

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

R-5 Residential Zone  
**Conditional Use Appeal**

**DECISION**

Date of public hearing: April 20, 2017  
Name and address of applicant: Verizon Wireless d/b/a Portland Cellular  
118 Flanders Road  
Westborough, MA 01581  
Location of property under appeal: 1531 Congress Street  
CBL 196 E001001

For the Record: *Kent Avery, chair, recused*  
*Dorma chair for matter; Joseph Zamboni, Secretary*  
Names and addresses of witnesses (proponents, opponents and others):  
*Scott Anderson, obo Verizon Wireless*

Exhibits admitted (e.g. renderings, reports, etc.): *Application w/ exhibits*  
*Testimony by Scott Anderson obo Verizon*  
*Written materials by Scott Anderson obo Verizon*

Findings of Fact and Conclusions of Law:

The applicant is seeking an extension of a conditional use permit that the Board granted on October 20, 2016 pursuant to Sec. 14-118(c)(2), which authorized construction of a 1,200 sq. ft. equipment shelter, as well as locate an external back-up generator on a 14'x6' concrete pad outside of and behind the structure. The shelter will be accessed by a paved driveway, and a single parking area will be provided.

A. Special standards pursuant to Sec. 14-118(c)(2). "Utility substations such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures" are allowed so long as they meet the following standard:

1. The use must be "suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood." Sec. 14-118(c)(2).

Satisfied  Not Satisfied

Reason and supporting facts:

*Both materials + testimony indicate standards met and no changes since original application.*

*4-0*

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:

*Previous testimony indicates only one visit during regular hours and no changes since original application.*

*4-0*

20h

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 X Not Satisfied     

Reason and supporting facts:

*Boards previous finding indicate standard has been met and no changes in last 6-months.*

*4-0*

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 X Not Satisfied     

Reason and supporting facts:

*Previous testimony indicates standard has been met and testimony indicates no changes in last 6 months.*

*4-0*

✓ Option 1: The Board finds that the standard described in section A above has 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. *4-0 for 6 months.*

\_\_\_ Option 2: The Board finds that while the standard described in section A above has 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: *4-20-16*

*Review*  
*Donna M. Katsopoulos*  
Board Chair