



Permitting and Inspections Department  
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

March 3, 2017

Alta Vista, LLC  
c/o David Latulippe  
35 Primrose Ln.  
Freeport, ME 04032

Re: 495 Forest Avenue, CBL 127 A001; B-2b Community Business Zone

Dear Mr. Latulippe:

On March 3, 2017, the Zoning Board of Appeals voted 4-0 (Katsiaficas absent) to grant your Conditional Use Appeal to convert the use of a portion of the building to a wholesale distribution establishment. I am enclosing a copy of the Board's decision.

Now that the conditional use appeal has been approved, you will need to apply for a Commercial Interior Alteration building permit to get formal approval for the new wholesale distribution use, and also for any construction that may be proposed (checklist: <https://me-portland.civicplus.com/DocumentCenter/Home/View/2301> ; application form: <http://www.portlandmaine.gov/DocumentCenter/View/15138>).

Under Section 14-474(f) of the ordinance, you have six months from the date of the meeting (March 3, 2017), to obtain the building permit and start any construction work, or your Zoning Board approval will expire. Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions, please contact me at (207) 874-8695 or [stacey@portlandmaine.gov](mailto:stacey@portlandmaine.gov).

Sincerely,



Christina Stacey  
Zoning Specialist

cc: file

**CITY OF PORTLAND, MAINE**  
**ZONING BOARD OF APPEALS**

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Kent Avery, Chair  
Donna Katsiaficas, Secretary  
Eric Larsson  
Brandon Mazer  
Joseph Zamboni

**ZONING BOARD OF APPEALS**  
**DECISIONS FROM MARCH 2, 2017**

**To:** City Clerk  
**From:** Christina Stacey, Zoning Specialist  
**Date:** March 3, 2017  
**RE:** Action taken by the Zoning Board of Appeals on March 2, 2017

**Attendance:** Kent Avery (chair), Joseph Zamboni (acting secretary), Eric Larsson, and Brandon Mazer present; Donna Katsiaficas absent.

**1. New Business:**

**A. Conditional Use Appeal:**

12 Lambert Street, David DiPietro, owner, Tax Map 384, Block A, Lot 006, R-2 Residential Zone and R-3 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-88(a)(2) to create an accessory dwelling unit in his single-family home that is currently under construction. Representing the appeal is the owner. *The board of appeals voted 4-0 to grant the Conditional Use Appeal to add an accessory dwelling unit to the single-family home.*

**B. Conditional Use Appeal:**

495 Forest Avenue, Alta Vista LLC, buyer, Tax Map 127, Block A, Lot 001, B-2b Community Business Zone: The applicant is seeking a Conditional Use Appeal under Section 14-183(b)(3) to convert a portion of the existing retail building to a wholesale distribution establishment. Representing the appeal is the buyer's agent, David Latulippe of CJ Developers, Inc. *The board of appeals voted 4-0 to grant the Conditional Use Appeal to convert a portion of the building to a wholesale distribution establishment.*

**2. Adjournment (meeting started at 6:30 PM; adjourned at 7:30 PM)**

**Enclosures:**

1. DVD of 3/2/16 Meeting

cc: Jon Jennings, City Manager;  
Michael Russell, Director Permitting & Inspections  
Jeff Levine, Director Planning & Urban Development  
Tuck O'Brien, City Planning Director  
Mary Davis, Housing and Neighborhood Services Division

**CITY OF PORTLAND, MAINE**  
**ZONING BOARD OF APPEALS**

B-2b Community Business Zone  
Conditional Use Appeal

DECISION

*Attendance:*

Date of public hearing: March 2, 2017  
Name and address of applicant: Alta Vista, LLC  
c/o Drummond Woodsum  
84 Marginal Way, Suite 600  
Portland, Maine 04101  
Location of subject property: 495 Forest Avenue  
CBL 127 A001001

*Kent Avery - Chair*  
*Brandon Mazer*  
*Eric Larsson*  
*Joseph Zamboni - Se*

For the Record:

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

*David ~~Latulippe~~ <sup>Latulippe</sup>, CS Developers o/b/o Alta Vista  
Veronica Dudar, 9 Ricker Park, Portland.  
David Miller, 9 Ricker Park, Portland.*

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

*+ Added email from Veronica Dudar @ Ricker Park*

Findings of Fact and Conclusions of Law:

The applicant is seeking a conditional use permit pursuant to § 14-183(b)(3) of the City of Portland Code of Ordinances to convert a portion of an existing retail building to a wholesale distribution establishment. The Board has authority to consider a conditional use permit application pursuant to § 14-474(a).

Findings:

1. The use is limited to 10,000 square feet of aggregate gross floor area. City Code § 14-183(b).

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

*Materials and testimony indicate -  
Wholesale will be roughly 8,000 sq ft.*

2. The site has an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles will be on site, and loading facilities will be located to the rear of the building and will not be visible from the street. City Code § 14-183(b).

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

*Materials and testimony indicate  
standard has been met.  
all vehicles will be on private  
access rd. + vehicles will be  
stacked. Will not be visible from  
Forest Ave. Current uses also include  
deliveries.*

3. The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, will be of a commercial rather than industrial character. The site will contain screening and landscaping that shall meet the requirements of section 14- 526 for screening between land uses and the City of Portland Technical Manual. City Code § 14-183(b).

Satisfied 4 Not Satisfied 0

To be made a condition of the permit \_\_\_\_\_

Reason and supporting facts:

*Materials and testimony indicate that no other significant changes will be made, (only a passage door).*

4. The proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. This standard is satisfied if all of the following are met: § 14-474(c).

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

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

*Materials and testimony indicate that volume of traffic and use will be consistent with current use. There may be increase but not substantially greater.*

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

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

*Materials and testimony indicate use itself and activities will take place within buildings. No concerns presented about adverse conditions.*

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

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

*Materials and testimony indicate - it is an existing building with minor changes to building, and most operation within building.*

Conclusions:

4 Option 1: The Board finds that all of the standards described above have been satisfied, and therefore GRANTS the conditional use permit.

*Motion Brandon / 2nd Eric*

\_\_\_ Option 2: Pursuant to § 14-474(d), the Board has the authority to impose conditions on conditional use permits. The Board finds that all of the standards described above have been satisfied, however, certain reasonable conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

\_\_\_ The site will contain screening and landscaping that shall meet the requirements of section 14-526 for screening between land uses and the City of Portland Technical Manual. City Code § 14-183(b).

\_\_\_ Option 3: The Board finds that all of the standards described above have not been satisfied, and therefore DENIES the application.

Dated:

*03/02/2017*

*[Signature]*

Board Chair