
2. Zone Change Map
3. Contract Zone Application
- 3A. Zoning Text Amendment Application (original application)
4. Land Use Map
5. Site Plan
6. Building Elevations

Attachment 1

BRIGHTONAVEREZ.CON.001  
12.05.95

AGREEMENT BETWEEN

CITY OF PORTLAND

AND

DEBRA G. DIFALCO, D.V.M. AND KRISTINE L. HOYT, D.V.M.

AGREEMENT made this        day of        , 1996 by and between the CITY OF PORTLAND, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "CITY") and DEBRA G. DIFALCO, D.V.M. and KRISTINE L. HOYT, D.V.M., of Tower X, 222 St. John Street, Portland, Maine 04102 (hereinafter "DIFALCO AND HOYT").

W I T N E S S E T H:

WHEREAS, DIFALCO AND HOYT did request a rezoning of property located at 183 Brighton Avenue, in Portland, in order to permit the establishment and operation of veterinarian's offices, limited to the treatment of cats and related services; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual

nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan; and

WHEREAS, the CITY authorized the execution of this Agreement on \_\_\_\_\_, 1996;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. DIFALCO AND HOYT shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business zone
4. Parking shall be established and assigned as indicated on Attachment 2.
5. The veterinarian office use shall be limited to the treatment of cats only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure.
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows.

8. DIFALCO AND HOYT shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with the requirements of section 14-167(2), the noise requirements of the B-1 zone.
9. The provisions of this Agreement, including the permitted veterinarian use are intended to be supplemental to the uses and requirements of the underlying B-1 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind DIFALCO AND HOYT, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that DIFALCO AND HOYT or any successor fail to

continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to B-1 or any successor zone and that this Agreement be terminated, requiring a cessation of the veterinarian office use.

WITNESS:

\_\_\_\_\_

CITY OF PORTLAND

By \_\_\_\_\_  
Robert B. Ganley  
Its City Manager

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
Debra G. DiFalco, D.V.M.

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
Kristine L. Hoyt, D.V.M.

STATE OF MAINE  
CUMBERLAND, ss.

, 1995

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss.

, 1996

Personally appeared the above-named \_\_\_\_\_, and  
acknowledged the foregoing instrument to be her free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss.

, 1996

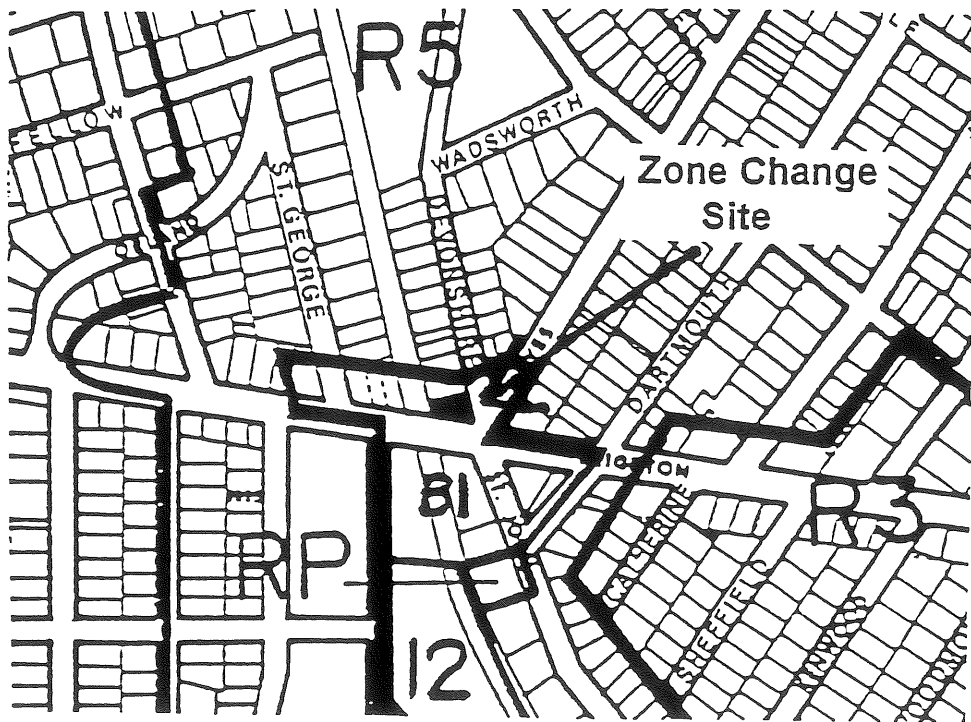
Personally appeared the above-named \_\_\_\_\_, and acknowledged  
the foregoing instrument to be her free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Attachment 2

Zone Change map



RECEIVED

Attachment 3

DEC 15 1995

APPLICATION FOR ZONING AMENDMENT  
CITY OF PORTLAND, MAINE

DATE: December 14 1995

TO THE CITY PLANNING BOARD, CITY HALL, PORTLAND, MAINE 04101:

The undersigned hereby requests that you consider whether it would be consistent with the comprehensive plan of the City of Portland, Maine, and make appropriate recommendation for action by the City Council concerning the following proposed amendments to the Zoning Ordinance of the City of Portland, Maine:

A. ZONING MAP AMENDMENT:

FROM B-1 ZONE TO contract B-1 ZONE

The property situated on Brighton Avenue between Devonshire Street and the Portland Terminal Co. Railroad right of way

Assessor's Reference (Chart, Block and Lot) for the property is as follows:

Chart/Map 82. Block C. Lot 11

1. What original deed restrictions, if any, concerning the type of improvements and class of uses permitted were placed on the property involved? Give date restrictions expire.

None

2. Description of the existing use of property

Professional Pharmacy

3. Description of the proposed use of property

Feline-Exclusive Veterinary Hospital

4. Area of Lot(s) 8,000 sq ft 4b. Total Floor Area: 2700 sq ft

5. Street Address of Property Involved	Property Owner And/Or Name of Option Holder	Date of Acquisition
--	---	---------------------

183 Brighton Ave. John F. Burnham 1973

Portland, Maine 04103 Debra G. DiFalco DVM

6. Submission of a site plan, as required in Article V of the Municipal Code.

7. Submission of plans and addresses of property owners abutting the subject property.

B. ZONING TEXT AMENDMENT:

1. Section of Ordinance to be amended \_\_\_\_\_

2. Proposed text amendment - Attach on separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

3. Brief statement of the purpose of the proposed amendment.

4. If the amendment is intended to facilitate a development, reuse, alteration, addition or



modification to a specific property, fill out the sections above under ZONING MAP AMENDMENT.

A fee for this application for a zoning amendment will be charged in accordance with Section 14-54 of the Municipal Code (see copy attached). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

The above information and the attached lists of property-owners in the vicinity are true and accurate to the best of my knowledge.

\_\_\_\_\_  
Date of Filing

  
Signature of Applicant

Debra G. DiFalco D.V.M.  
The Cat Doctor  
Tower X 222 St. John Street  
Portland, Maine 04102

WITHDRAWAL In the event of withdrawal of the zoning amendment application by the applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: April 11, 1988

**Property Owners**  
abutting the subject property

082-A-027-001  
Conti Viola A &  
Constance T Regios  
36 Crocket Road  
Raymond, Maine 04071

080-B-001-001  
Corsetti's Inc.  
186 Brighton Ave  
Portland, Maine  
04102

082-C-010-001  
Huston, Paul A &  
Melissa H JTS  
P.O. Box 2361  
Bangor, Maine 04402

082-D-015-001  
M. W. Sewall & Co.  
P.O. Box 245  
Bath, Maine 04530

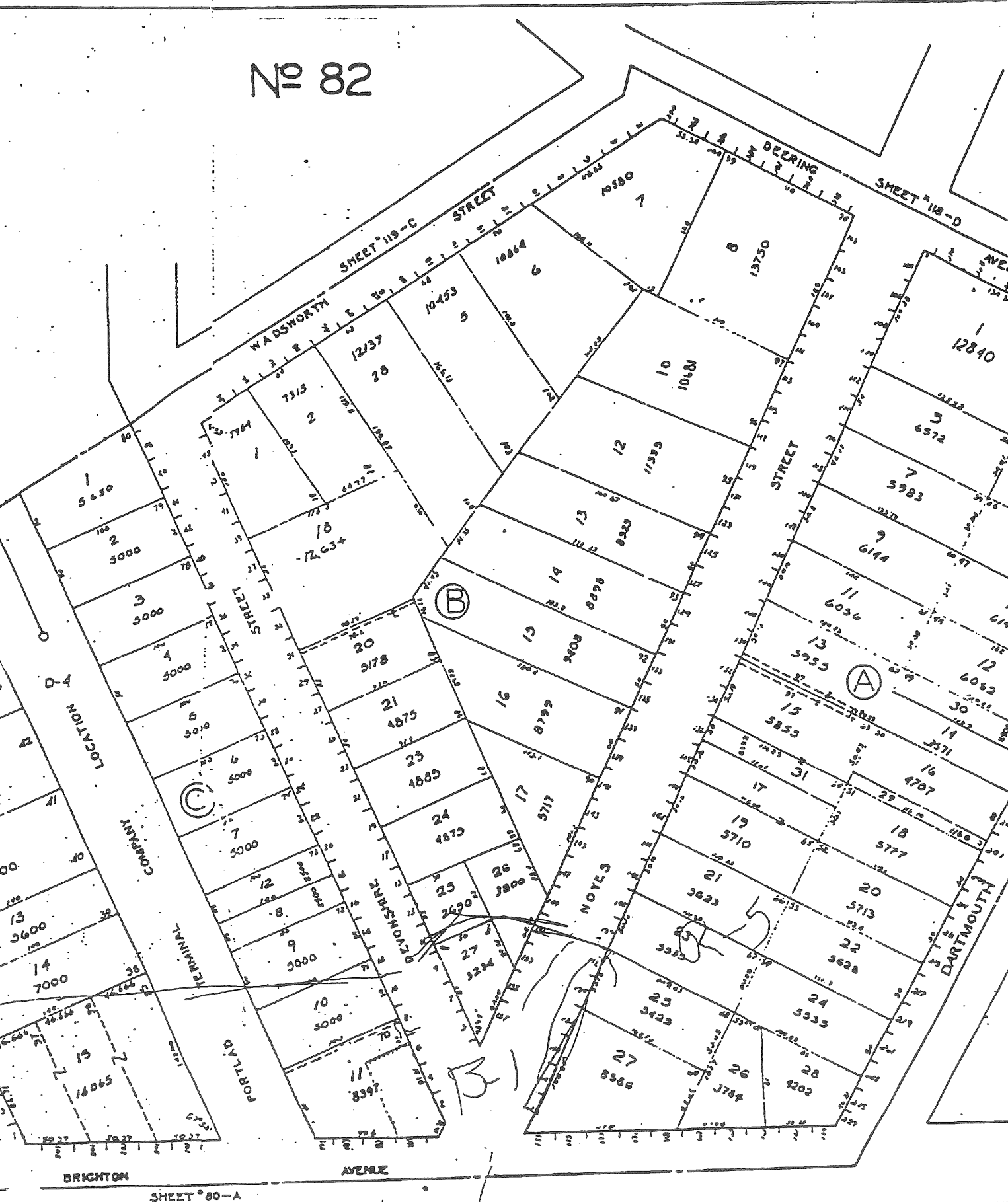
080-I-001-001  
New Portland Prop Group  
100 Forest Park  
Portland, Maine 04101

