

274-A-1

1077-1091 Brighton Ave.

Rezoning

Richard Holden

add to Spreadsheet

REZONING REQUEST
NEIGHBORHOOD BUSINESS (B-1) TO COMMUNITY BUSINESS (B-2) REZONING
VICINITY OF 1077-1091 BRIGHTON AVENUE
RICHARD HOLDEN, JR., APPLICANT

Submitted to:
Portland Planning Board
Portland, Maine

July 28, 1998

I. INTRODUCTION

Richard Holden, Jr. is requesting a recommendation from the Planning Board for a map amendment to rezone a portion of his property at 1083 to 1091 Brighton Avenue from Neighborhood Business B-1 to Community Business B-2 (Tax Map 274, Block A, lots 1, 2, 3, 4, 5, 11, 12, 13, 14 and a portion of 8). Mr. Holden's land extends between Holm and Taft Avenues. The property is zoned Neighborhood Business B-1 along Brighton Avenue. The B-1 zone extends along Holm Avenue from Brighton Avenue for approximately 350 feet and along Taft Avenue for roughly 200 feet. The zone change would affect 1.3 acres of the total 2.1 acres of Mr. Holden's parcel. The remainder of Mr. Holden's land is zoned Residential R-3 (Tax Map 274, Block A, lots 9, 10, and a portion of 8) and it is not included in this request (Attachment 1).

There is a 4,000 square foot professional office building with an adjoining parking lot located on the site. The land to the rear of the professional building is undeveloped, including the frontage along Taft Avenue. The property is currently for sale and there is no development proposal at this time. According to the applicant's cover letter (Attachment 2), the B-1 designation limits the uses on the property and Mr. Holden is seeking "...greater flexibility in terms of future use of the property."

At the Planning Board's request, the notice for rezoning included the property at 1077 to 1081 Brighton Avenue (Tax Map 274, Block A, lots 6 and 7), which is a single family house under separate ownership in the B-1 district.

Two notices were sent to 80 area residents and notices appeared in the Portland Press Herald on July 13th, 14th, 20th and 21st (Attachment 3).

II. ZONING AND LAND USES IN THE VICINITY

1. Zoning History of Vicinity

The City's 1946 zoning map indicates that the area on the northerly side of Brighton Avenue was zoned General Residence-C (single and two family homes) and the area to the south was zoned Single Residence-A (strictly single family zone). A narrow strip of the Local Business Zone ran along the Brighton Avenue frontage between Taft Avenue and Cabot Street. A major rezoning was enacted in 1956, which created business and industrial zones for the Pine Tree Shopping Center, tourist accommodations and an industrial park south of Brighton Avenue.

Rezoning along the northerly side Brighton Avenue occurred in the mid-1960's. There is a Council Order rezoning land in the vicinity of Brighton and Holm Avenues from B-1 to B-2 and R-5 in 1965. The accompanying map is missing, but it appears to be the area encompassing Burger King and the Shopping Center at 1041 Brighton Avenue. Mr. Holden's property was apparently rezoned in August, 1967. A Council Order endorsed rezoning in the vicinity of Brighton, Holm and Taft Avenues, but again there is no map and the order does not state the zoning category.

2. Current Zoning

Mr. Holden's property is adjacent to both residential and business zones (refer to zoning map, Attachment 4, and land use map, Attachment 5). The Barron Center and the Loring House are located across Holm Avenue from the site in a Residential R-5 zone. The northerly portion of Mr. Holden's property is zoned R-3. There are single family homes along Taft Avenue in the R-3 zone and Sagamore Village (R-5) is located across the street. One single family home is situated on the corner of Brighton and Taft in the B-1 zone and it shares property boundaries with Mr. Holden's property. The Planning Board asked that this parcel be included in the public hearing notice for the rezoning from B-1 to B-2.

A Community Business B-2 zone is located at the corner of Brighton and Taft Avenues and it encompasses a Burger King restaurant and a shopping center. There is a traffic signal at this intersection. The Residence Professional R-P zone extends along the northerly side of Brighton Avenue from Sagamore Village to Nason's Corner. Across Brighton Avenue from Mr. Holden's property is a B-2 zone, which includes the Pine Tree Shopping Center, Forest City Chevrolet, Century Tire, Vallee's Restaurant, and a motel. The Commercial Corridor Zone B-4 extends along the west side of the Maine Turnpike. At the June 9, 1998 Planning Board workshop, the applicant submitted a list of the businesses in the vicinity, which is included as Attachment 6. Photographs of the area are found in Attachment 7.

III. ZONING CONSIDERATIONS

The purpose of the B-1 Neighborhood Business Zone is *"to provide limited areas for the location of small-scale commercial establishments intended to serve a local market"*. The business uses permitted in the zone (refer to Attachment 8) include professional offices, business services, personal services, offices of building tradesman (with no exterior storage), and retail services, excluding gasoline sales, drive-in or drive-through sales or services. Restaurants are a conditional use in B-1.

The B-2 zone increases the number and intensity of uses that may be permitted on a site. The B-2 zone permits a broader range of uses than the B-1 district and the limitations or prohibitions found in B-1, such as no outdoor storage and no drive-in or drive-through windows, are removed in the B-2 zone. The purpose section of the Community Business B-2 zone states: *"1) to provide appropriate locations in the city for the development and operation of a mixture of commercial uses and services that have a community-wide market such as shopping centers or cluster developments; and 2) the variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone."*

The complete list of permitted uses in the B-2 zone are listed in Attachment 9. The B-2 zone incorporates all of the B-1 uses and adds business operations, such as restaurants, drinking establishments, billiard parlors, funeral homes, repair services, communication or broadcast facilities, health clubs and gymnasiums, veterinary hospitals, theaters and performance halls, motels, and major and minor businesses (businesses with fuel pump islands). The conditional uses in the B-2 zone include car washes, automobile dealerships, drive-in or drive-through restaurants, printing and publishing establishments, wholesale distribution businesses, and research and development with related production establishments.

IV. LAND USE CONSIDERATIONS

1. Commercial Policies

Portland's Neighborhood Economic Development Study, prepared in 1982 and adopted as part of the City's comprehensive plan, shows B-1 as it is currently configured at 1077-1091 Brighton Avenue. The report describes the outer Brighton Avenue commercial district as a community center serving the adjoining neighborhoods.

2. Transportation Plan

The City's Transportation Plan (excerpts, Attachment 10) identifies Brighton Avenue as an arterial, which also serves as a transit corridor, and the Pine Tree Shopping Center is considered an established community commercial center. The land use policies of this plan recommend a land use pattern that achieves the following:

- a) Opportunities for people to work and meet a larger share of their everyday needs within or adjacent to their neighborhood;
- b) Encourages businesses to locate in established employment centers that are served by public transportation or have the critical mass to support alternative transportation modes. A specific action in the plan suggests allowing a wider range of small and mid-sized businesses near established community commercial centers, such as the Pine Tree Shopping Center; and
- c) Allows development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options. Such density should be coupled with policies that encourage or maintain a healthy share of owner-occupancy in these areas as well as compatible site design.

While the Transportation Plan encourages business development along transit corridors, it also raises the issue of arterials in neighborhoods. "Existing arterials carrying through-traffic cut through transportation districts with established neighborhoods, disrupting life in the neighborhoods and putting pressure on the street system that, if expanded in response to the traffic, will further chip away at the integrity of the neighborhoods." This is supported by a policy which states the City should develop and implement a strategy that balances the integrity of the neighborhood against the need to move traffic on the arterials. The Transportation Plan also calls for higher density residential uses along arterials and this parcel could conceivably accommodate a multi-family development if zoned to a higher density district.

3. Nason's Corner/Outer Brighton Avenue Study

This spring, the City Council requested the planning office to prepare a neighborhood plan for Nason's Corner/Outer Brighton Avenue area to address citizen concerns regarding the type and amount of development proposed for this area. The draft report was presented on June 9 to the Planning Board and on June 22 to the City Council. The Council has referred the report to the Planning Board to address the zoning and other development controls recommended in the plan. The major issues identified in the report include increased traffic along Brighton Avenue and Capisic Street, increased number of pedestrian crossing accidents, impacts of the proposed Post Office distribution facility, traffic impacts of the proposed Turnpike Interchange, and the loss of neighborhood businesses to big box retailers. The area along Brighton Avenue is labeled Transition Area #1 due to the current pressure for more intensive uses and rezonings, such as the Rite Aid proposal and Mr. Holden's request. At a neighborhood meeting, the public was generally supportive of options to strengthen the neighborhood center concept for Nason's Corner and to maintain smaller scale development in the area.

4. Summary

The City's commercial policies in the Comprehensive Plan confirm that this area is suited for business uses. The Transportation Plan supports a wider range of small and mid-sized businesses near established community commercial centers, such as the Pine Tree Center, and also recommends balancing traffic demands on arterials with neighborhood integrity. While there are no specific recommendations in the Nason's Corner/Outer Brighton Avenue Study regarding Mr. Holden's property, there is a statement to limit intrusions of commercial zones into residential areas. This suggests the City may want to be sensitive about commercial rezonings, particularly where commercial zones extend along residential streets or commercial zoning is being considered for residentially zoned land. In general, the B-1 and R-P zones serve as a buffer between residential uses and more intensive development. They allow a variety of residential uses and limited commercial uses that are compatible with adjoining residential neighborhoods.

The parcel proposed for rezoning is 1.3 acres in size, which can accommodate a wide range of buildings. No specific development is proposed at this time. The policy issue before the Board is whether a compelling case has been made that the property is zoned more restrictively than appropriate for this location and would a more intense commercial district be logical and desirable here.

Because of this sites location relative to similar intensive commercial uses, a case can be made that Cabot Street could be the dividing line between the more intensive B-2 commercial uses and B-1 neighborhood uses.

The B-2 permitted uses generate more impacts, such as traffic and noise, and are typically at a larger scale. Community Business (B-2) zoning is appropriate where the surrounding context justifies more intense commercial uses. As the applicant's cover letter states, the parcel is located across from the Pine Tree Shopping Center, Burger King, and other commercial uses in the B-2 district. Mr. Holden's L-shaped property also has frontage on Taft and Holm Avenue, which are residentially developed with homes (R-3), Sagamore Village (R-5) and the Barron Center/Loring House (R-5).

VI. **MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of the materials submitted by the applicant and on the basis of information contained in Planning Report #33-98, the Planning board finds the rezoning from the Neighborhood Business B-1 to the Community Business B-2 to be **consistent/inconsistent** with the City's Comprehensive Plan and **recommends/does not recommend** the rezoning to the City Council.

Attachments:

1. Zone Change Application
- 1a. Tax Map
2. Letter from Applicant
3. Public Notice/Vicinity Map
4. Zoning Map
5. Land Use Map
6. List of Businesses submitted by applicant at Planning Board workshop
7. Photographs of the Area
8. B-1 Zoning Text
9. B-2 Zoning Text
10. Excerpts from Portland Transportation Plan

**Application for Zoning Amendment
City of Portland, Maine**

A. Zoning Map Amendment

7. Addresses of property owners abutting the subject property:

Tax Map	Lot	Name and Address
274	6, 7	Angelo Martella 1081 Brighton Avenue Portland, ME 04102
274	15-19	Ilse M. Webber 32 Taft Avenue Portland, ME 04102
274	20, 21	Ralph Ferrante & Debra Orlando 36 Taft Avenue Portland, ME 04102
274	22-24	Bruce Garland & Kim Fogg 44 Taft Avenue Portland, ME 04102
274	25-27	Philip G. & Irene A. Giakoumakis 52 Taft Avenue Portland, ME 04012

APPLICATION FOR ZONING AMENDMENT
CITY OF PORTLAND, MAINE

Attachment 1

DATE May 20, 1998

TO THE CITY PLANNING BOARD, CITY HALL, PORTLAND, MAINE 04101:

The undersigned hereby requests that you consider whether it would be consistent with the comprehensive plan of the City of Portland, Maine, and make appropriate recommendation for action by the City Council concerning the following proposed amendments to the Zoning Ordinance of the City of Portland, Maine:

A. ZONING MAP AMENDMENT:

FROM B1 ZONE TO B2 ZONE

The property situated on Brighton ~~Street~~ Avenue between Holm ~~Street~~ Avenue and Taft ~~Street~~ Avenue on the northerly side(x).

