

Zamboni
Larson
Kathleen
Avery
Mayer
David

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-5 Residential Zone
Conditional Use Permit Application

DECISION

Date of public hearing: November 17, 2016

Name and address of Appellant: Crossroads for Women, Inc.
71 U.S. Route 1, Suite E
Scarborough, Maine 04074

Location of property under appeal: 735 Washington Avenue (CBL 163A C005001)

For the Record:

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

Shannon Traeneri, Polly -
Maureen Welliver, Esq.
Crossroads For Women, Inc.
71 US Rt. 1, Scarborough, Me.

Nancy Shew ①
15 Inverness St.
Caitlin Malloy ②
9 Maize St.
John Marble
731 Washington Ave
Joseph Ayers
15 Inverness St.
Chris Heenan
19 Inverness St.
Mel. Yuh
49 Maize St.

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

Application attachments

Findings of Fact and Conclusions of Law:

The Board derives authority to review orders, decisions, determinations and interpretations of the building authority pursuant to Section 14-118 of the land use code.

The Applicant is requesting a conditional use permit to operate a residential substance abuse treatment facility as a sheltered care group home. The facility will be licensed by the State of Maine, will have ten available beds for stays of less than 30 days. It will accept only women who are not involved in correctional pre-release programs, and are not current drug users. Crossroads uses an abstinence-based model. Treatment provided consists of individual counseling, group counseling, case management, acupuncture, yoga, and equine therapy. The facility will be staffed 24 hours a day, 7 days a week.

A. Conditional use standards pursuant to City of Portland Code of Ordinances § 14-118(a)(2):

1. The proposed use is a sheltered care group home, which is defined as "A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility." Portland Code § 14-47.

Satisfied Not Satisfied

Reason and supporting facts:

Application materials + testimony show facility provides food / shelter for defined population with full time guidance & counseling services. Population served women 18 & older w/ substance abuse disorders.

2. The proposed use has no more than 12 individuals, plus staff, and serves a primary population that is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users.

Satisfied Not Satisfied

Reason and supporting facts:

application & testimony - 10 individuals. no prerelease (correctional) and abstinence model of program. People who do not comply with abstinence ~~are~~ are made to leave the program.

3. The proposed use is not located within 500 feet of any other sheltered care group home, as measured along street lines to the respective property lines.

Satisfied Not Satisfied

Reason and supporting facts:

Application + Testimony is that there are no other sheltered care group homes within 500 feet.

4. There are, and shall be, no open outside stairways or fire escapes above the ground floor.

Satisfied Not Satisfied

Reason and supporting facts:

Oral Testimony - no alteration to exterior of structure.
no exterior stairways & fire escapes

5. The proposed use provides for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements or, if the use is not licensed by the state, there is a minimum of one staff person for every ten residents or fraction thereof.

Satisfied Not Satisfied

Reason and supporting facts:

Application indicates state licensed facility and it meets the guidelines of 1 staff per 10 residents.

B. Conditional use standards pursuant to Sec. 14-474(c)(2). A conditional use permit shall be granted "upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district." This standard is met only if the applicant meets all of the following criteria:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone. Sec. 14-474(c)(2)(a).

Satisfied Not Satisfied

Reason and supporting facts:

in this home, w/o approval, could have up to 16 people living in house w/ no limits on parking, 4-5 cars at any given time. 4 spaces in driveway. They meet requirements of ordinance §14-332 - 1 parking space for every 2 employees.

2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter. Sec. 14-474(c)(2)(b).

Satisfied Not Satisfied

Reason and supporting facts:

Commercial trash pick up - no dumpster.
Drinking Concerns - no smoking in house, no smoking after 9:00. no more than 2-3 women smoking outside at a time

3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone. Sec. 14-474(c)(2)(c).

Satisfied Not Satisfied

Reason and supporting facts:

Single family home appearance. Commercial waste service

Decision:

Option 1: The Board finds that the standards (1 through 5) described in section A above have been satisfied and that all of the standards (1 through 3) described in section B above have been satisfied, and therefore GRANTS the conditional use permit.

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Option 2: The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit. Portland Code § 14-118(a)(2).

The Board finds that while the standards (1 through 5) described in section A above have been satisfied and that all of the standards (1 through 3) described in section B above have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

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

Dated: 11-17-16



Board Chair