080-C-003-001  
Portland Terminal Co.  
Guilford Transportation  
402 Amherst St. # 300  
Nashua, New Hampshire  
03063

080-D-001-001  
R & R Leasing Corporation  
% RMR Inc.  
P.O. Box 1646  
Parkersburg West Virginia 26102

082-B-027-001  
Yiotos Kallianthe Life  
Interest  
40 Berkeley Street  
Portland, Maine 04103

№ 82



Green Cemetery



Back

Book 3437 Pg-65

(100)

65

17953  
Know all Men by these Presents.

That We, DELL J. FOLEY, ELEANOR R. MORGAN, MARY G. (MORGAN) SMITH, and VIRGINIA M. HALCROW, all of the City of Portland, County of Cumberland, and State of Maine

in consideration of One Dollar (\$1.00) and other valuable considerations

paid by BRIGHTON AVENUE PHARMACY, INC., a Maine corporation with a place of business in the said City of Portland, County of Cumberland, and State of Maine

the receipt whereof we do hereby acknowledge, do hereby

give, grant, bargain, sell and convey unto the said BRIGHTON AVENUE PHARMACY, INC., a Maine corporation aforesaid, its successors and assigns forever,

a certain lot or parcel of land situated in said Portland on the northerly side of Brighton Avenue and bounded and described as follows:

Beginning at the corner formed by the intersection of the northerly side line of Brighton Avenue with the easterly side line location now or formerly of the Maine Central Railroad; thence, from said point of beginning running southeasterly by Brighton Avenue ninety-nine feet six inches (99' 6") to a point and the northwesterly side line of Noyes Street; thence, Northeastly by Noyes Street ten and seventy-eight hundredths (10.78) feet to a point and the westerly side line of Devonshire Street; thence, Northerly by said Devonshire Street ninety-one feet two and one-half inches (91' 2 1/2") to a point; thence, Westerly one hundred (100) feet to the easterly location of said Maine Central Railroad; thence, Southerly by the easterly side line of said Maine Central Railroad location sixty (60) feet to Brighton Avenue and the point of beginning; being Lot Number 70 as shown on plan of Fessenden Park recorded in Cumberland County Registry of Deeds, Plan Book 8, Page 87.

Being the same premises conveyed by George T. Edwards to Joseph H. Clary and Kathleen A. Clary by warranty deed, dated July 21, 1924 and recorded in Cumberland County Registry of Deeds, Book 1173, Page 403. Meaning and intending to convey all our right, title, and interest in said premises received under the will of Joseph H. Clary, who died on November 18, 1942. Virginia M. Halcrow conveys all her right, title, and interest received by right of inheritance from her mother, Katherine M. Halcrow, who was the devisee of the said Joseph H. Clary, and by deeds of Eleanor R. Halcrow and Barbara A. Ferguson, both dated August 31, 1957.

Also, a certain lot or parcel of land situated in said Portland on the westerly side of Devonshire Street, bounded and described as follows:

Beginning at a point in the westerly side line of said Devonshire Street, which point is ninety-one feet two and one-half inches (91' 2 1/2") northerly on said westerly side line of Devonshire Street from the intersection of the northwesterly side line of Noyes Street; thence, Northerly by said Devonshire Street three and fifty-four hundredths (3.54) feet to the southerly side line of Lot Number 71, as indicated on a plan of Lots of Fessenden Park recorded in Cumberland County Registry of Deeds in Plan Book 8, Page 87; thence, Westerly by the southerly side line of Lot Number 71, one hundred (100) feet to the easterly location of the Maine Central Railroad; thence, Southerly along said easterly location of the Maine Central Railroad to the northerly side line of the lot conveyed to said Joseph H. Clary and Kathleen A. Clary by George T.

66 Edwards by deed, dated July 21, 1924 and recorded in Cumberland County Registry of Deeds in Book 1173, Page 403; thence, easterly, along the northerly side line of the lot heretofore conveyed to said Joseph H. Clary and Kathleen A. Clary by George T. Edwards, by deed above referred to, one hundred (100) feet, more or less, to the point of beginning.

Being the same premises conveyed by Caroline C. Edwards, widow of George T. Edwards, to Joseph H. Clary and Kathleen A. Clary by Quit-claim deed, dated October 13, 1933 and recorded in said Cumberland County Registry of Deeds in Book 1427, Page 265. Reference is also hereby made to Executor's deed from Harry L. Cran, Executor u/w George T. Edwards, to Joseph H. Clary and Kathleen A. Clary dated November 14, 1935 recorded in said Cumberland County Registry of Deeds in Book 1481, Page 416. Meaning and intending to convey all our right, title, and interest in said premises received under the will of Joseph H. Clary, who died on November 18, 1942. Virginia M. Halcrow conveys all her right, title and interest received by right of inheritance from her mother, Katherine M. Halcrow, who was the devisee of the said Joseph H. Clary, and by deeds of Eleanor R. Halcrow and Barbara A. Ferguson, both dated August 31, 1957, and recorded in said Registry of Deeds in Book 2372, Page 1, and Book 2372, Page 4, respectively.



APPLICATION FOR ZONING AMENDMENT  
CITY OF PORTLAND, MAINE

DATE: October 15, 1995

TO THE CITY PLANNING BOARD, CITY HALL, PORTLAND, MAINE 04101:

The undersigned hereby requests that you consider whether it would be consistent with the comprehensive plan of the City of Portland, Maine, and make appropriate recommendation for action by the City Council concerning the following proposed amendments to the Zoning Ordinance of the City of Portland, Maine:

A. ZONING MAP AMENDMENT:

FROM \_\_\_\_\_ ZONE TO \_\_\_\_\_ ZONE

The property situated on \_\_\_\_\_

Assessor's Reference (Chart, Block and Lot) for the property is as follows:

\_\_\_\_\_  
\_\_\_\_\_

1. What original deed restrictions, if any, concerning the type of improvements and class of uses permitted were placed on the property involved? Give date restrictions expire.

\_\_\_\_\_

2. Description of the existing use of property

\_\_\_\_\_

3. Description of the proposed use of property

\_\_\_\_\_

4. Area of Lot(s) \_\_\_\_\_ 4b. Total Floor Area: \_\_\_\_\_

5. Street Address of Property Involved	Property Owner And/Or Name of Option Holder	Date of Acquisition
---	--	---------------------

\_\_\_\_\_

\_\_\_\_\_

6. Submission of a site plan, as required in Article V of the Municipal Code.

7. Submission of plans and addresses of property owners abutting the subject property.

B. ZONING TEXT AMENDMENT:

1. Section of Ordinance to be amended Sec. 14-147.5 and Sec. 14-163

2. Proposed text amendment - Attach on separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

3. Brief statement of the purpose of the proposed amendment.

4. If the amendment is intended to facilitate a development, reuse, alteration, addition or modification to a specific property, fill out the sections above under ZONING MAP AMENDMENT.

A fee for this application for a zoning amendment will be charged in accordance with Section 14-54 of the Municipal Code (see copy attached). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

The above information and the attached lists of property-owners in the vicinity are true and accurate to the best of my knowledge.

10/16/95

Date of Filing

Debra G. DiFalco

Signature of Applicant

Debra G. DiFalco D.V.M.  
The Cat Doctor  
Tower X 222 St. John Street  
Portland, Maine 04102

WITHDRAWAL In the event of withdrawal of the zoning amendment application by the applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: April 11, 1988



## Proposed Text Amendment

### Sec. 14-147.5. Conditional Uses. (R-P Residence-Professional Zone)

#### existing text:

The following uses are permitted as provided in section 14-174 (conditional uses) if they meet the following requirements:

- (1) Such other offices which have characteristics similar to but no more objectionable than those generally associated with professional offices. In determining appropriateness, the zoning board shall consider the quality of building design and materials, signage, and landscaping, and their general compatibility with the surrounding residential development. Such uses shall also be shown to have vehicular patterns, including parking and storage of motor vehicles, similar to those associated with professional offices. Noise levels and hours of operation shall also be considered. An approval granted under this section shall be issued to a specific user and shall not run with the land to subsequent users. A new conditional use approval shall be required when the user changes. A new conditional use approval may be issued by the zoning authority if it determines that the new user will maintain the same use as the original user and that such use will not have substantially different external effects, including, but not limited to, parking, vehicular traffic on and off the site, noise levels, hours of operation, and visual characteristics such as signage or changes to building design.

#### proposed addition:

- (2) Veterinary Hospitals provided they meet the following additional requirements:
  - a. that structures or pens for housing or containing the animals shall be completely enclosed
  - b. All pens, runs, or kennels, and other facilities shall be designed, constructed,  
and maintained in accordance with specific performance standards outlined in Sec. 14-151.

### Sec. 14-163. Conditional Uses. (B-1 and B-1b Neighborhood Business Zones)

#### existing text

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone and in existence on November 15, 1993, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (1) Restaurants, provided they meet the following requirements:
  - a. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
  - b. The hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. each day;
  - c. Food service and consumption are the primary function of the restaurant; and
  - d. There shall be no drive-in or drive-through service.

#### proposed addition

- (2) Veterinary Hospitals provided they meet the following requirements:
  - a. that structures or pens for housing or containing the animals shall be completely enclosed.
  - b. All pens, runs, or kennels, and other facilities shall be designed, constructed, and  
maintained in accordance with specific performance standards outlined in Sec. 14-167.

## Purpose of Proposed Amendment

The proposed text amendment will modify the broad exclusion of veterinarians in the buffer zones (R-P, B-1, and B-1b) allowing the operation of a veterinary hospital as a conditional use when specific performance standards are met. This amendment to the zoning ordinance is desirable for the following reasons:

- (1) Veterinary hospitals are a small business use ideally suited to achieve the stated goals of the R-P, B-1, and B-1b zones.

### **Sec. 14-146. Purposes (R-P Zone Residence-Professional Zone)**

- a. To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods.
- b. To serve as a transition or buffer zone between residential and more intensive non-residential zones.

### **Sec. 14-161. Purpose (B-1 and B-1b Zones Neighborhood Business Zones)**

The purpose of the B1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market.

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

- (2) Veterinary Use is directly associated with residential neighborhoods. Studies have shown that the typical veterinary client resides within a 1-2 mile radius of the site selected. This is particularly true in urban/suburban settings. The location of veterinary hospitals at the periphery of residential zones provides convenient access for clientele.