Assessor's Reference (Chart, Block and Lot) for the property is as follows:

Map 274, Block A, Lots 1-5, 8, 11-14

1. What original deed restrictions, if any, concerning the type of improvements and class of uses permitted were placed on the property involved? Give date restrictions expire:

N/A

2. Description of the existing use of property: _____

Property is currently used as an office building.

3. Description of the proposed use of property: _____

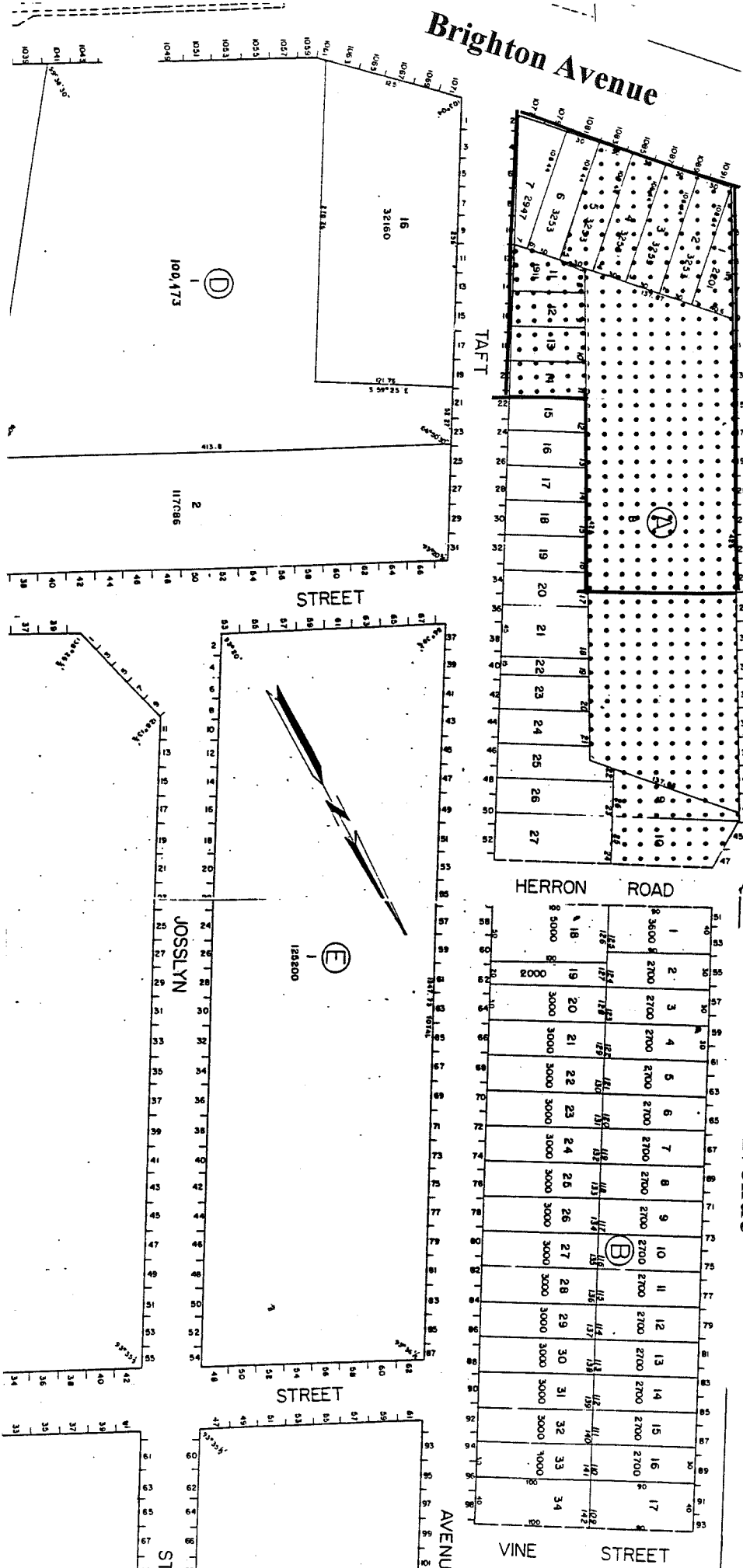
Uses as allowed in the B2 Zoning District.

4. Area of Lot(s): 2.1 Acres ±

Total Floor Area: 4,000 Square Feet

Street Address of Property Involved	Property Owner and/or Name of Option Holder	Date of Acquisition
<u>1081 - 1091</u>	<u>Richard Holden, Jr.</u>	<u>March 1965</u>
<u>Brighton Avenue</u>	_____	_____

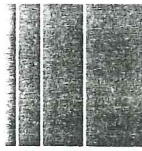
Approximate Boundaries of B-1 Zone



Property of Richard Holden, Jr.



Attachment 1A



Sebago Technics
Engineering & Planning for the Future

Attachment 2

May 20, 1998
98123

Mr. Alex Jaegerman
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Request for Zone Change

Dear Alex:

On behalf of Richard Holden, Jr., I am pleased to submit the attached application, including \$150.00 application fee, for a zoning map amendment for property owned by Mr. Holden at 1083-1091 Brighton Avenue.

This land is zoned B1 and is currently for sale. It is an excellent property in a good location. However, as potential purchasers have reviewed this property and its location within the overall zoning plan for the City, it is apparent that the B1 zoning classification is not consistent with the predominance of B2 land in this vicinity. All commercial property on the southerly side of Brighton Avenue from Webb Street to the Maine Turnpike and the Business Zone on the northerly side of Brighton Avenue from Cabot Street to Taft Avenue are zoned B2.

The restrictions imposed by the B1 designation limits the uses on the property, thereby impacting the value of the land. We are requesting that the existing B2 Zone be expanded to encompass this property and bring it in conformity with existing land uses in the neighborhood and to provide Mr. Holden greater flexibility in terms of future use of the property. At the current time, there is not a specific use proposed for the land, but any future use will be in conformance with the City's Land Use Ordinance and current standards in existence at the time the use is proposed.

We are hopeful that we can be placed on the June 9th Planning Board workshop agenda to discuss this request with the Planning Board. Thank you for your consideration. Please let me know if you have questions or require additional information.

Sincerely,

SEBAGO TECHNICS, INC.

Walter P. Stinson, P.E.
President

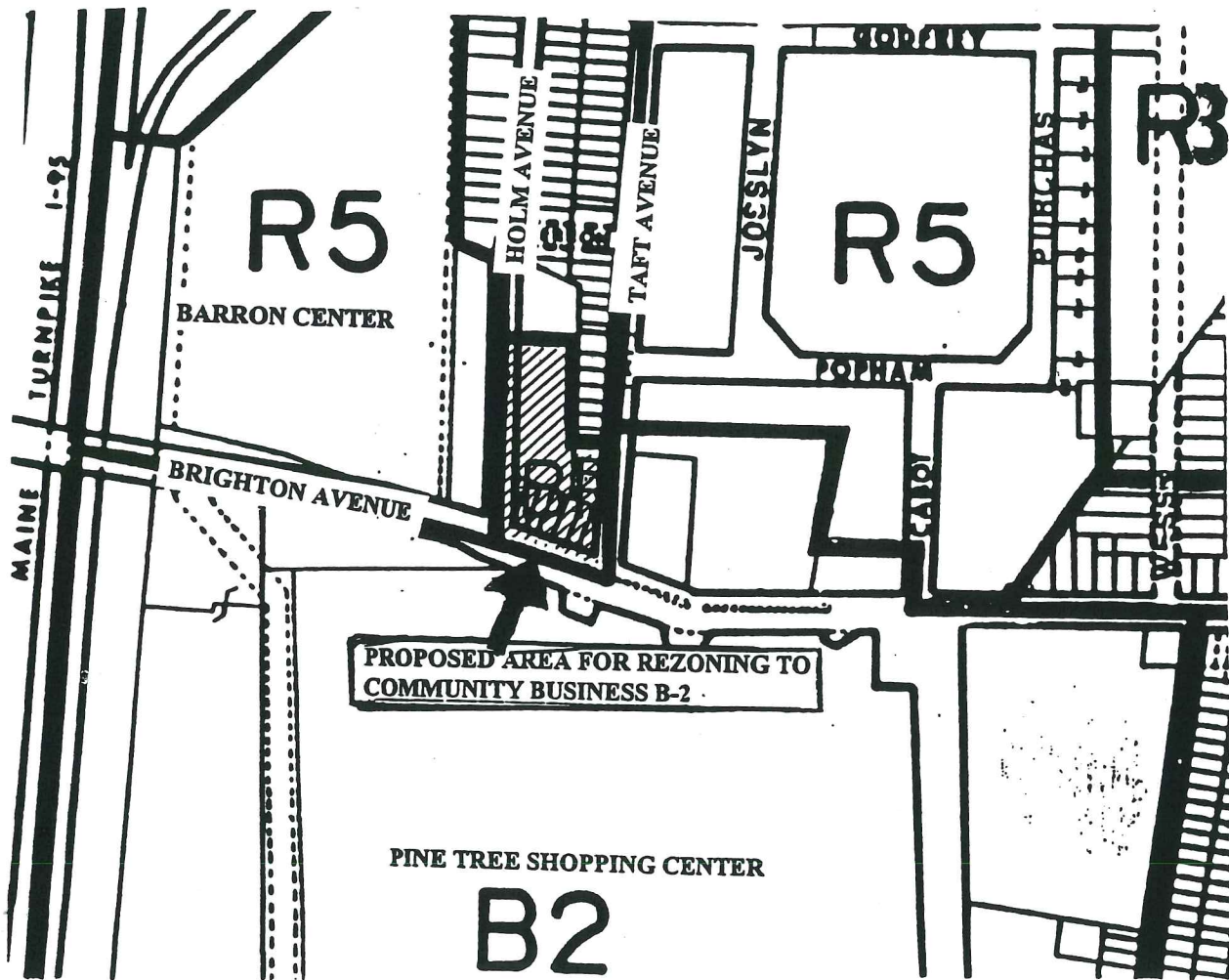
WPS:jc
Enc.

cc: Richard Holden, Jr.

**PORTLAND PLANNING BOARD
REVISED LEGAL NOTICE**

Notice is hereby given that the Portland Planning Board will hold a public hearing on Tuesday evening, July 28, 1998 at 6:30 p.m. in Room 209, City Hall, Portland, Maine to consider a proposal by Richard Holden, Jr. to rezone the Neighborhood Business B-1 Zone to Community Business B-2 in the vicinity of 1077 to 1091 Brighton Avenue as shown on the fragmentary map below. This map amendment includes 1.3 acres of Mr. Holden's property that is currently zoned B-1 and a single family house at 1077 Brighton Avenue. The remainder of Mr. Holden's property is zoned Residential R-3 and is not included in this request. There is no development proposal for the land at this time and the property is located between Holm and Taft Avenues.

