



J-0096-1  
May 12, 2015

Ms. Sara Moppin, Chairwoman Zoning Board of Appeals  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Re: **Zoning Board of Appeals - Conditional Use Appeal Application Supplemental Information Submittal**  
**Proposed Neighborhood Center – 1342 Congress Street**

Dear Ms. Moppin:

On behalf of the Jewish Community Alliance of Southern Maine we are pleased to provide supplementary information relative to a Conditional Use Appeal Application submitted on April 23, 2015.

- Eleven (11) copies of the Landscape Plan, Sheet L-1, dated April 3, 2015

The intent of this supplemental information is to further demonstrate the proposed daycare and nursery school uses are in compliance with the conditions set forth in Chapter 14 Sections 118 and 474 of the Land Use Code.

The following addresses the standards in Section 14-118(c)(3)(a-d) of the City of Portland Land Use Code for daycare facilities and nursery schools:

- a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.*

The daycare facility and nursery school will be located within the principal structure on the parcel. This project proposes to construct a new principal structure and therefore meets the requirement that the structure has not been used as a residence in whole or in part within the last five years.

- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care use, home babysitting use, nursery school, or kindergarten, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.*

This project proposes to construct a new principal structure and therefore meets the requirement that the structure has not been used as a residence in whole or in part within the last five years. Because this proposed principal structure has not been



used as a residence in whole or in part in the last five years, the facility meets the criteria that allow no limit on the maximum number of children located within the principal structure.

- c. *Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.*

Outdoor play areas are proposed to be screened with the use of both fencing and landscaping as shown on the Site Plans included with the April 23, 2015 submission. Residential properties are adjacent to the eastern and southern property boundaries of the project site. There are (2) outdoor play areas designated on the Site Plans. The first play area is located directly adjacent to the proposed building and will integrate landscape elements and play structures to create a natural play area. Landscape buffers and fencing have been proposed to limit visual and noise impacts as well as provide a safe environment for children.

The second play area is located at the south east corner of the site and will consist of open lawn for group activities. Landscape buffers and fencing have been proposed along the perimeter of the property to limit visual and noise impacts to the adjacent residential properties. The Landscape Plan, included with this supplemental submission, shows the proposed buffer and screening described above.

- d. *Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.*

A dumpster pad and (4) sided fence enclosure has been provided to screen and contain solid waste stored on site.

In addition to demonstrating the proposed project meets the specific conditions above, the project will improve its integration into the overall surrounding area when compared to the previous use as a Church. The project site is in a unique location where it is zoned residential (R-5), but straddles the border between residential and commercial properties. The existing Church provided only 12 parking spaces, which likely was not adequate for the number of patrons who attended services and created impacts to adjacent properties from Church patrons parking off site. This project will mitigate impacts to surrounding property owners by providing 50 parking spaces on site, which should provide adequate space for the proposed uses.

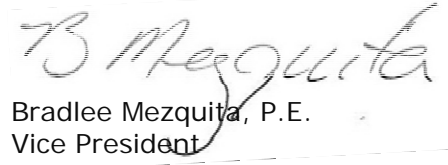
Traffic access management was considered carefully when designing this project. The existing Church has (3) curb cuts providing access to Congress Street as well as a shared access driveway with Westgate Shopping Center. The existing traffic access to the site is obsolete from a design and safety standpoint. The proposed project will eliminate (2) curb cuts onto Congress Street and secure a formal Access Easement Agreement with the owners of Westgate Shopping Center. The formal agreement will allow ingress and egress from the proposed site to the signalized intersection at Westgate Shopping Center, which will help mitigate impacts from traffic generated from the site.

Visual and noise impacts to adjacent residential property owners were also considered carefully when contemplating the overall layout of the site. When compared to the existing Church, which does not provide buffers or screening to adjacent residential properties, the proposed project greatly improves buffering and screening from both noise and visual impacts. Mitigation of potential impacts has been accomplished by using landscaping and fencing to create a buffer and screen between the adjacent properties.

We look forward to working with the City of Portland on this project and meeting with you on May 21, 2015. Please don't hesitate to call if you have any questions.

Very Truly Yours,

**TIGHE & BOND, INC**

  
Bradlee Mezquita, P.E.  
Vice President

  
Greg Halsey  
Staff Engineer

Enclosures

Cc: Steve Brinn, JCA (by email)  
Mary E. Costigan Bernstein Shur (by email)

J:\J0096 Jewish Community Alliance\ADMIN\J0096-009(ZBA Cover Letter)-Supplemental.Docx