- (3) Most veterinary hospitals today are "high tech" health care facilities in which the overnight housing of animals is predominantly if not exclusively confined to patients requiring hospital care. Modern veterinary hospitals *have characteristics similar to but no more objectionable than those generally associated with professional offices.*

- (4) Existing language addressing the requirements for the abatement of adverse external effects for any use in the R-P or B-1 zones (Sec. 14-151 and Sec. 14-167) can easily be applied to the operation of a veterinary hospital as well.. Noise transmission, a particular concern with a veterinary facility, is a predictable and measurable quantity.. Current construction technology allows us to reduce the noise transmission from within a building to adjacent property lines to any level required by the ordinances.

Attachment 4  
Land Use Map



BRIGITON AVENUE

BRIGITON AVENUE

BRIGITON AVENUE

186A-B

Christy's Residences

Residences

Residence Resid.

Site 1111

185 Prop.

DOUGLASS

Village North  
FOR FURTHER DETAILS SEE  
COUNTY REGISTER OF DEEDS OR  
OWNERSHIP RECORDS RECORDED IN BOOK  
1851, PAGE 117 DATED 9/11/11

MASSACHUSETTS

186A-C

Attachment 5  
Site Plan

YIOTOS KALI  
LIFE I  
082-6-027

North

DEVONSHIRE III STREET

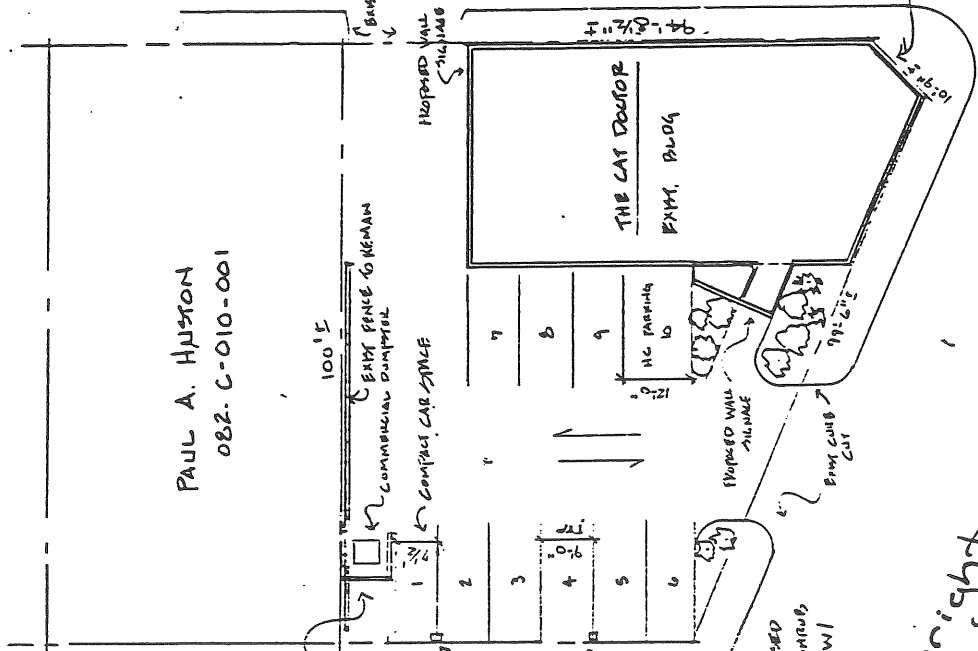
PAUL A. HUSTON  
082-C-010-001

WOOD FENCE  
ENCLOSURE

PORTLAND TERMINAL CO  
080-C-003-001

NEW 14" HIGH LIGHT FIXTURES  
FINISHES TO BE CUT-OFF  
NON-GLOSS CONTIGUOUS STAIRS

LANDSCAPE AREAS TO BE ENCLOSED  
W/ LANDSCAPE BLOCK - TREE / SHRUB  
SELECTION TO BE COORDINATED W/  
CITY AIRPORT - TYPICAL



St. John

Brighton Avenue

Portland  
Terminal Co.

M.W. DEWALL CO  
082-D-015-001

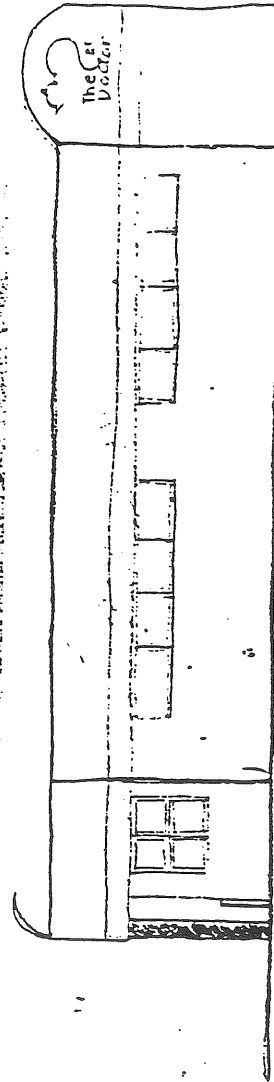
NEW PORTLAND PROP GROUP  
080-1-001-001

Attachment 6

1/4" = 1'-0"

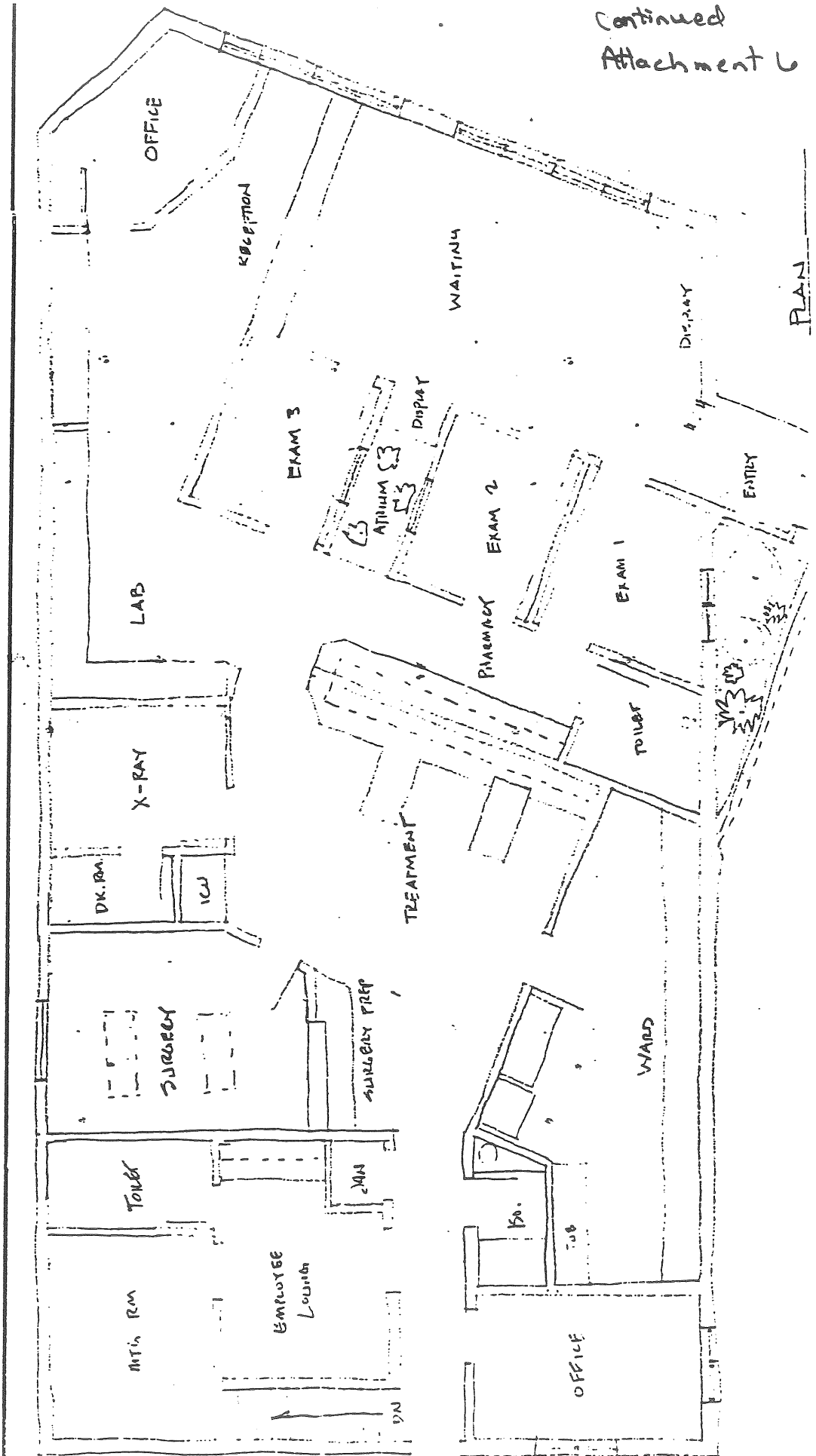


WEST ELEVATION  
1/4" = 1'-0"