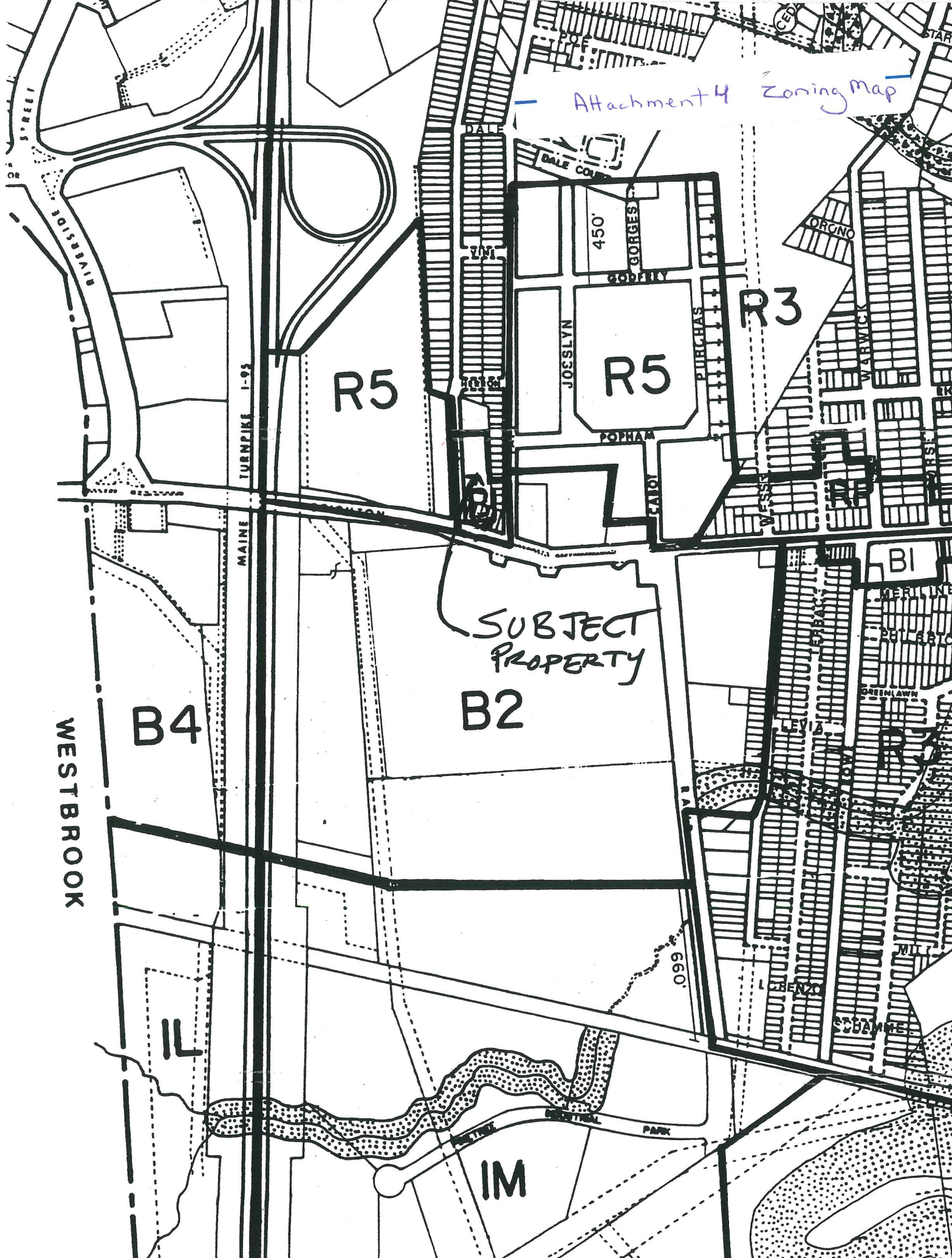
Note: The address on the previous notice sent to you was listed incorrectly, however the map was accurate.



Further information on this development can be obtained at the Planning Department Office, City Hall, 4th floor or by calling 874-8699.

John Carroll, Chair
Portland Planning Board

Attachment 4 Zoning Map



**Richard B. Holden,
Brighton Avenue - Property Influences**

Within eyesight of property front yard:

SOUTHERN VIEW

Pine Tree Shopping Center

- Shaw's Supermarket
- Mardens
- Radio Shack
- Fleet Bank
- Payless Shoes
- Ames Dept. Store
- CVS
- Great Wall Chinese Rest.
- Rent-A-Center
- Fashion Bug
- Jo-Ann Fabrics
- Key Bank
- Little Caesar's Pizza
- Hit or Miss
- People ATM

EASTERLY VIEW

1041 Shopping Plaza

- Electrolux
- Galaxsea Cruises
- Panda Garden
- Beneficial Finance
- VIP Eyes
- Subway
- The Tux Shop
- Olan Mills Studio
- Casco Bay Veterinary Hosp.
- Cakes Extraordinaire
- Headhunter Beauty School
- Applebee's Rest. (proposed)

Non-plaza/center businesses and sites/properties

- Burger King
- Century Tire
- Forest City Chevrolet
- House at corner of Taft/Brighton (enclosed by cyclone fence)

WESTERLY VIEW

Non-plaza/center businesses and sites/properties

- Paul's Auto Sales
- Mobile (gas station, currently closed)
- 125+/- car parking lot at Barron Center
- Highway overpass
- Susse Chalet Motel
- Denny's Restaurant
- The Inn of Portland Motel
- Valle's Steak House

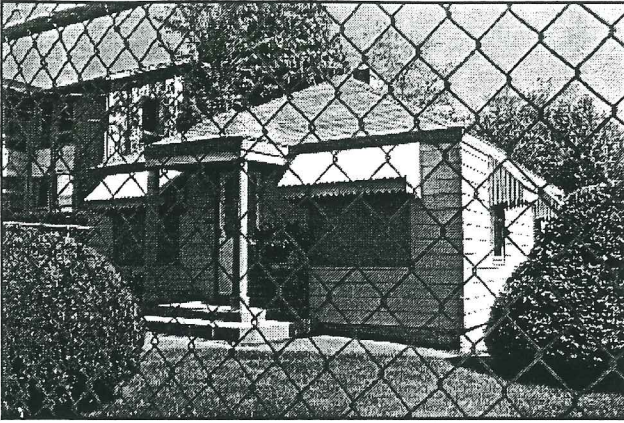


Figure 1 1077 Brighton Avenue

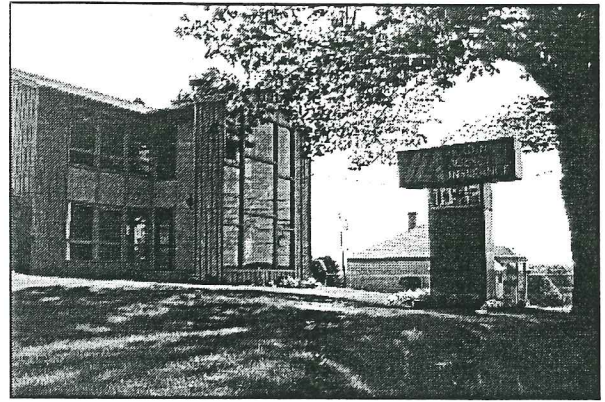


Figure 2 1083-1091 Brighton Avenue

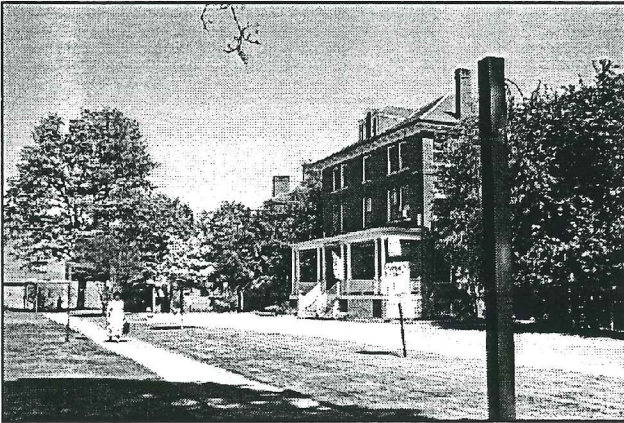


Figure 3 Barron Center



Figure 4 Sagamore Village



Figure 5 Pine Tree Shopping Center



Figure 6 Shopping Center at 1041 Brighton Avenue

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES*

Sec. 14-161. Purpose.

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market.

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93)

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in existence on November 15, 1993, and located in the B-1b zone:

- (1) *Residential*: Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted. In the case of two (2) or more abutting residential zones, any residential use permitted in the most restrictive such zone is permitted.
- (2) *Business*:
 - a. Professional offices, as defined in section 14-47, but excluding veterinarians.
 - b. Business services, as defined in section 14-47.
 - c. Personal services, as defined in section 14-47.
 - d. Offices of building tradesmen, provided there is no exterior storage of building materials.
 - e. Retail sales and services, excluding gasoline sales, provided such do not include drive-in or drive-through sales or services.
- (3) *Institutional*:
 - a. Church or other place of worship;
 - b. Municipal offices;
 - c. Elementary, middle and secondary schools;
 - d. Nursery schools and kindergarten;
 - e. Clinics of less than three thousand (3,000) square feet of total floor space.

***Editor's note**—Ord. No. 292-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-161–14-167 of Div. 9, B-1 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-161–14-167. Formerly, such sections derived from §§ 602.8.A–602.8.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972, and Ord. No. 499-74, § 4, adopted Aug. 19, 1974.

- b. Church or place of worship: Ten thousand (10,000) square feet.
 - c. All other nonresidential uses: None.
- (2) *Minimum street frontage:* Fifty (50) feet. If the average of the street frontages on all lots within two hundred (200) feet of the boundaries of the lot in question on the same side of the street and within the B-1 zone is less than fifty (50) feet, then the minimum street frontage may be reduced to the average frontage of such lots.
- (3) *Minimum yard dimensions:*
- (Yard dimensions are required setbacks for structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)
- a. *Front yard:*
 - 1. Principal or accessory structure: None. The front yard setback shall not exceed the average depth of the front yards of the closest lot developed with a structure on either side of the lot.
 - b. *Rear yard:*
 - 1. Principal structures: None, except where a rear yard abuts a residence zone or residential use, twenty (20) feet is required.
 - 2. Accessory structures (detached): None, except where the rear yard abuts a residence zone or residential use, five (5) feet is required.
 - c. *Side yard:*
 - 1. Principal and accessory structures: None, except that where a side yard abuts a residence zone or residential use, ten (10) feet is required.
 - 2. Accessory structures: None, except that where the side yard abuts a residence zone or a residential use, five (5) feet is required.
 - 3. Side yards on side streets (corner lot):
Principal or accessory structures: Ten (10) feet.
- (4) *Minimum lot width:* Fifty (50) feet or, if the average of the lot widths within two hundred (200) feet of the boundaries of the lot in question on the same side of the street and in the B-1 zone is less than fifty (50) feet, then the minimum street frontage may be reduced to the average lot width of such lots.
- (5) *Maximum structure height:* Thirty-five (35) feet. Where the lot abuts an R-6 residential zone, the maximum height shall be the maximum permitted height in the R-6 residential zone.
- (6) *Maximum impervious surface ratio:* Eighty (80) percent.
(Ord. No. 292-88, 4-4-88; Ord. No. 52-96, § 1, 7-15-96)

- (6) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 292-88, 4-4-88)

Secs. 14-168—14-180. Reserved.

DIVISION 10. B-2 COMMUNITY BUSINESS ZONE*

Sec. 14-181. Purpose.

The purpose of the B-2 community business zone is:

- (1) To provide appropriate locations in the city for the development and operation of a mixture of commercial uses and services that have a community-wide market such as shopping centers or cluster developments.
- (2) The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.

(Ord. No. 293-88, 4-4-88)

Sec. 14-182. Permitted uses.

The following uses are permitted in the B-2 zone:

- (1) *Residential:* Any residential use permitted in the residential zone abutting the lot. If there is no abutting residential zone, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the most restrictive such zone.
- (2) *Business:*
 - a. General, business and professional offices, as defined in section 14-47;
 - b. Personal services, as defined in section 14-47;
 - c. Offices of building tradesmen;
 - d. Retail establishments;
 - e. Restaurants;
 - f. Drinking establishments;
 - g. Billiard parlors;

***Editor's note**—Ord. No. 293-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-181—14-187 of Div. 10, B-2 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-181—14-187. Formerly, such sections derived from §§ 602.9.A—602.9.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 274-77, adopted May 16, 1977.

Sec. 14-183. Conditional uses.

The following uses are permitted as provided in section 14-474 (conditional uses), if they meet the following requirements:

(1) *Business:*

- a. Reserved;
- b. Car washes;
- c. Automobile dealerships; and
- d. Drive-in or drive-through restaurants.

In addition to approval by the planning board with respect to the requirements of article V (site plan), these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

- i. *Signs:* Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.
- ii. *Circulation:* No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.
- iii. *Drive-up features:* Drive-up features, such as gasoline pumps, vacuum cleaners and menu/order boards, shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.
- iv. *Car washes:* Car washes shall be designed to avoid the tracking of residual waters into the street.

