

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: Irving Oil Corporation.

Location of property under appeal: 461-415 Forest Ave.

For the Record

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

- |                        |              |                 |              |
|------------------------|--------------|-----------------|--------------|
| <del>John S. ...</del> | Attorney     | Stephen Thacker | Steve Donald |
| Ernest ...             | Ernest       | Albert Godfrey  | Mary Kibby   |
| Ellet Thayer           | Ellet Thayer | Mary Ann Conroy | Bob Parsley  |
| Tom ...                | Tom ...      | Jennifer Beagle | John Kelly   |
| Cynthia ...            | Cynthia ...  | Tom Kane        | Ocean Frahan |
| Ken ...                | Ken ...      | Steven ...      | Nancy Marso  |
| Chris ...              | Chris ...    | Kay White       | Earl Stevens |
| McAuliffe              | McAuliffe    |                 |              |

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

Various exhibits by Irving, exhibits by Godfrey (site comparison to ...)  
Traffic accidents at site, <sup>stacking</sup> chart, Design & layout of Deerfield Rd.  
photo of exhibit 7 Irving

Findings of Fact

1. The proposed conditional use is is not (circle one) permitted under Section 14-183 of the zoning ordinance, for the following reason(s):

C-0

2. The proposed conditional use does does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):

S-1

3-A. There are are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):

O-6

3-B. There will will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s): 4-2

3-C. The impact does does not (circle one) differ substantially from the impact which would normally occur from such a use in that zone, for the following reason(s): 4-2

The Board allow the development of a convenience store with ~~two~~ 3 gasoline islands at 401-415 Forest Ave in the name of Irving Oil Corp, purchaser for a conditional use.

Conclusion\*

After public hearing on 1/18/96, and for the reasons above-stated, the accompanying application is hereby (check one)

granted

granted subject to the following condition(s): 4-2

Grant conditional use in the name of Irving Oil Corp to allow the development of a convenience store with 3 gasoline islands at 401-415 Forest Ave conditioned upon there being no ingress or egress onto the on Deerfield.

denied.

Dated: 1/18/96

[Signature]  
Secretary of the Board

\*\*The application may be denied only if either the finding for #1 or 2 above is in the negative or the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

*Amendment  
G-0  
in favor*