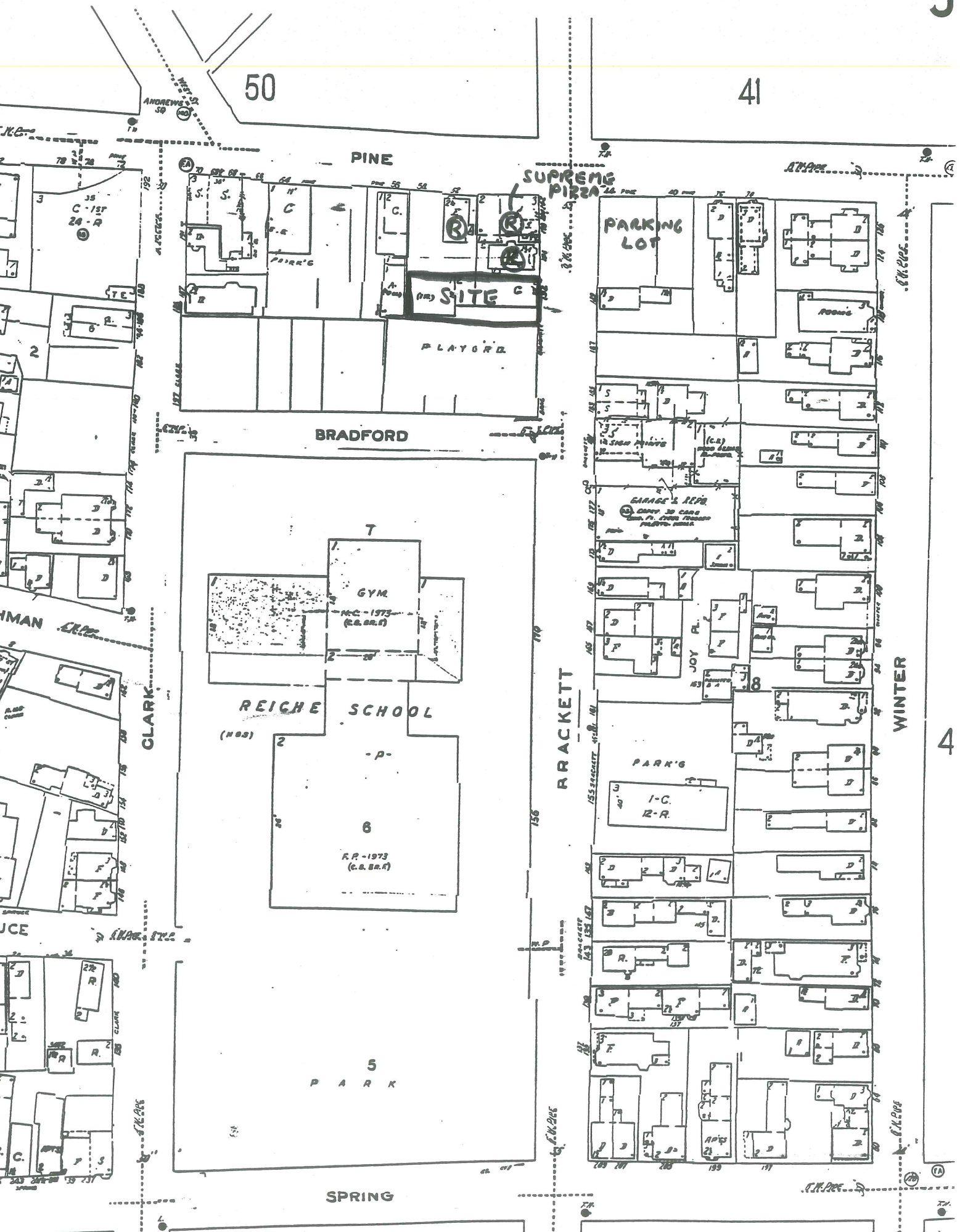


SOUTH ELEVATION

Continued  
Attachment 6



PLAN



**PLANNING REPORT #18-98**

**FLOOD CONTRACT ZONE FOR A VETERINARIAN OFFICE**

**192 BRACKETT STREET**

**JOHN FLOOD, APPLICANT**

Submitted to:

Portland City Council  
Portland, Maine

May 18, 1998



## I. Introduction

The Planning Board is forwarding a recommendation to the City Council to approve a contract zone change proposed by John Flood (DVM) for a small animal veterinary practice at 192 Brackett Street. Although the site is zoned B-1 business, the zoning text excludes veterinarians. The proposed contract includes provisions limiting the size of the clinic, office hours, number of employees, as well as measures to address noise concerns.

## II. Findings

Existing Zone:	B-1 Business
Land Area:	4,800 sq. ft.
Existing Building Floor Area:	3,876 sq. ft.
Proposed Use:	Small animal veterinary practice; plus potential space for another business use (1st floor) Apartment (2nd floor)
Existing Use:	Day care and an apartment
Parking:	Two on-site; 4 leased across the street
Nearby Land Uses:	The property is located in a B-1 zone that includes a mix of commercial and residential uses. Also abutting the site is an apartment building. The parking lot for the Westside Restaurant is adjacent to the rear property line. Other nearby uses on Pine Street include Cumberland Farms, Supreme Pizza, Aurora Grocery and residences. Along Brackett Street, uses include parking lots, Portland West/Youth Build offices and residences. The Reiche School campus and a City basketball court are adjacent to the site.

## III. Contract Zone

The proposed zone change is modeled after the "Cat Doctor" contract zone approved by the City Council in 1996 in a B-1 zone at 183 Brighton Avenue (corner of Devonshire Street.) The Cat Doctor zone change (proposed by D. DiFalco and K. Hoyt) is similar to the applicant's, except that the Cat Doctor practice was limited to cats. The Flood proposal includes the treatment of dogs and other small animals.

The summary of the proposed contract provisions appears below. The contract is shown on Attachment C.

1. Proposed zone change amends the City zoning map.
2. Property to be developed in accordance with site plan.
3. Veterinarian use allowed in addition to other uses permitted in the B-1 zone . . . [Note this condition would not preclude another business use in the building. For example, the section of the building closest to Brackett Street is shown as vacant space. Any use allowed in the B-1 zone would be permitted in this space under the terms of this contract.]
4. Parking shall be provided as shown on the site plan.
5. Veterinarian use limited to treatment of cats, dogs and other small domestic animals.
6. Housing of animals shall be located within a completely enclosed structure.

7. Building shall have mechanical air exchange and cooling system to prevent need for open windows for ventilation.
8. Documentation shall be provided that the building has sufficient sound insulation to ensure compliance with noise requirement of the B-1 zone.
9. Number of dogs permitted at the facility shall not exceed 6. No limit on cats.
10. Applicant shall maintain existing residential unit on the second floor.
11. Operation of the veterinary use shall be limited to 30 hours per week. There shall be no more than 4 people working at any one time.
12. No waste of any type shall be stored outside of the existing structure.
13. This contract is supplemental to uses and requirements of the B-1 zone.
14. Applicant shall submit a site plan for review and approval by the Planning Authority.

#### IV. Zoning Policy Analysis

##### Comparison of Cat Doctor and Flood Zone Changes:

The Cat Doctor contract zone (183 Brighton Avenue), which served as the model for the Flood zone change, is located along a busy arterial on a lot of 8,000 sq. ft. The original zoning was also B-1. The facility is adjacent to the intersection of Brighton Avenue, St. John Street, Noyes Street, and Devonshire Street. The veterinary practice is limited to cats. The Flood site is located on a lot of 4,800 sq. ft., in a dense peninsula neighborhood, with a mix of residential and commercial uses. Although the Reiche School side of the building abuts a city park, the opposite side of the building is only about 7 feet from a residential building. The Flood practice includes cats, dogs and other small animals.

The Cat Doctor application offered the following reasons in support of a veterinarian in a B-1 Zone.

"(a) Veterinary Use is directly associated with residential neighborhoods. Studies have shown that the typical veterinary client resides within a 1-2 mile radius of the site selected. This is particularly true in urban/suburban settings. The location of veterinary hospitals at the periphery of residential zone provides convenient access for clientele.

(b) Most veterinary hospitals today are "high tech" health care facilities in which the overnight housing of animals is predominantly if not exclusively confined to patients requiring hospital care. Modern veterinary hospitals have characteristics similar to but no more objectionable than those generally associated with professional offices.

(c) Existing language addressing the requirements for the abatement of adverse external effects for any use in the R-P or B-1 zones (Sec. 14-151 and Sec. 14-167) can easily be applied to the operation of a veterinary hospital as well. Noise transmission, a particular concern with a veterinary facility, is a predictable and measurable quantity. Current construction technology allows us to reduce the noise transmission from within a building to adjacent property lines to any level required to the ordinances."

## Policy Analysis

The Commercial Zoning Policies of Portland's Comprehensive Plan encourage the development of new commercial enterprises within the existing neighborhood centers. Secondly, the policies recommend that the City maintain and promote a community which is attractive to both existing and prospective families and homeowners to help support the neighborhood commercial district.

A Time of Change: Portland's Transportation Plan is a component of the City's Comprehensive Plan, and it includes the following policy:

Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences and fit into the fabric of the neighborhood.

The B-1 zone is designed to provide "limited areas for the location of small-scale commercial establishments intended to serve a local market". The B-1 zone permits the following business uses: professional offices; business services; personal services; offices of building tradesmen (provided that there is no exterior storage of building materials); and retail sales and services (provided no drive-in or drive-through sales and services.)

The B-1 text specifically excludes veterinary uses under professional offices. Although a veterinarian is a professional office, clearly the noise factor is a compelling concern for excluding this use from that zone under normal circumstances. However, like the Cat Doctor zone change, the applicant has structured the proposal to address a wide range of impacts associated with this use such as noise, the size and scale of the veterinary practice, and a limitation on the number of dogs (6) kept overnight at the facility. Given these measures, the impact of this to the neighboring area should be no different than other offices in the B-1 zone. An existing apartment on the second floor would be retained which is characteristic of many B-1 uses on the peninsula and helps reinforce the surrounding residential neighborhood.

## V. Noise Issues

Noise was of paramount concern to the Board in reviewing the proposal. Condition #8 of the contract requires that the applicant provide documentation to the zoning administrator that the clinic has sufficient insulation to ensure compliance with a forty (40) decibel limit (measured from the property line.)

Forty (40) decibels is lower than the existing B-1 zone decibel standards of 55 (Sec. 14-167). In reviewing several sources on sound, 40 decibels is described as "soft radio music in an average residence" or as "bird calls" in an outdoor environment. The applicant has demonstrated the ability to attain a decibel level of 20 and 25 decibels but the Board felt that a 40 decibel standard would be appropriate.

The applicant has provided background information on sound mitigation which is shown on Attachment D. The report indicates "an average group of dogs barking wildly will produce a volume of approximately 80-90 decibels. To deal with this high volume, we will be increasing the sound absorbing qualities of the walls and the ceilings in the area of high to moderate volume potential."

## **VI. Site Plan**

A concept site plan has been submitted. The existing building covers over half of the site. The original site plan indicates that two piggyback parking spaces will be provided on the site for employee parking with at least 4 other leased spaces across the street. The applicant indicates he has access to other leased spaces. Further refinements in the site plan are expected during the site plan review process.

## **VII. Process**

At the public hearing on March 24, 1998, the Planning Board voted (6-0) to recommend to the City Council, that the Flood contract zone change was consistent with the policies of the B-1 Neighborhood Business Zone and comprehensive plan. The Planning Board therefore recommended to the City Council approval of the proposed contract rezoning at 192 Brackett Street.

At the public hearing, the Board revised condition #8 lowering the decibel level (from 55 decibels to 40 decibels) and adding condition #14 requiring site plan review for the project.

Two workshops were held on this proposal. 464 notices were sent to area residents.

### Attachments:

- A. Background Information
- B. Vicinity Maps
- C. Contract Zone
- D. Noise Information and Related Plans



ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone (207) 477-8144

Dec. 1, 1997

Planning Board  
Suite 400, City Hall  
389 Congress St.  
Portland, Maine 04101

**Re: Contract re-zoning of 192 Brackett St.**

I am investigating the purchase of the property at 192 Brackett St. in order to open a small animal veterinary clinic on first floor and convert the second floor into an apartment. The property exists in the B-1 zone. I request the board consider a contract re-zoning of this property to allow a veterinary practice at this site. The board addressed a similar application for property in the B-1 zone in 1995 for Dr DiFalco's veterinary practice. This request is similar but also encompasses veterinary care to dogs. The proposed clinic would operate on a relatively small scale serving a client base from the immediate neighborhood. The following is a brief description of the proposed clinic with attention to the issues of noise, odor and traffic

The clinic would provide primarily out patient veterinary care for the neighborhood dogs and cats. This would include well patient visits, care for sick and injured pets and surgical procedures such as spays and neuters. I have worked in this manner (on an out patient basis) for the past 6 years and have found it has several advantages. Pets in general convalesce better in familiar surroundings at home with their owners. Newer anesthetic routines with rapid recoveries make this very feasible for short surgical procedures such as spays and neuters. From a business point of view staffing and scheduling are made simpler. Exceptions would occur. Occasional overnight stays would be necessary for critically ill pets, for example those requiring iv fluid therapy that could not be accomplished during hours. Pertaining to dogs, these cases would be uncommon, perhaps several per month. A larger veterinary hospital or the Portland Emergency Clinic could be enlisted to help when need arose.