(2) *Other:*

- a. Printing and publishing establishments except as provided in subsection b. below;
- b. Printing and publishing establishments in continuous operation at their current location since April 4, 1988, or earlier and which exceeded ten thousand (10,000) square feet of aggregate gross floor area at that time;
- c. Wholesale distribution establishments; and
- d. Research and development and related production establishments.

(3) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

Except as provided in subsection (5) below, the following setbacks are required:

- a. *Front yard:* None. The front yard setback shall not exceed the average depth of the front yards of the closest lot developed with a structure on either side of the lot.
- b. *Rear yard:*
 1. Principal structures: Ten (10) feet. Where a rear yard abuts a residence zone or residential use, twenty (20) feet is required.
 2. Accessory structures: Five (5) feet.
- c. *Side yard:*
 1. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a residential use, ten (10) feet is required.
 2. Accessory structures: Five (5) feet.
 3. Side yards on side streets (corner lot): Ten (10) feet.

(4) *Minimum lot width:* Fifty (50) feet.

(5) *Maximum structure height:* Forty-five (45) feet, except that on lots in excess of five (5) acres, sixty-five (65) feet is permitted; provided each of the setbacks required under subsection (3) above are increased by one (1) foot in distance for each foot of height above forty-five (45) feet.

(6) *Maximum impervious surface ratio:* Eighty (80) percent.

(Ord. No. 293-88, 4-4-88; Ord. No. 52-96, § 2, 7-15-96)

Sec. 14-186. Other requirements.

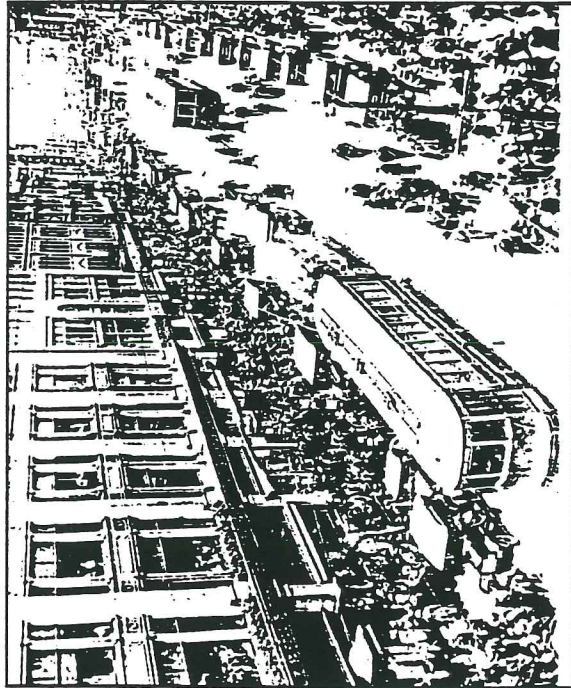
All nonresidential uses in the B-2 zone shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

- (1) *Landscaping and screening:* The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (2) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (3) *Off-street parking and loading:* Off-street parking and loading are required by division 20 and division 21 of this article.
- (4) *Front yard parking:* There shall be no parking in the front yard between the street line and the required minimum setback line. A maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the front yard; except that, where a lot containing a structure which was in existence on

V. MOVING FROM PLACE TO PLACE IN PORTLAND: THE CITY

Chapter Summary

1. *Land use in Portland has been decentralizing, making transportation by foot, bicycle, and bus more and more unlikely. The City should support patterns that create opportunities for people to meet more of their everyday needs close by, make public transportation a viable option, and sustain the traditional advantages of urban living.*
2. *Facilities for mass transit in the City are not fully in place. The City should work with METRO to assure swift, safe, and convenient service.*
3. *The City lacks local transport centers for easy shifts from one form of transportation to another. It should design and locate these centers in the midst of existing activity centers, such as shopping areas and schools, with close coordination with METRO.*
4. *Bicycling and walking in the City frequently have been squeezed out of the City's streets. The City should recognize them as important modes of everyday transportation and make provisions for funding and building the needed facilities.*
5. *New laws require states and cities to "manage" traffic before building new roads to accommodate it. The City should establish a program for "travel demand management."*
6. *Existing arteries cut through areas with established neighborhoods, chipping away at the neighborhoods. The City should (a) take steps to shift through traffic to more appropriate modes and routes, (b) implement strategies that balance the need to protect neighborhoods against the need to move traffic, (c) strictly enforce motor vehicle laws in the neighborhoods, and (d) use the City's fleet to set an example of how to drive with respect for and attention to foot traffic.*
7. *Making parking easily available Downtown encourages the use of autos and congestion; but to do otherwise may jeopardize the attraction of Downtown to retailers and major office users. The City should continue to implement the Downtown parking policies adopted by the City Council in 1992.*
8. *The islands' transportation needs, both between the mainland and the islands and on the islands themselves, are unique. The Casco Bay Ferry Terminal should continue to evolve as a multimodal local transport center. The Casco Bay Island Transit District should be a key component of the City's seamless web of mass transportation.*
9. *Federal and state law open the door to a stronger local and public voice in transportation decisions. The City should encourage the public to contribute creative ideas to meet transportation needs.*



From: E. B. Robertson, Remember the Portland, Maine Trolleys, 1982

For the purpose of this transportation plan, the City has been divided into eight transportation districts. See Figure V-1. They are:

- East End
- West End
- Stroudwater/Libbytown
- Woodfords
- Deering
- East Deering
- North Deering
- Riverton

The boundaries of each district were located so that no individual neighborhood is split into more than one district. The boundaries are not "official." Different neighborhoods might define themselves differently, and that might affect the boundaries of the districts. Nevertheless, conceptually, the eight identified districts serve this Plan's purposes.

Nine major issues arise with respect to the City and its transportation districts.

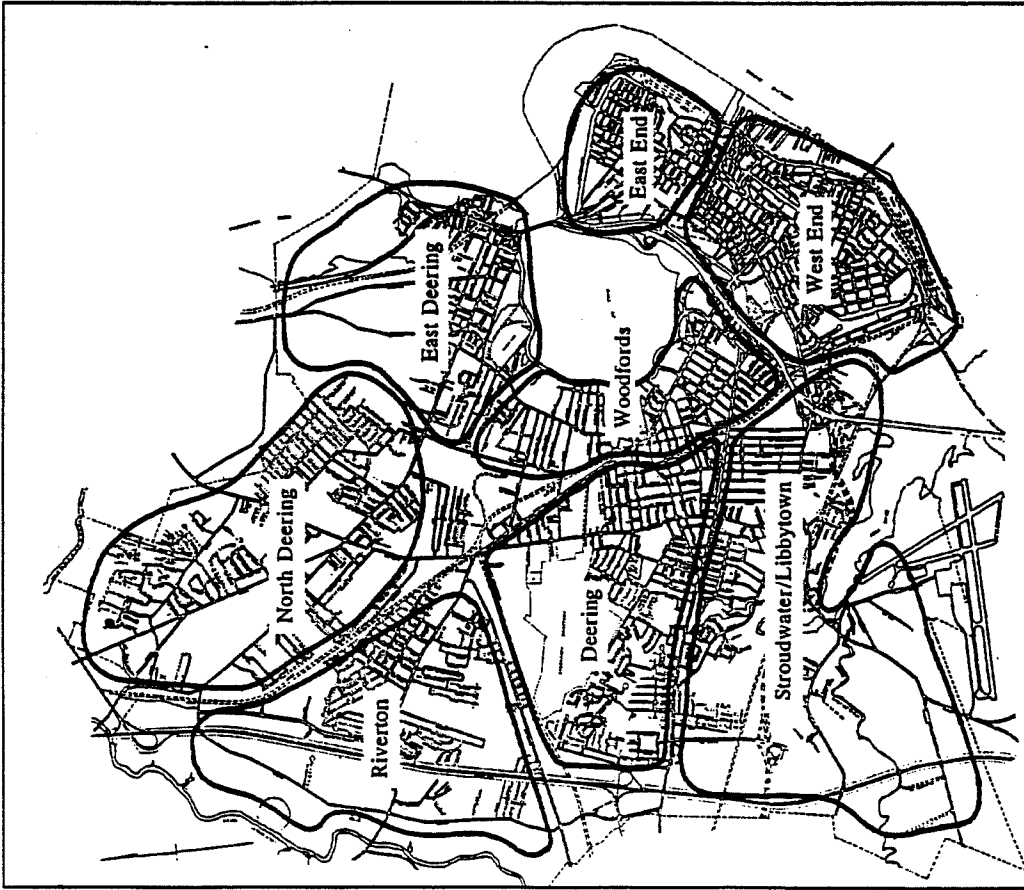


Figure V-1: Transportation districts

(1) The percentage of households living at densities that can support mass transit has been dropping. Between 1960 and 1980 the City's population fell by 11,000 (from 72,566 to 61,572), a loss of 15%. This by itself reduced the City's density. At the same time, the City's residential land use pattern was decentralizing as in-town neighborhoods were changed or even relocated and residential development occurred on the fringes of the City. So the City had fewer people in 1980 than in 1960, and they were spread more thinly across the City.

During the 1980's this pattern changed somewhat. Unlike the previous decades, the City's population grew by 4.5%. However, the pattern of decentralization continued. The North Deering area, for example, saw its population grow by over 40% between 1980 and 1990, reflecting the construction of a large number of low-density single-family developments. In contrast, the peninsula saw its population remain relatively constant (23,243 in 1980, 23,403 in 1990), while older residential areas such as the Ocean Avenue area, the Deering Center neighborhood, and East Deering saw only small increases in their population. Other older off-peninsula neighborhoods such as the Brighton Avenue/Deering Highlands area, Oakdale, and the Libbytown area actually saw their populations decrease. By 1990 an estimated 30% to 35% of the City's households were living in neighborhoods of fewer than 3 units per acre (up from about a quarter of all households as of 1980).

(2) The organization of commercial uses has changed dramatically. On one hand, there has been some concentration of uses as community stores and services were supplanted by large chain stores in shopping centers. At the same time, these new retail and service centers located in a decentralized pattern across the City. And the shopping center style of development is single-story with vast parking lots, creating very low floor area ratios.

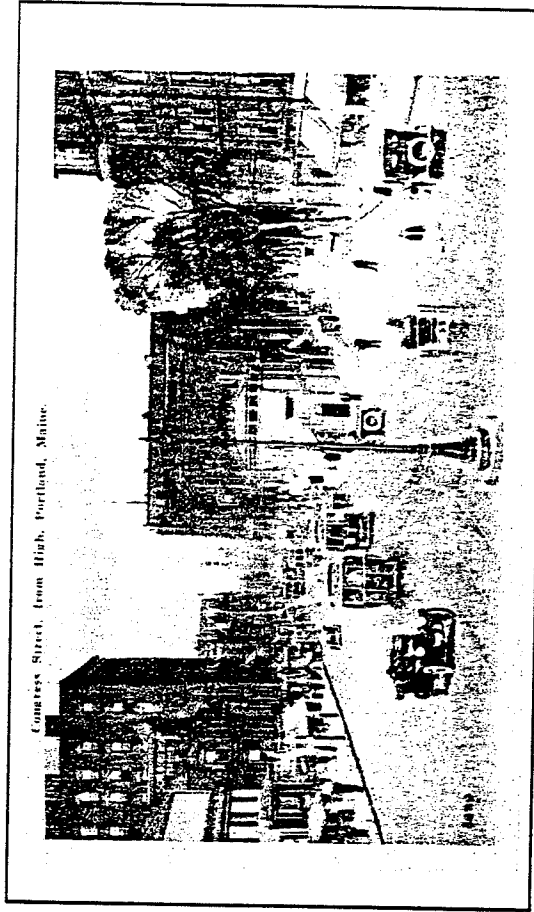
(3) Land use regulations have favored less density and concentration. In the quest to enhance quality of life, the City has revised its land use regulations significantly over the past decades. The allowable density of residential development was decreased substantially in the R-6 and R-5 districts, the City's principal multifamily districts. The City doubled the off-street parking requirement for all residential uses, making even moderate density residential development difficult and expensive. The potential for mixed use development in commercial

districts was reduced since the density of residential development in these areas was tied to the stricter standards. The impact of these well-meaning changes was to restrict the potential for infill development or redevelopment in the built-up part of the City, further promoting a lower density/dispersed pattern of land use.