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## ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone: (207) 477-8144

The impact on the neighborhood with increased dog traffic would be light. Patients would be seen by appointment, four per hour. There would be approximately 5 hours of appointments per day. I estimate 75% of the patients will be cats. With only a few dogs entering the clinic each day it would be an easy task to keep the premises clean.

Hours of operation would be during the day and early evening. Typically appointments would held mornings and again 4-6 PM. There would be no appointments mid afternoon at the conclusion of the school day when the street tends to be busy.

The area to house patients will be located on the south side of the facility, adjacent to the basketball court and playing field. This property is well suited in that there is no other building in close proximity to this side of the building. Adequate soundproofing, mechanical ventilation and fixed windows should assure noise for the neighborhood is kept to a minimum. As previously mentioned dogs kept overnight would be the exception to the rule and would occur only if medical situations prevent them from going home. On this level, when properly housed I don't foresee noise as being a factor for the neighborhood. Kenneling of dogs as an ancillary service will not occur.

Solid wastes from pets would be sealed in garbage bags and stored in covered garbage cans in the rear of the building. Disposal will be according to city ordinances. With the small quantity of stool generated by a facility of this size storage and odor will not be a factor for the clinic or its neighbors. Medical wastes would be disposed by contractual arrangement with a company that provides this service.

Anticipated staff for the clinic would be as follows; a veterinarian, a receptionist and a veterinary technician. I plan for one member of the staff to live in the apartment upstairs. My intention is for this clinic to start and remain on a small scale.

Parking would be provided by 4 leased spaces directly across the street, two spaces adjacent to the building on the east side and four metered (15 min) spaces in front of the building on Brackett St..

A-3



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ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone: (207) 477-8144

It appears the West End of the peninsula is home to a large number of dogs. If this clinic can satisfy the requirements of the contract B-1 zoning I believe it will provide a well-received service which currently does not exist in the neighborhood.

Yours truly,

A handwritten signature in black ink, appearing to read "J.G. Flood", written over a horizontal line.

John G Flood DVM

APPLICATION FOR ZONING AMENDMENT  
CITY OF PORTLAND, MAINE

DATE Dec 1, 1997

TO THE CITY PLANNING BOARD, CITY HALL, PORTLAND, MAINE 04101:

The undersigned hereby requests that you consider whether it would be consistent with the comprehensive plan of the City of Portland, Maine, and make appropriate recommendation for action by the City Council concerning the following proposed amendments to the Zoning Ordinance of the City of Portland, Maine:

A. ZONING MAP AMENDMENT:

FROM B1 ZONE TO CONTRACT B1 ZONE

The property situated on 192 BRACKETT street/Avenue between PINE street/Avenue and SPRING street/Avenue on SOUTH WEST side(s).

Assessor's Reference (Chart, Block and Lot) for the property is as follows:

MAP 56 LOT C8

1. What original deed restrictions, if any, concerning the type of improvements and class of uses permitted were placed on the property involved? Give date restrictions expire:

2. Description of the existing use of property:

CHILDRENS' DAY CARE FACILITY

3. Description of the proposed use of property:

SMALL ANIMAL VETERINARY CLINIC  
2ND FLOOR APARTMENT

4. Area of Lot(s): 4800 SQ FT

Total Floor Area: 3876 SQ FT

5. Street Address of Property Involved	Property Owner and/or Name of Option Holder	Date of Acquisition
<u>192 BRACKETT ST</u>	<u>S+K PARTNERS</u>	<u>MAY 1997</u>
	option holder <u>JOHN FLOOD</u> <u>NANCY FLOOD</u>	



- 6. Submission of a site plan, as required in Article V of the Municipal Code.
- 7. Submission of plans and addresses of property owners abutting the subject property.

3. ZONING TEXT AMENDMENT:

- 1. Section of Ordinance to be amended: SEC 14-47.5 and SEC. 14-163
- 2. Proposed text amendment - Attach on separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underlined (example).
- 3. Brief statement of the purpose of the proposed amendment.
- 4. If the amendment is intended to facilitate a development, reuse, alteration, addition or modification to a specific property, fill out the sections above under ZONING MAP AMENDMENT.

A fee for this application for a zoning amendment will be charged in accordance with Section 14-54 of the Municipal Code (see copy attached). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

The above information and the attached lists of property -- owners in the vicinity are true and accurate to the best of my knowledge.

DEC 1, 1997  
Date of Filing

[Signature]  
Signature of Applicant

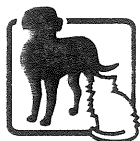
470 YOUNGS RIDGE RD  
Address of Applicant

ACTON      ME      04001  
City                      State                      ZIP

WITHDRAWAL: In the event of withdrawal of the zoning amendment application by the applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: April 11, 1988



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ACTON VETERINARY SERVICES

JOHN G. FLOOD, D.V.M.

470 Youngs Ridge Road

Acton, Maine 04001

Telephone: (207) 477-8144

**RE: Abutters to 192 Brackette St.**

Map 56, block C, lot 8

1. block E  
city of Portland  
the public school

2. John E Coyne  
1220 Washington Ave.  
Portland, Me 04103

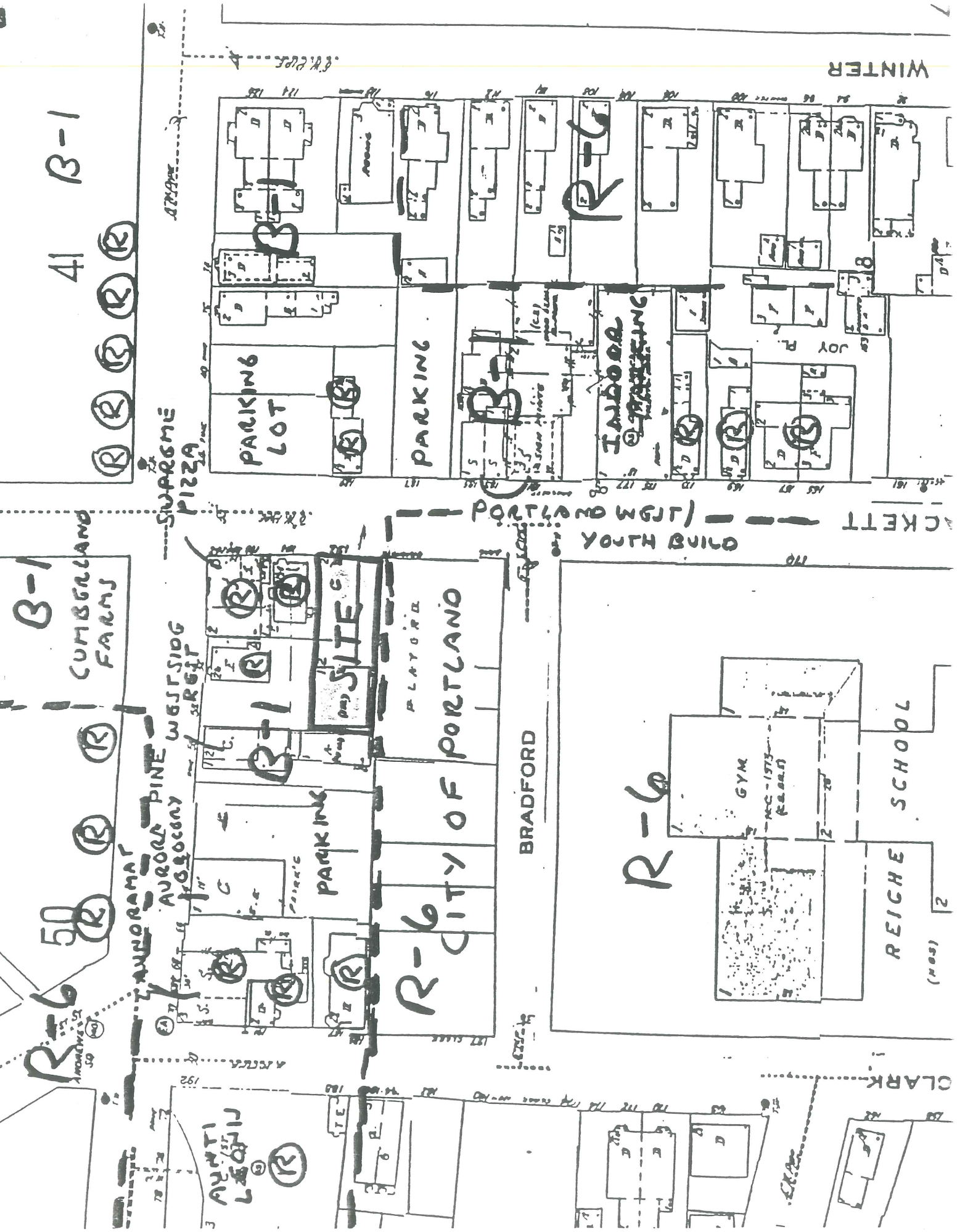
Block C lot 7 @ 52-54 Pine St.  
Block C lot 24 @ 50 Pine St.

3. Wayne C and Bridgette Rodgers  
16 Crestwood Rd.  
Ipswich Ma. 01938

Block C lot 23 @ 194-196 Brackette St.

4. Portland West Neighborhood Planning Council  
155 Brackett St Portland, Me 04102

Block C lot 5 @ 56 Pine St.



41 B-1

R R R R R

B-1

CUMBERLAND FARMS

R-6

R R R R R

AURORA PINE WEBSIDING

AMITI LEBON

R

PARKING

R-6 CITY OF PORTLAND

BRADFORD

R-6

GYM

1973

REICHE SCHOOL

(1900)

CLARK

SUPREME PIZZA

PARKING LOT

PARKING

B-1

AURORA PINE WEBSIDING

R-6

WINTER

114 125

115 125

116 125

117 125

118 125

119 125

120 125

121 125

122 125

123 125

124 125

125 125

126 125

127 125

128 125

114 125

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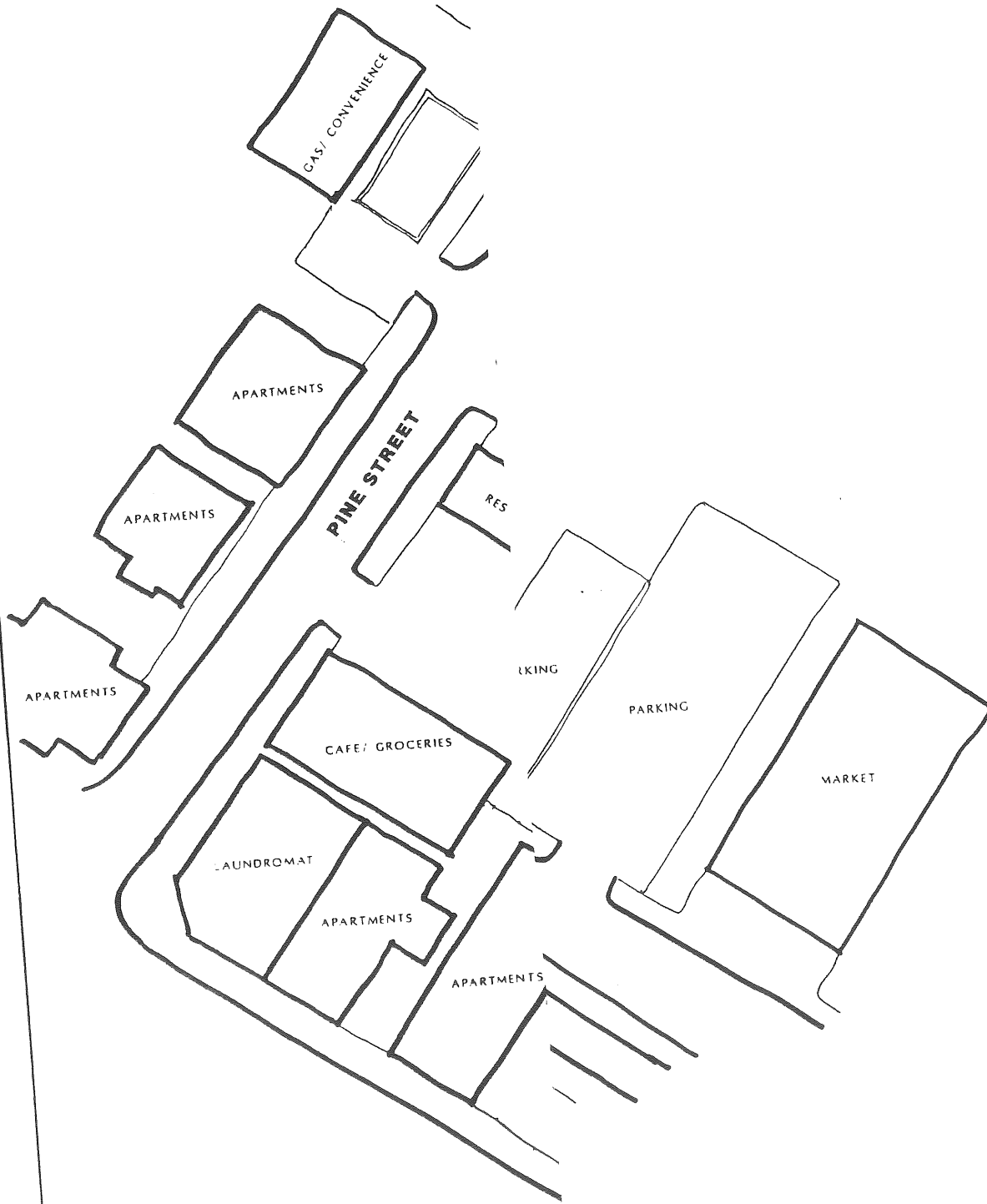
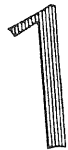


WEST END  
VETERINARY  
CLINIC  
PORTLAND, ME

B-2  
STEPHEN BLATT  
ARCHITECTS  
10 DANFORTH STREET  
POST OFFICE BOX 583 075  
PORTLAND, ME 04112-583  
TELEPHONE 207 761 5911  
TELECOPIER 207 761 2105



SCALE: 1" = 25'-0"



BRACKETST.REZ.PB.FIN  
03.24.98

AGREEMENT BETWEEN  
CITY OF PORTLAND  
AND  
JOHN FLOOD, DVM, AND NANCY FLOOD

AGREEMENT made this day of , 1998 by and between the CITY OF PORTLAND, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "CITY") and JOHN FLOOD, D.V.M., of 470 Youngs Ridge Road, Acton, Maine 04001 and NANCY FLOOD, of 969 Ocean Boulevard, Hampton, New Hampshire 03842 (hereinafter "FLOODS").

W I T N E S S E T H:

WHEREAS, FLOODS did request a rezoning of property located at 192 Brackett Street, in Portland, in order to permit the establishment and operation of veterinarian's offices, as limited herein; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual

BRACKETST.REZ.PB.FIN  
03.24.98

nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY'S comprehensive land use plan; and

WHEREAS, the CITY authorized the execution of this Agreement on , 1998;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. FLOODS shall be authorized to establish and maintain veterinarians' offices in addition to uses permitted in the B-1 Business zone.
4. Parking shall be established and assigned as indicated on Attachment 2.
5. The veterinarian office use shall be limited to the treatment of cats, dogs and other small domestic animals only and services related to such treatment.
6. All structures or pens for housing or containment of animals shall be located within a completely enclosed structure.
7. The building in which animals are treated or kept shall have mechanical air exchange and cooling systems that are adequate to maintain such structure, including pens and runs, at an interior temperature that is adequate to prevent the need for ventilation from open windows. Ventilation from open windows shall not be permitted.

BRACKETST.REZ.PB.FIN  
03.24.98

8. FLOODS shall provide to the Zoning Administrator documentation from a licensed professional engineer or a licensed architect that the structure in which the veterinary hospital is to be located has sufficient sound insulation to ensure compliance with a forty (40) decibel limit using the noise measurement standards of Section 14-167(2), as measured at the property line.
9. The number of dogs permitted overnight at the facility shall be six (6). There shall not be a limit on the number of cats.
10. FLOODS shall maintain the existing residential unit located on the second floor of the structure.
11. Office hours shall be limited to thirty (30) hours per week. There shall be no more than four (4) clinic employees, including veterinarians, working at any one (1) time.
12. No waste of any type shall be stored outside of the existing structure.
13. The provisions of this Agreement, including the permitted veterinarian use, are intended to be supplemental to the uses and requirements of the underlying B-1 zone.
14. FLOODS shall submit a site plan for review and approval by the Planning Authority.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind FLOODS, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or

BRACKETST.REZ.PB.FIN  
03.24.98

unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that FLOODS or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to B-1 or any successor zone and that this Agreement be terminated, requiring a cessation of the veterinarian office use.

WITNESS:

\_\_\_\_\_

CITY OF PORTLAND

By \_\_\_\_\_  
Robert B. Ganley  
Its City Manager

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
John Flood, D.V.M.



C-5

BRACKETST.REZ.PB.FIN  
03.24.98

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
Nancy Flood

STATE OF MAINE  
CUMBERLAND, ss. , 1998

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss. , 1998

Personally appeared the above-named John Flood, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

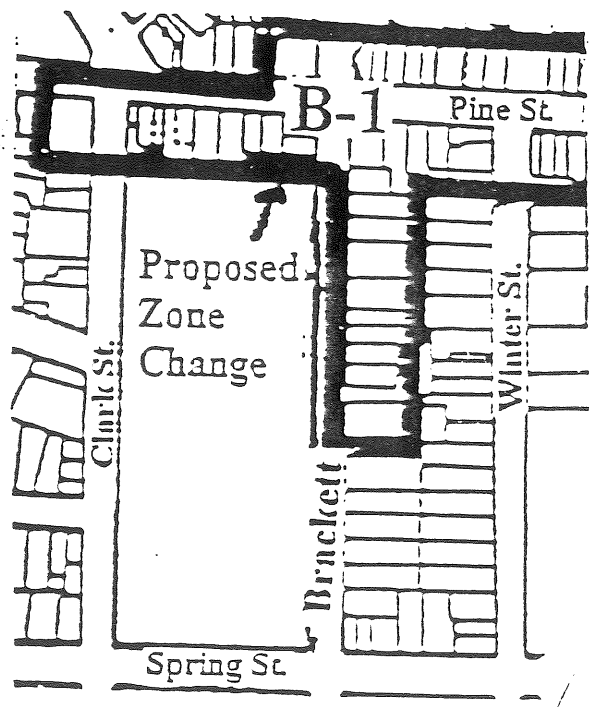
STATE OF NEW HAMPSHIRE  
, ss. , 1998

Personally appeared the above-named Nancy Flood, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

PROPOSED CONTRACT ZONE IN THE VICINITY  
OF 192 BRACKETT STREET



272.550  
1117  
(1)