Similarly, the City became more restrictive in its treatment of home occupations and office and professional buildings in the residential areas of the City and along the City's arterials. Again, the purpose of these regulations was to protect the quality of life in the City's residential neighborhoods. But they tend to require people to travel farther to work and for needed services.

If the City were to choose not to revise the land use policies of recent years to benefit alternative modes of transportation, but rather only to improve facilities such as bike lanes, bus stops, and sidewalks, there may be more use of bicycles, buses, and walking. But the goals of this Transportation Plan are unlikely to be met without reaffirmation of historic patterns of development in the City. These patterns were concentrated and diverse and ready-made for choice in transportation.

See Action Box No. C-1.



25 - The City

City Issue 6 Arterials in Neighborhoods

Existing arterials carrying through-traffic cut through transportation districts with established neighborhoods, disrupting life in the neighborhoods and putting pressure on the street system that, if expanded in response to the traffic, will further chip away at the integrity of the neighborhoods.

Policies

As set forth in policies on regional traffic (see issue R-7), the City should take steps and urge steps by others that would shift through-traffic to other more appropriate modes and routes.

Beyond these steps, the City should develop and implement a strategy that balances the integrity of the neighborhood against the need to move traffic on the arterials.

The City should take all reasonable steps to assure that motor vehicle laws are strictly enforced, especially in neighborhoods where the balance between traffic and the needs of the neighborhood is delicate.

The treatment of arterials, whose role is to carry through-traffic, requires different approaches on different roadways. Balancing the need to move goods and people and the need to protect the internal functioning of transportation districts and their neighborhoods is critical. In some cases it is appropriate to encourage more efficient use of the roadway and to mitigate the impacts. In others, it is appropriate to give up some efficiency in the movement of traffic in response to the needs of the neighborhood. And in others, it is necessary to actively discourage use of the roadway in favor of alternative routes of travel.

This issue can't be separated from other issues confronting transportation districts. Transportation districts with a degree of self-sufficiency in meeting everyday needs (as discussed in the first issue of this chapter) will not add to or feel as acutely the impacts of through traffic. An effective program of travel demand management, with effective local transport centers and good facilities for bicycling and walking will help mitigate the problem of through traffic.

Realistically, however, the problem of through-traffic dividing and disrupting neighborhoods is likely to persist and must be addressed directly. The proposed strategy has three parts, dealing with arterials in three different situations:

- (1) Where commuting traffic has an alternative to the arterial that is cutting through the transportation district and its neighborhoods, take steps that will discourage use of the arterial (including "calming" traffic through reduced roadway capacity, substituting on-street parking, bikelanes, etc.) and, concurrently, encourage the use of other arterials that are better located (upgrading the latter arterials if necessary).
- (2) Where commuting traffic has no alternative but to take the arterial that is cutting through the transportation district and its neighborhoods, and the land uses are sensitive to the traffic (e.g., schools, pedestrian-oriented activities), take steps to "calm" the traffic without substantially taking away capacity (e.g., through effective landscaping, definitive sidewalks with esplanades, pedestrian crosswalks, and similar visual cues).

- (3) Where commuting traffic has no alternative but to take the arterial that is cutting through the transportation district and its neighborhoods, and where land uses are not highly sensitive to the traffic, take the steps necessary to move the traffic through the area in the shortest time possible during peak periods. The emphasis here is on efficient use of existing pavement, not necessarily widening roadways. Nor does it mean speeding up traffic, but rather trying to achieve smooth, steady flows.

Of the three strategies, priority should be given to the first two.

Inherent in these strategies is thoughtful design of the physical environment: in some cases using physical design to slow and "calm" traffic, in other cases to make the most efficient use possible of the street in order to move traffic. To achieve such design will require a new working relationship between transportation planners, who set forth concepts like "calming," and traffic engineers, who must implement them.

Action Box No. C-6

To balance the integrity of neighborhoods against the need to move traffic on arterials:

- Where the situation calls for aggressively discouraging use of the road for through-traffic:
 - adding more school zones
 - providing for more on-street parking
 - posting the street for "No Through Trucks"
 - adding stop signs
 - narrowing the road in strategic places for easier pedestrian crossings, wider sidewalks, landscaping, etc.
 - adding a bike lane
 - adding sidewalks, narrowing the cartway (the area between curbs) if necessary
 - upgrading other arterials, and providing better access to other arterials that are more appropriate for through traffic
 - trying to assure that major destinations of this through traffic are being fully served by alternative modes of travel

Examples: Stevens Ave., Frost St., Capisic St., with diversions of through traffic to Riverside street and Maine Turnpike; Danforth St., with diversion to other arterials

Action Box No. C-6 (cont'd)

Where the situation calls for accommodating through traffic by slowing it down (or "calming" it), consider:

- making improvement that cause drivers to note that they are in a neighborhood/pedestrian setting, such as:
 - regular and closely spaced tree plantings;
 - well-marked crosswalks;
 - other improvements to create a closed-in effect on the roadway;
 - posted speed limits
 - pedestrian-controlled walk lights
- Examples: Slate St., High St., Woodfords St., Forest Ave. through Riverton, residential areas of Brighton Ave.
- Where the situation calls for expediting the movement of traffic through the area in the shortest time possible, consider:
 - eliminating on-street parking during peak hours
 - where possible, relocating bus stops to bus turnouts
 - so-called "transportation system management" improvements, such as adjustments to the geometrics of an intersection, as necessary and desirable
 - regulating traffic lights and providing signs to indicate the desirable travel speed during peak hours
 - with appropriate signs and education, allowing the use of a lane in one direction during the morning peak hours and in the opposite direction during the evening peak hours
 - safety measures for pedestrians, including school children

Examples: St. John St., Warren Ave., Washington Ave., Forest Ave., (in the latter two cases with heavy landscaping to mitigate impacts)

July 27, 1998

Mr. Angelo Martella
1081 Brighton Ave.
Portland ME 04102

Dear Mr. Martella:

Your daughter Lenora Pressey asked me to clarify the possible rezoning of your parcel. You are presently zoned B-1 Business. The Planning Board is considering changing that to B-2 Business.

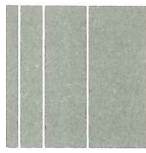
In either case, B1 or B2 it is o.k. for you to continue to live in your home.

Residences are allowed in both zones. The B-2 zone would allow a wider variety of business uses than B1 does.

If you have any questions, don't hesitate to call me. My number is 874-8724.

Sincerely,

Alexander Jaegerman
Chief Planner



SebagoTechnics
Engineering & Planning for the Future

May 20, 1998
98123

Mr. Alex Jaegerman
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Request for Zone Change

Dear Alex:

On behalf of Richard Holden, Jr., I am pleased to submit the attached application, including \$150.00 application fee, for a zoning map amendment for property owned by Mr. Holden at 1083-1091 Brighton Avenue.

This land is zoned B1 and is currently for sale. It is an excellent property in a good location. However, as potential purchasers have reviewed this property and its location within the overall zoning plan for the City, it is apparent that the B1 zoning classification is not consistent with the predominance of B2 land in this vicinity. All commercial property on the southerly side of Brighton Avenue from Webb Street to the Maine Turnpike and the Business Zone on the northerly side of Brighton Avenue from Cabot Street to Taft Avenue are zoned B2.

The restrictions imposed by the B1 designation limits the uses on the property, thereby impacting the value of the land. We are requesting that the existing B2 Zone be expanded to encompass this property and bring it in conformity with existing land uses in the neighborhood and to provide Mr. Holden greater flexibility in terms of future use of the property. At the current time, there is not a specific use proposed for the land, but any future use will be in conformance with the City's Land Use Ordinance and current standards in existence at the time the use is proposed.

We are hopeful that we can be placed on the June 9th Planning Board workshop agenda to discuss this request with the Planning Board. Thank you for your consideration. Please let me know if you have questions or require additional information.

Sincerely,

SEBAGO TECHNICS, INC.

Walter P. Stinson, P.E.
President

WPS:jc
Enc.

cc: Richard Holden, Jr.

APPLICATION FOR ZONING AMENDMENT
CITY OF PORTLAND, MAINE

DATE May 20, 1998

TO THE CITY PLANNING BOARD, CITY HALL, PORTLAND, MAINE 04101:

The undersigned hereby requests that you consider whether it would be consistent with the comprehensive plan of the City of Portland, Maine, and make appropriate recommendation for action by the City Council concerning the following proposed amendments to the Zoning Ordinance of the City of Portland, Maine:

A. ZONING MAP AMENDMENT:

FROM B1 ZONE TO B2 ZONE

The property situated on Brighton ~~Street~~ Avenue
between Holm ~~Street~~ Avenue and Taft ~~Street~~ Avenue
on the northerly side(x).

Assessor's Reference (Chart, Block and Lot) for the property is as follows:

Map 274, Block A, Lots 1-5, 8, 11-14

1. What original deed restrictions, if any, concerning the type of improvements and class of uses permitted were placed on the property involved? Give date restrictions expire:

N/A

2. Description of the existing use of property: _____

Property is currently used as an office building.

3. Description of the proposed use of property: _____

Uses as allowed in the B2 Zoning District.

4. Area of Lot(s): 2.1 Acres ±

Total Floor Area: 4,000 Square Feet

- | Street Address of Property Involved | Property Owner and/or Name of Option Holder | Date of Acquisition |
|-------------------------------------|---------------------------------------------|---------------------|
| <u>1081 - 1091</u> | <u>Richard Holden, Jr.</u> | <u>March 1965</u> |
| <u>Brighton Avenue</u> | _____ | _____ |

- 6. Submission of a site plan, as required in Article V of the Municipal Code.
 - 7. Submission of plans and addresses of property owners abutting the subject property. (See attached)
8. ZONING TEXT AMENDMENT:

- 1. Section of Ordinance to be amended: _____
- 2. Proposed text amendment - Attach on separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underlined (example).
- 3. Brief statement of the purpose of the proposed amendment.
- 4. If the amendment is intended to facilitate a development, reuse, alteration, addition or modification to a specific property, fill out the sections above under ZONING MAP AMENDMENT.

A fee for this application for a zoning amendment will be charged in accordance with Section 14-14 of the Municipal Code (see copy attached). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

The above information and the attached lists of property -- owners in the vicinity are true and accurate to the best of my knowledge.

May 20, 1998
Date of filing

[Signature]
Signature of Applicant

Washington Court Rd
Address of applicant

Seabrook, ME 04474
city state ZIP

WITDRAWAL: In the event of withdrawal of the zoning amendment application by the applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the city of Portland.

Portland Planning Board
Portland, Maine

Effective: April 11, 1988

**Application for Zoning Amendment
City of Portland, Maine**

A. Zoning Map Amendment

7. Addresses of property owners abutting the subject property:

Tax Map	Lot	Name and Address
274	6, 7	Angelo Martella 1081 Brighton Avenue Portland, ME 04102
274	15-19	Ilse M. Webber 32 Taft Avenue Portland, ME 04102
274	20, 21	Ralph Ferrante & Debra Orlando 36 Taft Avenue Portland, ME 04102
274	22-24	Bruce Garland & Kim Fogg 44 Taft Avenue Portland, ME 04102
274	25-27	Philip G. & Irene A. Giakoumakis 52 Taft Avenue Portland, ME 04012

**Richard B. Holden,
Brighton Avenue - Property Influences**

Within eyesight of property front yard:

SOUTHERN VIEW

Pine Tree Shopping Center

- Shaw's Supermarket
- Mardens
- Radio Shack
- Fleet Bank
- Payless Shoes
- Ames Dept. Store
- CVS
- Great Wall Chinese Rest.
- Rent-A-Center
- Fashion Bug
- Jo-Ann Fabrics
- Key Bank
- Little Caesar's Pizza
- Hit or Miss
- People ATM

EASTERLY VIEW

1041 Shopping Plaza

- Electrolux
- Galaxsea Cruises
- Panda Garden
- Beneficial Finance
- VIP Eyes
- Subway
- The Tux Shop
- Olan Mills Studio
- Casco Bay Veterinary Hosp.
- Cakes Extraordinaire
- Headhunter Beauty School
- Applebee's Rest. (proposed)

Non-plaza/center businesses and sites/properties

- Burger King
- Century Tire
- Forest City Chevrolet
- House at corner of Taft/Brighton (enclosed by cyclone fence)

WESTERLY VIEW

Non-plaza/center businesses and sites/properties

- Paul's Auto Sales
- Mobile (gas station, currently closed)
- 125+/- car parking lot at Barron Center
- Highway overpass
- Susse Chalet Motel
- Denny's Restaurant
- The Inn of Portland Motel
- Valle's Steak House

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair John Carroll and Members of the Portland Planning Board

FROM: Barbara Barhydt, Senior Planner

DATE: June 5, 1998

RE: 1083-1091 Brighton Avenue, Zoning Map Amendment from Neighborhood Business B-1 to Community Business B-2

Introduction

Richard Holden, Jr. is requesting a zoning map amendment to rezone the Neighborhood Business B-1 portion of the property at 1083 to 1091 Brighton Avenue to Community Business B-2. Mr. Holden's property is located on Brighton Avenue between Taft and Holm Avenues. The property is zoned Neighborhood Business B-1 along Brighton Avenue and the zone extends approximately 350 feet along Holm from Brighton Avenue. The zone change request is for approximately 1.3 acres of the total 2.1 acre parcel. The rest of the property is zoned Residential R-3 and Mr. Holden is not seeking to rezone the R-3 portion of his property. There is a single family house under separate ownership at the corner of Brighton and Taft Avenues in the B-1 district, which is not included in this request for a zoning map amendment.

There is a 4,000 square foot professional office building located on the site with an adjoining parking lot. The parcels along Taft Avenue and the land to the rear of the professional building are undeveloped. The property is currently for sale. According to the applicant's cover letter, the B-1 designation limits the uses on the property and Mr. Holden is seeking "...greater flexibility in terms of future use of the property." A specific use is not proposed for the land at this time.

Zoning and Land Uses in the Vicinity

Mr. Holden's property at 1083-1091 Brighton Avenue is adjacent to residential zones and the B-2 zone (refer to zoning map, Attachment 3, and land use map, Attachment 4). The Barron Center and the Loring House are across Holm Avenue in a Residential R-5 zone. The northerly portion of Mr. Holden's property is zoned R-3. There are single family homes along Taft Avenue in an R-3 zone and one home on the corner of Brighton and Taft in the B-1 zone, which share property boundaries with Mr. Holden's property. Sagamore Village (R-5) is across from the homes on Taft Avenue.

A Community Business B-2 zone is located at the corner of Brighton and Taft Avenues. This zone encompasses a Burger King restaurant and a shopping center. The Residence Professional R-P zone extends along the northerly side of Brighton Avenue from Sagamore Village to Nason's Corner. A B-2 zone is across Brighton Avenue from Mr. Holden's property and it includes the Pine Tree Shopping Center, Forest City Chevrolet, Century Tire, Vallee's Restaurant, and a motel. The Commercial Corridor Zone B-4 extends along the west side of the Maine Turnpike.

Policy Considerations

Portland's Neighborhood Economic Development Study, prepared in 1982 and adopted as part of the City's comprehensive plan, shows B-1 as it is currently configured at 1083-1091 Brighton Avenue. The report describes the outer Brighton Avenue commercial district as a community center serving the adjoining neighborhoods.

The City's Transportation Plan seeks to create a comprehensive transportation plan linked with land use planning policies and excerpts from the plan are included as Attachment 5. The plan identifies Brighton

Avenue as an arterial, which also serves as a transit corridor, and the Pine Tree Shopping Center is considered an established community commercial center. The land use policies of this plan recommend a land use pattern that achieves the following:

- 1) a) opportunities for people to work and meet a larger share of their everyday needs within or adjacent to their neighborhood;
- 2) b) encourages businesses to locate in established employment centers that are served by public transportation or have the critical mass to support alternative transportation modes. A specific action in the plan suggests allowing a wider range of small and mid-sized businesses near established community commercial centers, such as Pine Tree; and
- 3) c) allows development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options. Such density should be coupled with policies that encourage or maintain a healthy share of owner-occupancy in these areas as well as compatible site design.

While the Transportation Plan encourages business development along transit corridors, it also raises the issue of arterials in neighborhoods. "Existing arterials carrying through-traffic cut through transportation districts with established neighborhoods, disrupting life in the neighborhoods and putting pressure on the street system that, if expanded in response to the traffic, will further chip away at the integrity of the neighborhoods." This is supported by a policy which states the City should develop and implement a strategy that balances the integrity of the neighborhood against the need to move traffic on the arterials.

This spring, the City Council requested the planning office to prepare a neighborhood plan for the outer Brighton Avenue area to address citizen concerns regarding the type and amount of development proposed for this area. A copy of the draft report is in the Planning Board's packet. The major issues identified by residents at a neighborhood meeting include increased traffic along Brighton Avenue and Capisic Street, increased number of pedestrian crossing accidents, impacts of the proposed Post Office distribution facility, traffic impacts of proposed Turnpike Interchange, and loss of neighborhood businesses to big box retailers. A second neighborhood meeting was held on May 29th to present the proposed future considerations contained in the draft report. The area along Brighton Avenue is labeled Transition Area #1 due to the current pressure for more intensive uses, such as the Rite Aid proposal and their interest in a drive-through window. The northerly side of Brighton Avenue has R-5, B-1, B-2, and R-P zoning. At this meeting, the neighbors were generally supportive of options to strengthen the neighborhood center concept for Nason's Corner and to maintain smaller scale development in the area; however, there were no specific comments regarding 1083-1091 Brighton Avenue or the immediate vicinity.

Zoning

The purpose of the B-1 Neighborhood Business Zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. The business uses permitted in the zone (refer to Section 14-161 of Portland's Land Use Code) include professional offices, business services, personal services, offices of building tradesman provided that there is no exterior storage of building materials, and retail services, excluding gasoline sales, drive-in or drive-through sales or services. Other uses include lodging houses, day care facilities, bed and breakfasts, and accessory uses. Restaurants are a conditional use.

The B-2 zone permits more business uses than B-1 and the neighborhood business limitations or prohibitions, such as outdoor storage and drive-in or drive-through windows are removed in the B-2 zone. In general, the B-2 permitted uses generate more impacts, such as traffic and noise. The purpose section of the Community Business B-2 zone is established to: 1) to provide appropriate locations in the city for the development and operation of a mixture of commercial uses and services that have a community-wide market such as shopping centers or cluster developments; and 2) the variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The permitted B-2 businesses (refer to Section 14-181 of Portland's Land Use Code) incorporate B-1 uses and add the following:

- a) restaurants;
- b) drinking establishments;
- c) billiard parlors;
- d) mortuaries of funeral homes;
- e) miscellaneous repair service, excluding motor vehicle repair services;
- f) communication studios or broadcast and receiving facilities;
- g) health clubs and gymnasiums;
- h) veterinary hospitals, but excluding outdoor kennels;
- i) theaters and performance halls;
- j) hotels or motels businesses; and
- k) major and minor businesses, as defined, provided that only a minor business shall be permitted on a lot abutting a residential zone. [Definitions: *Major businesses*: A business with more than two (2) pump islands or with a capacity to fuel more than eight (8) vehicles simultaneously, or providing repair services, including, but not limited to, tuneups, engine repair, brake work, muffler replacement, tire repair or similar activities. *Minor businesses*: A business with not more than two (2) pump islands, provided that no more than a total of eight (8) vehicles may be fueled simultaneously. Such businesses shall not include car washes or vacuums. Repair services shall be permitted, provided that there shall be no more than two (2) service bays.]

Car washes, automobile dealerships, drive-in or drive-through restaurants, printing and publishing establishments, wholesale distribution businesses, and research and development with related production establishments are conditional uses in the B-2 zone.

Planning Board Deliberations

The Planning Board may want to consider the following points regarding Mr. Holden's zone change request:

- a. At this time there is no specific development proposal for Mr. Holden's property. The Planning Board may want to clarify with Mr. Holden the reasons for his request.
- b. The B-2 zone increases the number and intensity of uses that may be permitted on this site. As the applicant's cover letter states, the parcel is located across from the Pine Tree Shopping Center and other commercial uses, which are in a B-2 district. Mr. Holden's L-shaped property also has frontage on Taft and Holm Avenue, which are developed with homes and the Barron Center/Loring House.
- c. The City's commercial policies confirm that this area is suited for business uses. The Transportation Plan suggests a wider range of small and mid-sized businesses near established community commercial centers, such as Pine Tree, and also recommends balancing traffic demands on arterials with neighborhood integrity. The Outer Brighton Avenue Study is a draft report, which is a response to neighborhood concerns regarding development in the area.

The zone change request is for the B-1 portion of Mr. Holden's property only. It excludes the residentially zoned area of his parcel and the single family house on the corner of Taft and Brighton Avenues. The Board will want to address what land to include in a public hearing notice. This item is tentatively scheduled for a public hearing on July 14th.

Attachments:

1. Zone Change Application
2. Letter from Applicant
3. Zoning Map
4. Land Use Map
5. Excerpts from Portland Transportation Plan

APPLICATION FOR ZONING AMENDMENT
CITY OF PORTLAND, MAINE

Attachment 1

DATE May 20, 1998

TO THE CITY PLANNING BOARD, CITY HALL, PORTLAND, MAINE 04101:

The undersigned hereby requests that you consider whether it would be consistent with the comprehensive plan of the City of Portland, Maine, and make appropriate recommendation for action by the City Council concerning the following proposed amendments to the Zoning Ordinance of the City of Portland, Maine:

A. ZONING MAP AMENDMENT:

FROM B1 ZONE TO B2 ZONE

The property situated on Brighton ~~Street~~/Avenue between Holm ~~Street~~/Avenue and Taft ~~Street~~/Avenue on the northerly side(x).

Assessor's Reference (Chart, Block and Lot) for the property is as follows:

Map 274, Block A, Lots 1-5, 8, 11-14

1. What original deed restrictions, if any, concerning the type of improvements and class of uses permitted were placed on the property involved? Give date restrictions expire:

N/A

2. Description of the existing use of property: _____

Property is currently used as an office building.

3. Description of the proposed use of property: _____

Uses as allowed in the B2 Zoning District.

4. Area of Lot(s): 2.1 Acres ±

Total Floor Area: 4,000 Square Feet

Street Address of Property Involved	Property Owner and/or Name of Option Holder	Date of Acquisition
<u>1081 - 1091</u>	<u>Richard Holden, Jr.</u>	<u>March 1965</u>
<u>Brighton Avenue</u>	_____	_____

- 6. Submission of a site plan as required in Article 7 of the Municipal Code.
 - 7. Submission of plans and addresses of property owners abutting the subject property. (See attached)
8. ZONING TEXT AMENDMENT:

- 1. Section of Ordinance to be amended: _____
- 2. Proposed text amendment - Attach on separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underlined (example).
- 3. Brief statement of the purpose of the proposed amendment.
- 4. If the amendment is intended to facilitate a development, reuse, alteration, addition or modification to a specific property, fill out the sections above under ZONING MAP AMENDMENT.

A fee for this application for a zoning amendment will be charged in accordance with Section 14-34 of the Municipal Code (see copy attached). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

The above information and the attached lists of property -- owners in the vicinity are true and accurate to the best of my knowledge.

May 20, 1998
Date of Filing

[Signature]
Signature of Applicant

100 Street Court Rd
Address of applicant

Scarborough, ME 04407
City State ZIP

WITDRAWAL: In the event of withdrawal of the zoning amendment application by the applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the city of Portland.