PLAYING  
FIELD

BASKETBALL  
COURT

BRACKETT

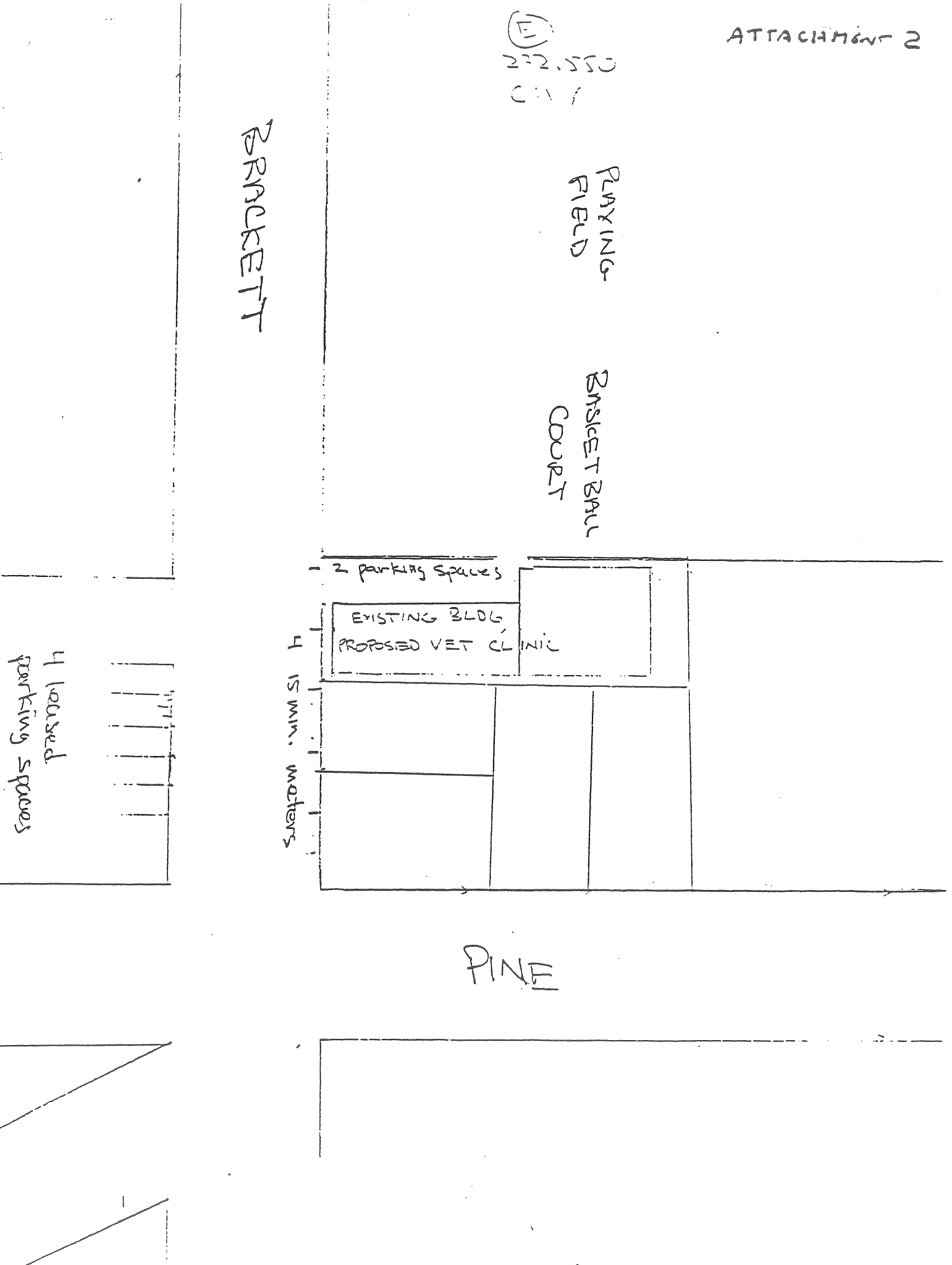
2 parking spaces

EXISTING BLDG  
PROPOSED VET CLINIC

4 15 min. waters

PINT

4 raised  
parking spaces



ARCHITECT

Rick Knowland  
Planning Dept.  
Portland Court House  
389 Congress St.  
Portland, Me 04101

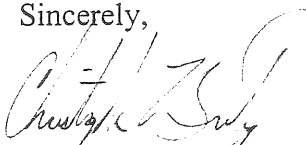
Mr. Knowland,

In preparation of the planning board meeting on March 24<sup>th</sup> of the West End Veterinary Clinic, I have enclosed three drawings for your review. This should help you prepare questions for John Flood, our client, and us.

In our design, we have placed the clinic in the single story part, or rear, of the building. This would immediately eliminate any undesirable noise from the clinic that might otherwise reach the adjacent tenants or business establishments. To address the issue of any "new neighbors" that might establish themselves in the future, we have acoustically isolated all the areas in the clinic that have the potential for generating any significant noise. It is our intention to make this business a good (and silent) neighbor.

Feel free to contact me if you have any questions or comments about what you would like to see at the meeting.

Sincerely,



Christopher Briley

March 19, 1993

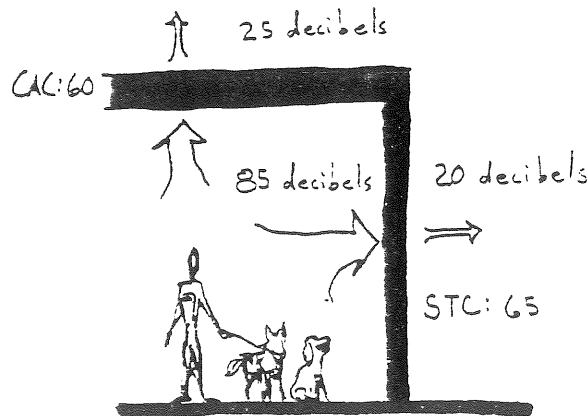
Rick Knowland  
 Planning Department  
 Portland Court House  
 389 Congress Street  
 Portland, Maine 04101

Dear Mr. Knowland:

The purpose of this letter is to inform the reader of the principals involved in designing a soundproof environment as well as to reveal our intent for the design of this facility, the West End Veterinary Clinic.

An average group of dogs barking wildly will produce a volume of approximately 80-90 decibels. To deal with this high volume, we will be increasing the sound absorbing qualities of the walls and the ceilings in the areas of high to moderate volume potential. In the Drawings, you will occasionally see walls rated with an STC rating. This stands for Sound Transmission Class. The number that follows can be thought of as a direct subtraction of the decibels as they pass through the wall. For example, if there are a couple of dogs barking loudly on one side of the wall, lets say at 85 decibels, and this wall has an STC rating of 65, then as the sound passes through that wall, it will emerge on the other side with a decibel level of 20 decibels. (See Figure 1.)

Figure 1



Ceilings are rated the same way, only instead of an STC rating, they have a CAC rating, which stands for Ceiling Attenuation Class. It is primarily the exact same thing, just with a different name.

Rick Knowland  
March 19, 1998  
Page 2 of 2

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It is our intention to design this Veterinary Clinic with the areas of high volume isolated acoustically using conventional building materials and methods, meaning without buying expensive, high-tech soundproofing systems, thereby keeping the cost down for our client. To do this, we will basically be designing a room within a room for each area of high volume potential. We will also be pushing these areas of high volume potential as far away from adjacent buildings, businesses and residences. We, Stephen Blatt Architects, are certain that the West End Veterinary Clinic will be a positive contribution to the community, as well as silent one.

Sincerely,

Chris Briley  
Stephen Blatt Architects

CMB/dlj

NOTES

Sound is produced by a vibrating object or surface. In order for sound to be transmitted or propagated, it requires an elastic medium. The most common medium for transmission is the air. Such sound is called "air-borne sound." However, sound can also be easily transmitted through common building materials and components such as steel, concrete, wood and metal framing, piping, and gypsum wallboard. This type of sound is called "structure-borne sound."

A-weighted decibel [dB(A)] is a standard single-number rating representing the overall sound energy of a given source. The A-weighting network in a sound level meter filters sound in a manner similar to the human ear by downgrading low frequencies.

**DECIBEL SCALE**

The decibel (dB) scale is a logarithmic scale based on 10 times the logarithm of a ratio of sound pressures. The decibel levels of two noise sources can not be added directly; instead use this simplified method:

difference between two sound levels in dB	0-1	2	3	4	5	6-10
add to the higher level	3	2	1	0	0	0

For example: 90 dB + 20 dB = 90 dB  
80 dB + 60 dB = 63 dB

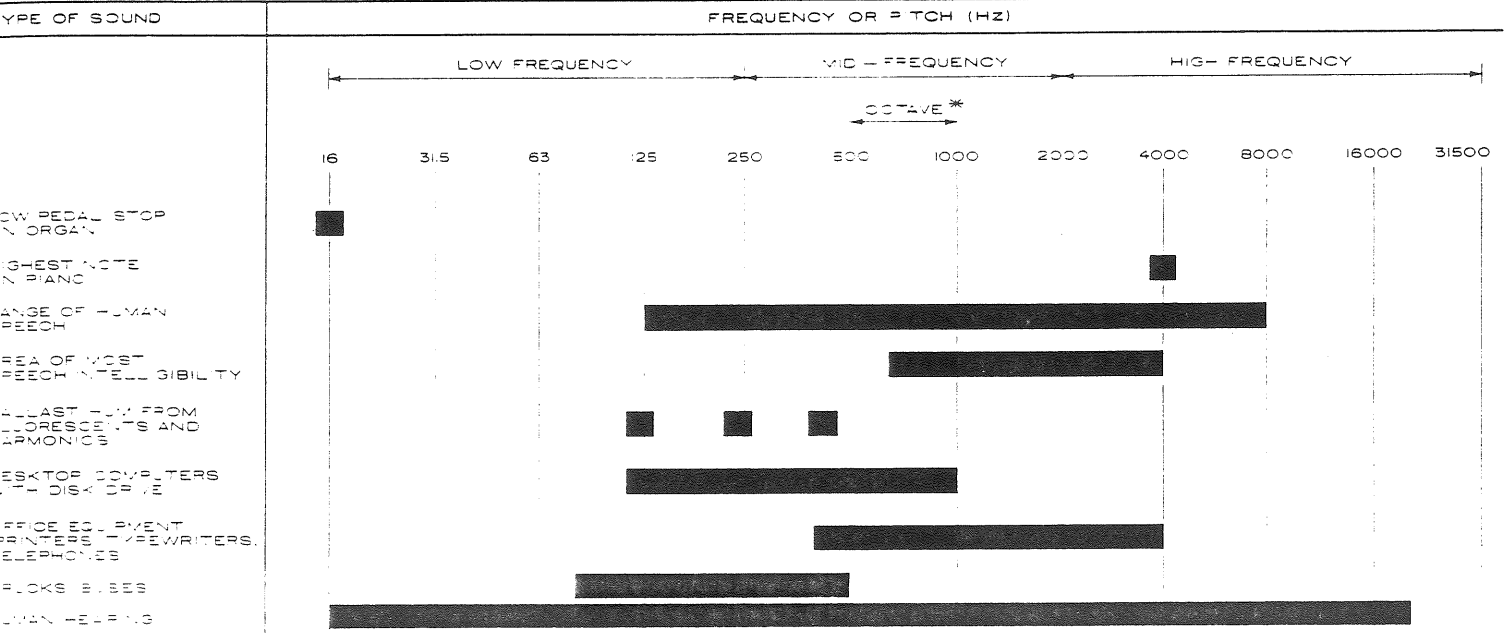
**OCTAVE BAND**

An octave band covers the range from one frequency (Hz) to twice that frequency, f to 2f.

**SUBJECTIVE FACTORS: EFFECT OF CHANGE IN SOUND PRESSURE LEVEL**

CHANGE IN SOUND PRESSURE LEVEL (+ OR -) dB	CHANGE IN APPARENT LOUDNESS
3	Barely perceptible
5	Clearly noticeable
10	Dramatic: Twice as loud (OR 1/2)
15	Dramatic: Three times as loud (OR 1/3)
20	Dramatic: Four times as loud (OR 1/4)

**FREQUENCY OF COMMON SOUNDS**



\*OCTAVE = A FREQUENCY RATIO OF 2:1

**RELATIONSHIP OF SOUND LEVEL AND SUBJECTIVE LOUDNESS**

SOUND LEVEL (dB(A))	SUBJECTIVE EVALUATIONS	ENVIRONMENT		COMMENTS
		OUTDOOR	INDOOR	
140	Deafening	Near jet aircraft and artillery fire		Continuous exposure above here is likely to degrade the hearing of most people
130	Threshold of pain			
120	Threshold of feeling	Elevated train	Hard rock band	
110		Jet flyover at 1000 ft	Inside propeller plane	
100	Very loud	Power mower, motorcycle at 25 ft, auto horn at 10 ft		Range of Speech
90		Propeller plane flyover at 1000 ft, noisy urban street	Full symphony or band, food blender, noisy factory	
80	Moderately loud	Diesel truck at 40 mph at 50 ft	Inside auto at high speed, garbage disposal, dishwasher	
70	Loud	Face-to-face conversation, vacuum cleaner, electric typewriter		
60	Moderate	Air conditioning condenser at 15 ft, near freeway auto traffic	General office	
50	Quiet	Large transformer at 100 ft		
40		Birdcalls	Private office, soft rock music in apartment	
30	Very quiet	Quiet residential neighborhood	Bedroom, average residence without street	
20		Rustling leaves	Quiet theater, whisper	
10	Just audible			
0	Threshold of hearing			