Portland Planning Board
Portland, Maine

Effective: April 11, 1988

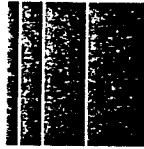
98123

**Application for Zoning Amendment
City of Portland, Maine**

A. Zoning Map Amendment

7. Addresses of property owners abutting the subject property:

Tax Map	Lot	Name and Address
274	6, 7	Angelo Martella 1081 Brighton Avenue Portland, ME 04102
274	15-19	Ilse M. Webber 32 Taft Avenue Portland, ME 04102
274	20, 21	Ralph Ferrante & Debra Orlando 36 Taft Avenue Portland, ME 04102
274	22-24	Bruce Garland & Kim Fogg 44 Taft Avenue Portland, ME 04102
274	25-27	Philip G. & Irene A. Giakoumakis 52 Taft Avenue Portland, ME 04012



SebagoTechnics
Engineering & Planning for the Future

May 20, 1998
98123

Mr. Alex Jaegerman
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Request for Zone Change

Dear Alex:

On behalf of Richard Holden, Jr., I am pleased to submit the attached application, including \$150.00 application fee, for a zoning map amendment for property owned by Mr. Holden at 1083-1091 Brighton Avenue.

This land is zoned B1 and is currently for sale. It is an excellent property in a good location. However, as potential purchasers have reviewed this property and its location within the overall zoning plan for the City, it is apparent that the B1 zoning classification is not consistent with the predominance of B2 land in this vicinity. All commercial property on the southerly side of Brighton Avenue from Webb Street to the Maine Turnpike and the Business Zone on the northerly side of Brighton Avenue from Cabot Street to Taft Avenue are zoned B2.

The restrictions imposed by the B1 designation limits the uses on the property, thereby impacting the value of the land. We are requesting that the existing B2 Zone be expanded to encompass this property and bring it in conformity with existing land uses in the neighborhood and to provide Mr. Holden greater flexibility in terms of future use of the property. At the current time, there is not a specific use proposed for the land, but any future use will be in conformance with the City's Land Use Ordinance and current standards in existence at the time the use is proposed.

We are hopeful that we can be placed on the June 9th Planning Board workshop agenda to discuss this request with the Planning Board. Thank you for your consideration. Please let me know if you have questions or require additional information.

Sincerely,

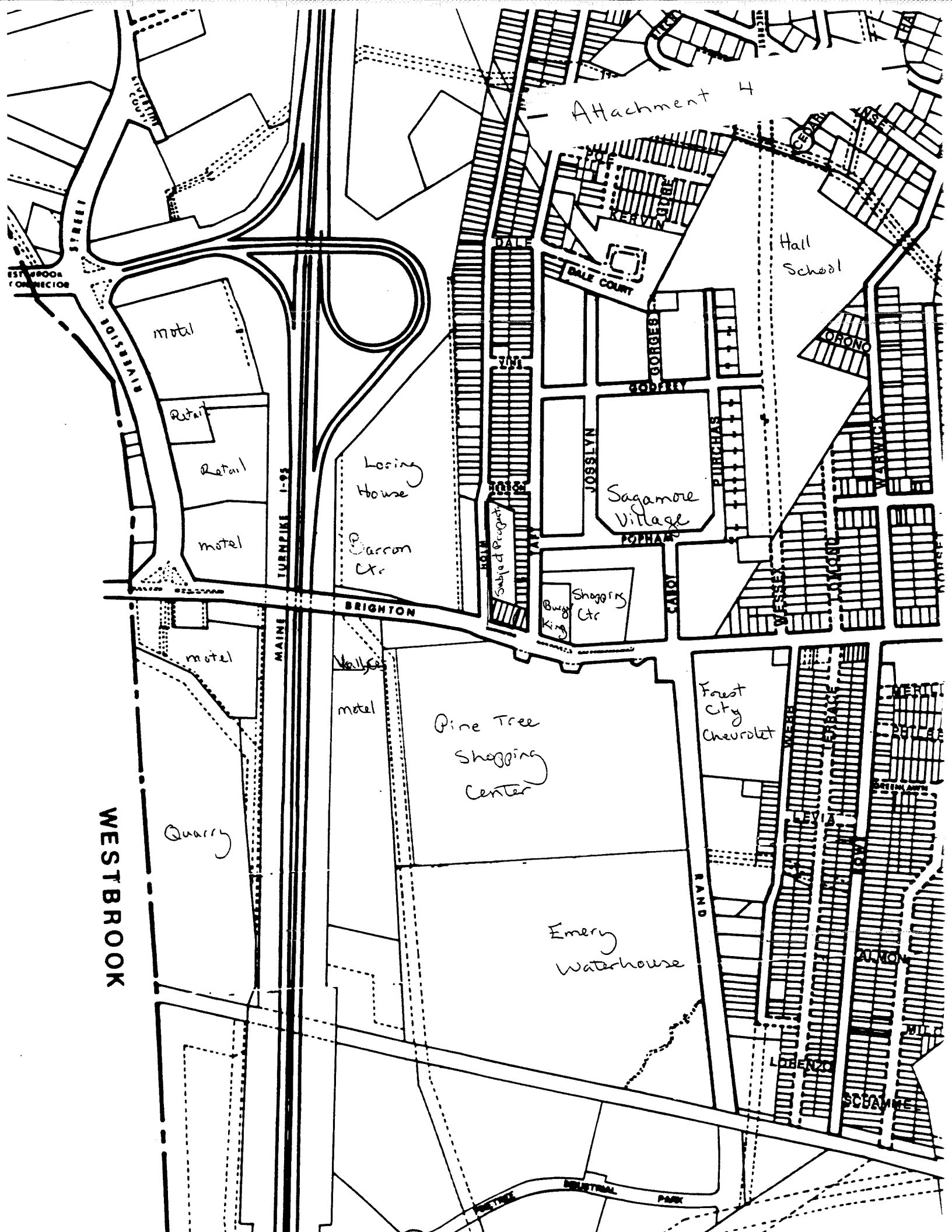
SEBAGO TECHNICS, INC.

Walter P. Stinson, P.E.
President

WPS:jc

Enc.

cc: Richard Holden, Jr.



Attachment 4

Hall School

motel

Retail

Retail

motel

Loring House

Barron Ctr

DALE COURT

Sagamore Village

Shogory Ctr

motel

motel

Pine Tree Shopping Center

Forest City Chevrolet

WESTBROOK

Quarry

Emery Waterhouse

RAND

ALMON

SCENIC

PARK

ESTIMATED CONNECTION

STREET

LIVELY

TOUSSEAU

TURNPIKE I-95

MAINE

BRIGHTON

POST OFFICE

LIBRARY

PARK

Subj of Property

PO BOX

KERVIN GORGE

DALE COURT

GORGES

GORBY

JOSLYN

POPHAM

CATO

PURCHAS

WESSEX

LONGARD

WARWICK

MERTON

BRYAN

WEST

FRANK

ALMON

SCENIC

SCENIC

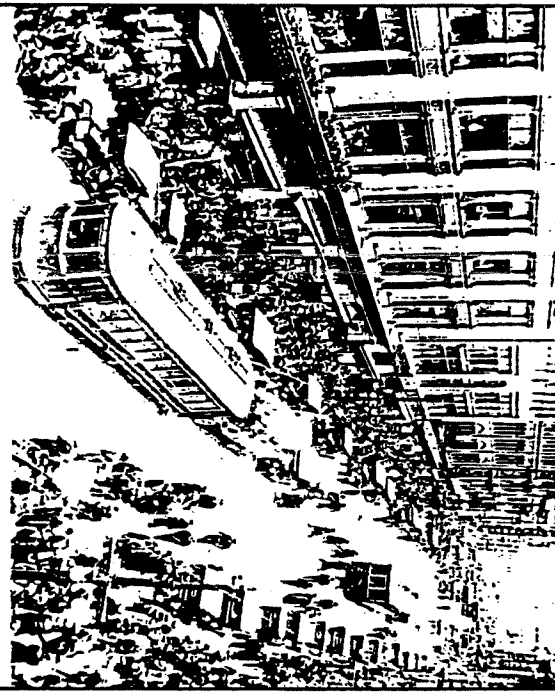
SCENIC

V. MOVING FROM PLACE TO PLACE IN

PORTLAND: THE CITY

Chapter Summary

1. *Land use in Portland has been decentralizing, making transportation by foot, bicycle, and bus more and more unlikely. The City should support patterns that create opportunities for people to meet more of their everyday needs close by, make public transportation a viable option, and sustain the traditional advantages of urban living.*
2. *Facilities for mass transit in the City are not fully in place. The City should work with METRO to assure swift, safe, and convenient service.*
3. *The City lacks local transport centers for easy shifts from one form of transportation to another. It should design and locate these centers in the midst of existing activity centers, such as shopping areas and schools, with close coordination with METRO.*
4. *Bicycling and walking in the City frequently have been squeezed out of the City's streets. The City should recognize them as important modes of everyday transportation and make provisions for funding and building the needed facilities.*
5. *New laws require states and cities to "manage" traffic before building new roads to accommodate it. The City should establish a program for "travel demand management."*
6. *Existing arteries cut through areas with established neighborhoods, chipping away at the neighborhoods. The City should (a) take steps to shift through traffic to more appropriate modes and routes, (b) implement strategies that balance the need to protect neighborhoods against the need to move traffic, (c) strictly enforce motor vehicle laws in the neighborhoods, and (d) use the City's fleet to set an example of how to drive with respect for and attention to foot traffic.*
7. *Making parking easily available Downtown encourages the use of autos and congestion; but to do otherwise may jeopardize the attraction of Downtown to retailers and major office users. The City should continue to implement the Downtown parking policies adopted by the City Council in 1992.*
8. *The islands' transportation needs, both between the mainland and the islands and on the islands themselves, are unique. The Casco Bay Ferry Terminal should continue to evolve as a multimodal local transport center. The Casco Bay Island Transit District should be a key component of the City's seamless web of mass transportation.*
9. *Federal and state law open the door to a stronger local and public voice in transportation decisions. The City should encourage the public to contribute creative ideas to meet transportation needs.*



From: E. B. Robertson, Remember the Portland, Maine Trolley, 1982

City Issues and Policies

This chapter looks at how people move from place to place within Portland: from home in a neighborhood to work along an arterial or in Downtown, for example, or from home to a community shopping area. In considering this movement, it is helpful to divide the City into "transportation districts."

Transportation districts should be employed to ease the mobility needed in the daily lives of the City's residents. Within transportation districts, streets, land uses, and transportation facilities can be designed for short, easy, safe trips--to shop for groceries, to go to school, and to meet many day-to-day needs. At the same time, the interior of the districts can be protected from heavy flows of through traffic. Between transportation districts, connections can be designed to move people so they can take advantage of stores, jobs, cultural events, and the other resources of the City.

A properly conceived transportation district is perhaps one to two miles along its longest dimension: a "walkable" or "bikable" distance. It usually comprises two or more neighborhoods. It should be bounded by--but not crossed by--arterial roads. Within the area most activities should be able to be reached by foot, bicycle, taxi, or bus, rather than depend solely on the auto (though local car trips also are common). If properly constituted, a transportation district has within it many of the land uses and activities to satisfy day-to-day needs: an elementary school, churches, convenience goods shopping (grocery store, drug store, hardware store, video rental, laundromat, and the like), day care centers, parks and playgrounds, and small-scale businesses. Thus, at least to go to school, do the daily shopping, or meet friends for recreation or socializing, there is little need to venture onto or to cross the auto-dominated arterials that define the boundaries of a district.

A transportation district is not isolated from the rest of the City. There are many reasons to move from one's neighborhood in a district to other parts of the City: for work, culture, major shopping, and the many kinds of interchange that can be had only in a city. But many day-to-day needs should be able to be met locally. In the process neighborhoods are strengthened and burdens on the transportation system are eased.

An ideal transportation district is designed to discourage internal movement across it by high speed traffic. It should either be hard or unnecessary, or both, to travel from an arterial on one side of the transportation district to an arterial on the other side through the district. There should be few intersections of major roads within a district. Major cross roads ("collectors") should be widely spaced to protect the individual neighborhoods that comprise the district.