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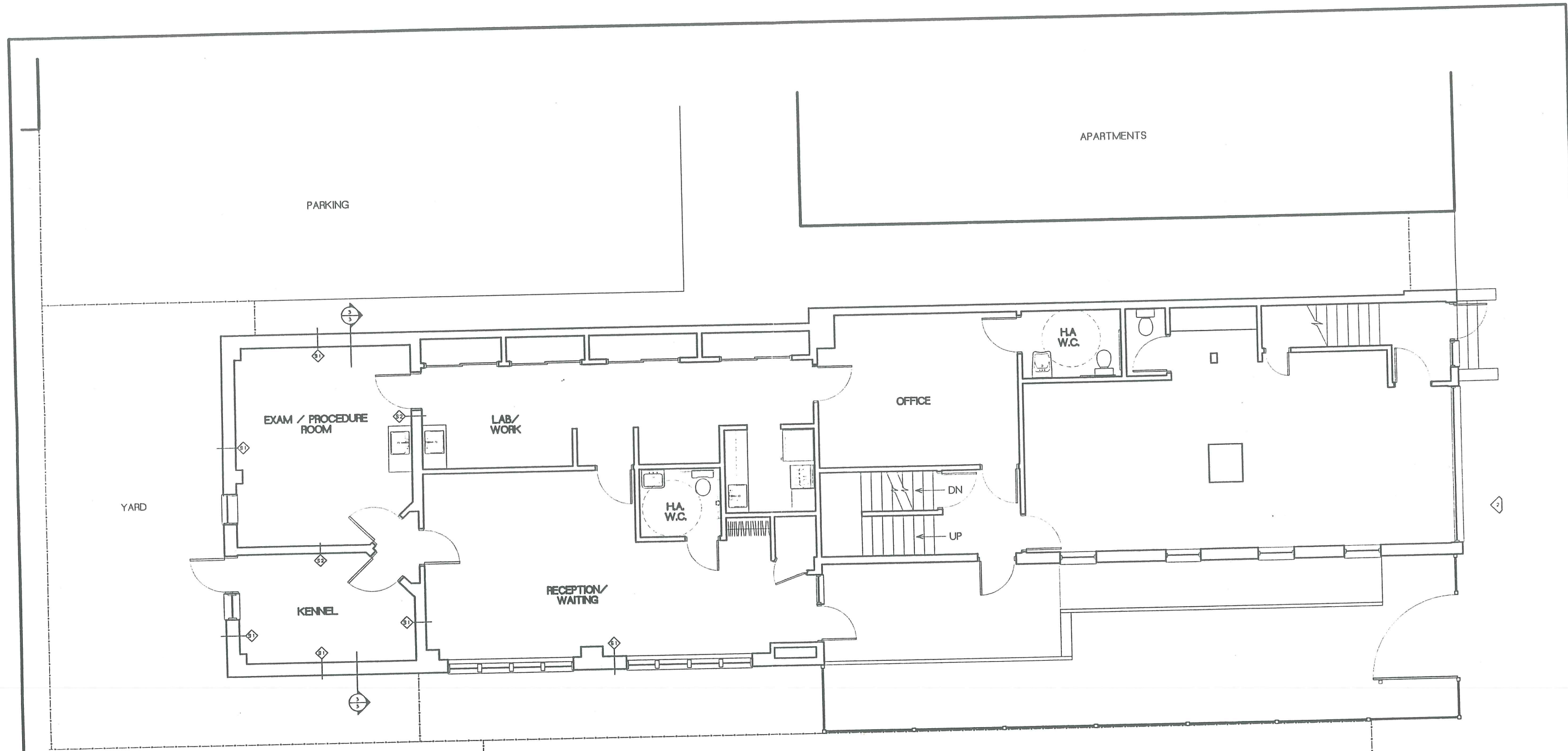
192 Brackett St

Brackett St Veterinary Clinic

John & Nancy Flood

470 Youngs Ridge, Acton, ME 04001





**1** FIRST FLOOR AND SITE PLAN  
SCALE: 1/4" = 1'-0"

SOUND TRANSMISSION RATED WALLS	
B1	STC 40 INTERIOR STC 35 EXTERIOR EXISTING WALL 2" AIRSPACE 3 1/2" HTL STUDS SOUND ATTENUATING BATT INSULATION (2) LAYERS 5/8" GWB TYPE "X"
B2	STC 40 (2) LAYERS 5/8" GWB TYPE "X" 3 1/2" HTL STUDS 16" OC OFFSET 3/4" TRACK FULL DEPTH SOUND ATTENUATING BATT INSUL (2) LAYERS 5/8" GWB TYPE "X"

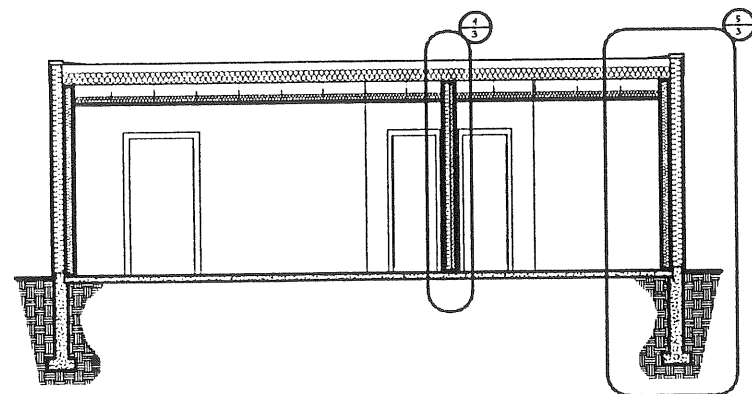
NOTE: IN ROOMS OF HIGH SOUND PRODUCTION PROVIDE STC RATED CEILING OR ACOUSTICAL TILE WITH SOUND ATTENUATING INSULATION ABOVE.

**WEST END VETERINARY CLINIC**  
PORTLAND, ME

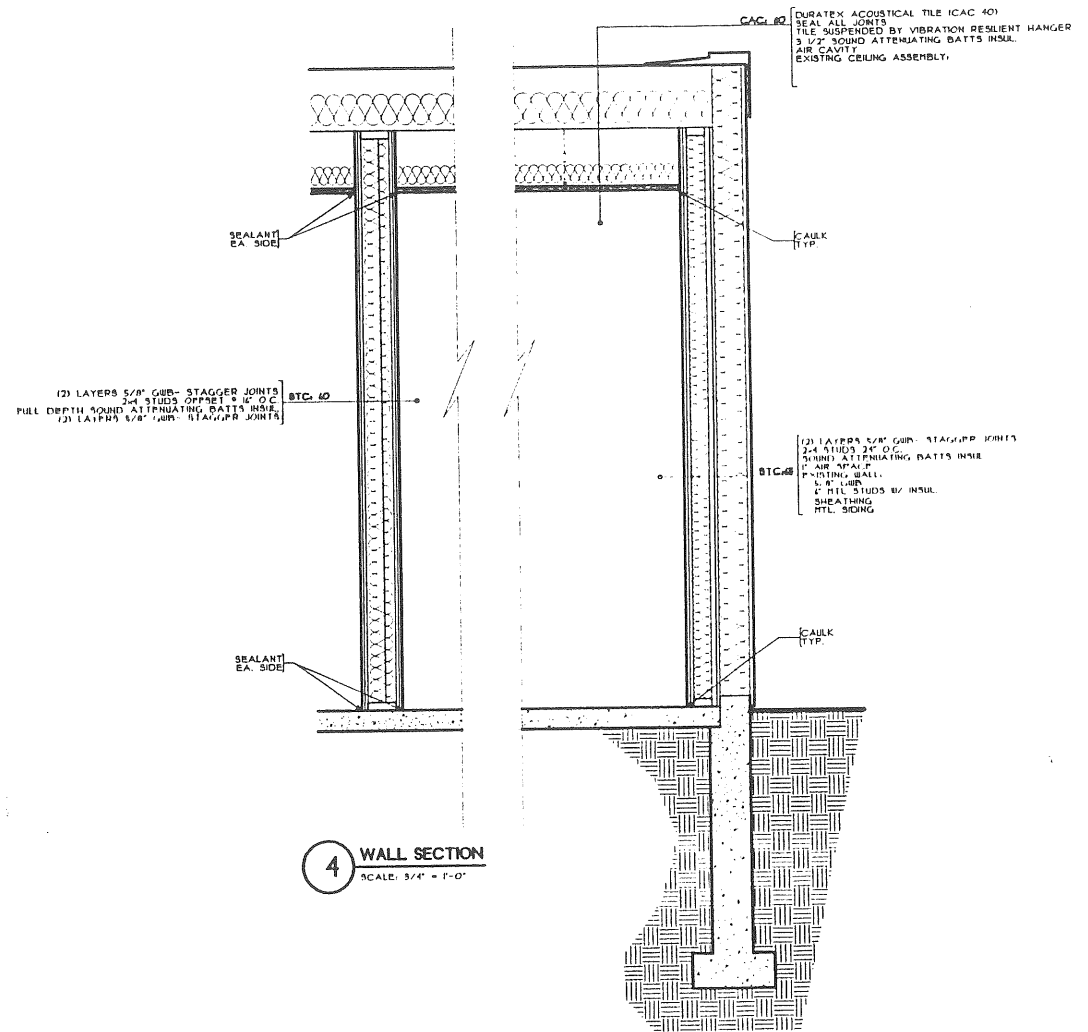
**STEPHEN BLATT ARCHITECTS**  
10 DANFORTH STREET  
PORT OFFICE BOX 593 078  
PORTLAND, ME 04113-0983  
TELEPHONE 307 781 9911  
TELESCOPE 307 781 2108



2 NORTH ELEVATION - ENTRANCE  
SCALE: 1/4" = 1'-0"



3 BUILDING SECTION  
SCALE: 1/4" = 1'-0"

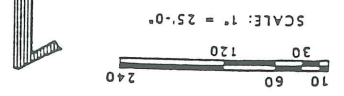


4 WALL SECTION  
SCALE: 3/4" = 1'-0"

5 WALL SECTION  
SCALE: 3/4" = 1'-0"

3

	<p><b>WEST END VETERINARY CLINIC</b> PORTLAND, ME</p>	<p>STEPHEN BLATT ARCHITECTS 10 DANFORTH STREET PORT OFFICE BOX 583 078 PORTLAND, ME 04112-688 TELEPHONE 207 761 5911 TELECOPIER 207 761 2105</p>
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**WEST END VETERINARY CLINIC**  
 PORTLAND, ME  
 10 DAWKINETH STREET  
 PORTLAND, ME 04112-5435  
 TELEPHONE 207 761 5811  
 TELEPHONE 207 761 2108

**STEPHEN BLATT ARCHITECTS**

B-2