This is the theory. In practice, many arterials run through the middle of neighborhoods that might otherwise comprise a transportation district: Route 302 through Riverton, for example, or Route 22 through Stroudwater. Some streets started out as local roads but evolved into cross-town collectors that go through the heart of some districts. Stevens Avenue, Capisic-Frost, and the State Street-High Street couplet are examples. Some parts of the City lack the mix of activity to be even moderately self-sufficient in terms of meeting the day-to-day needs of residents. As a result, residents are forced to leave the area, usually by car, for basic needs.

Thus, for example, the travel demands of residents of the Ludlow Street area undoubtedly are higher than those of residents in the East End area, where a range of small stores and services are available. And within many districts, facilities aren't designed to accommodate the pedestrian or bicyclist. In fact, they have at times given way to expanded accommodations for motor vehicles.

In a city where the auto has been superimposed on a system of streets and neighborhoods built in earlier times, roadways often are called upon to do double duty: to serve both as a local street and as a regional arterial or cross-town collector. Many of the policies presented in this chapter are intended to ease the tension between these roles:

- by promoting a degree of self-sufficiency within neighborhoods that might constitute transportation districts;
- by encouraging alternative modes of travel between districts; and
- by sorting out the functions of major streets so that neighborhoods bounded by them can be better protected.

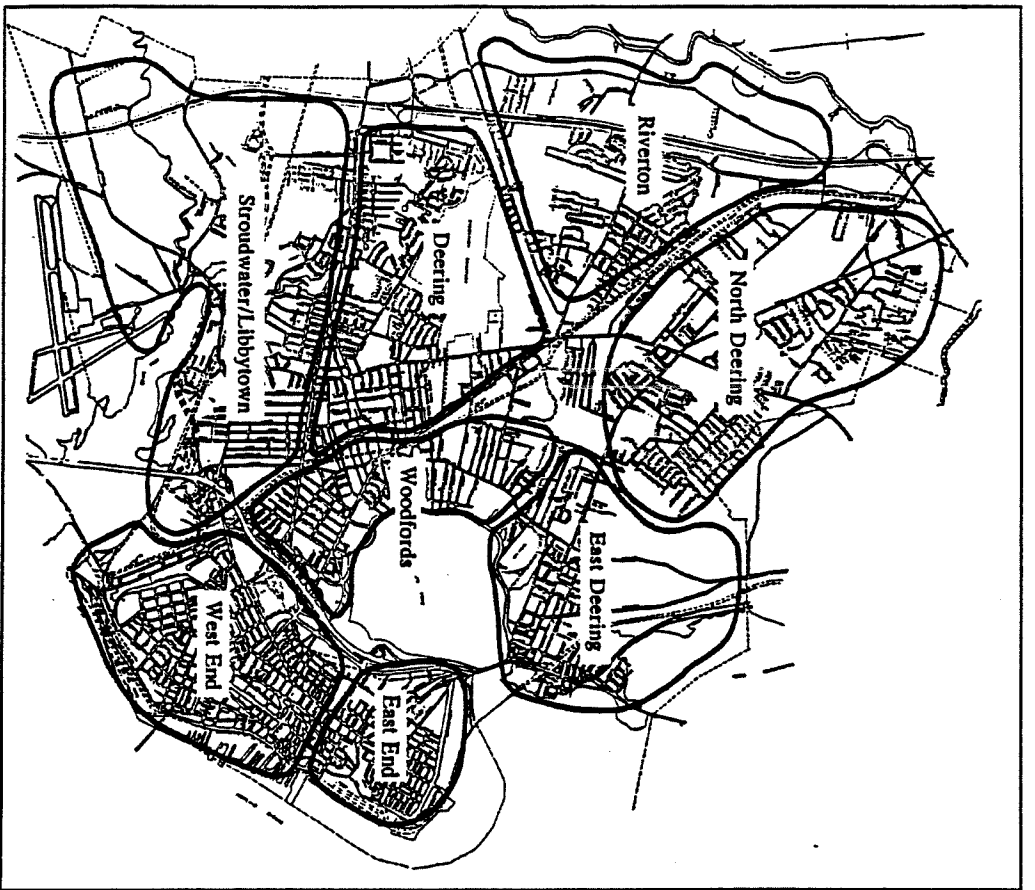


Figure V-1: Transportation districts

For the purpose of this transportation plan, the City has been divided into eight transportation districts. See Figure V-1. They are:

- East End
- West End
- Stroudwater/Libbytown
- Woodfords
- Deering
- East Deering
- North Deering
- Riverton

The boundaries of each district were located so that no individual neighborhood is split into more than one district. The boundaries are not "official." Different neighborhoods might define themselves differently, and that might affect the boundaries of the districts. Nevertheless, conceptually, the eight identified districts serve this Plan's purposes.

Nine major issues arise with respect to the City and its transportation districts.

Within Portland itself, land use has been decentralizing for at least the last 30 years, making transportation by foot, bicycle, and bus more and more unlikely.

Policies

The City should promote a land use pattern that allows for opportunities for people to work and meet a larger share of their everyday needs within or adjacent to their transportation district.

The City should continue to encourage businesses to locate in established employment centers, including Downtown, that are served by public transportation or that have the critical mass necessary to support alternative modes of transportation.

The City should allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options. Such density should be coupled with policies that encourage or maintain a healthy share of owner-occupancy in these areas as well as compatible site design.

Where sufficient densities and concentration of activities already exist to support public transit, or are allowed by zoning, they should be continued and/or obstacles to reaching their potentials (such as unrealistic off-street parking requirements) should be removed.

The distance a person must travel between destinations is the most important determinant of how he or she will accomplish the trip. Other factors come into play, too: the purpose of the trip (is it to buy five bags of groceries or a quart of milk?); the availability and design of facilities to accommodate the preferred mode (is it safe, comfortable, and uncongested?) and the weather. But distance and time are the *sine qua non*. If the distance is beyond a quarter- or half-mile, experience shows that the average person will not walk even if the purpose is merely to buy a quart of milk, the sidewalk is well maintained, and the weather

is sunny. If the distance is more than perhaps two miles and certainly more than five, it discourages bicycling among those who may have an inclination toward it but aren't enthusiasts.

If the destination is distant, motorized travel is a necessity. In that case, the choice of motorized travel is related to density, both at the point of origin and at the point of destination. Studies (Pushkarov, Boris S., and Zupan, Jeffrey M., Public Transportation & Land Use Policy 1977; Cervaro, Robert, "Congestion Relief: The Land Use Alternative," JPER, Vol. 10, No. 2, pp. 119 - 129, c. 1990) suggest that:

- Local bus systems are most likely to attract a significant number of riders in areas with residential densities of at least 4 dwelling units per acre and, more typically, 7 dwelling units per acre; and they need destinations that contain at least 5 million square feet of business space;
- Light rail transit requires an average residential density of at least 9 dwelling units per acre in a corridor of at least 25 square miles;
- Ridesharing programs can operate in low-density neighborhoods, with park-and-ride lots serving as points of concentration if necessary, but the destination of the vehicles has to be relatively concentrated with a floor area ratio (the ratio of total floor area to land area) of 2.0.

These observations, of course, are built on policies and an allocation of transportation costs that favor the auto. A different allocation of resources might overcome some of the need for compactness. In any case, Portland's historic pattern of land use continues to make alternative modes of transportation viable options. An estimated 40% to 50% of the City's households live in areas with densities of 7 units per acre or more, for example. Downtown Portland contains on the order of 5 million to 6 million square feet, with most of it built at floor area ratios well over 2.0.

However, over the last 30 years, the City has experienced three important, decentralizing land use trends that have influenced transportation patterns and modes.

(1) The percentage of households living at densities that can support mass transit has been dropping. Between 1960 and 1980 the City's population fell by 11,000 (from 72,566 to 61,572), a loss of 15%. This by itself reduced the City's density. At the same time, the City's residential land use pattern was decentralizing as in-town neighborhoods were changed or even relocated and residential development occurred on the fringes of the City. So the City had fewer people in 1980 than in 1960, and they were spread more thinly across the City.

During the 1980's this pattern changed somewhat. Unlike the previous decades, the City's population grew by 4.5%. However, the pattern of decentralization continued. The North Deering area, for example, saw its population grow by over 40% between 1980 and 1990, reflecting the construction of a large number of low-density single-family developments. In contrast, the peninsula saw its population remain relatively constant (23,243 in 1980, 23,403 in 1990), while older residential areas such as the Ocean Avenue area, the Deering Center neighborhood, and East Deering saw only small increases in their population. Other older off-peninsula neighborhoods such as the Brighton Avenue/Deering Highlands area, Oakdale, and the Libbytown area actually saw their population decrease. By 1990 an estimated 30% to 35% of the City's households were living in neighborhoods of fewer than 3 units per acre (up from about a quarter of all households as of 1980).

(2) The organization of commercial uses has changed dramatically. On one hand, there has been some concentration of uses as community stores and services were supplanted by large chain stores in shopping centers. At the same time, these new retail and service centers located in a decentralized pattern across the City. And the shopping center style of development is single-story with vast parking lots, creating very low floor area ratios.

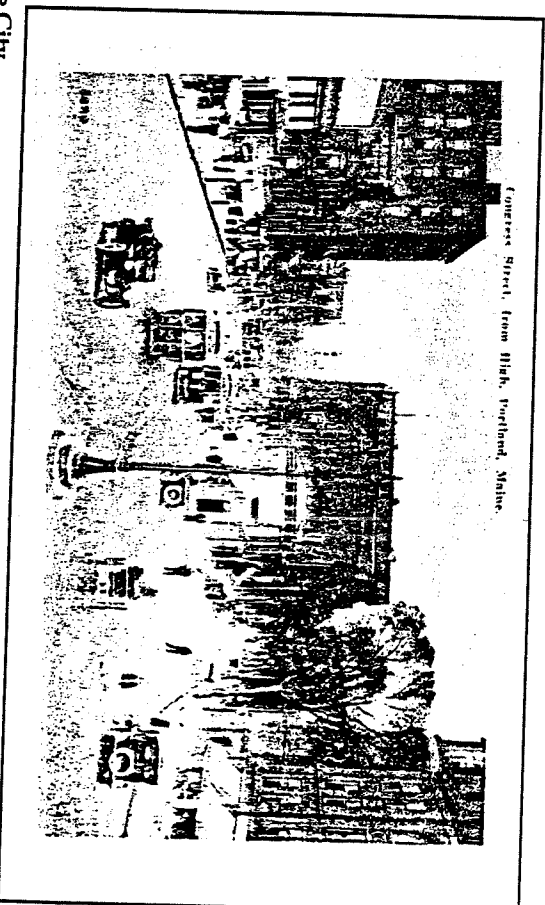
(3) Land use regulations have favored less density and concentration. In the quest to enhance quality of life, the City has revised its land use regulations significantly over the past decades. The allowable density of residential development was decreased substantially in the R-6 and R-5 districts, the City's principal multifamily districts. The City doubled the off-street parking requirement for all residential uses, making even moderate density residential development difficult and expensive. The potential for mixed use development in commercial

districts was reduced since the density of residential development in these areas was tied to the stricter standards. The impact of these well-meaning changes was to restrict the potential for infill development or redevelopment in the built-up part of the City, further promoting a lower density/dispersed pattern of land use.

Similarly, the City became more restrictive in its treatment of home occupations and office and professional buildings in the residential areas of the City and along the City's arterials. Again, the purpose of these regulations was to protect the quality of life in the City's residential neighborhoods. But they tend to require people to travel farther to work and for needed services.

If the City were to choose not to revise the land use policies of recent years to benefit alternative modes of transportation, but rather only to improve facilities such as bike lanes, bus stops, and sidewalks, there may be more use of bicycles, buses, and walking. But the goals of this Transportation Plan are unlikely to be met without reaffirmation of historic patterns of development in the City. These patterns were concentrated and diverse and ready-made for choice in transportation.

See Action Box No. C-1.



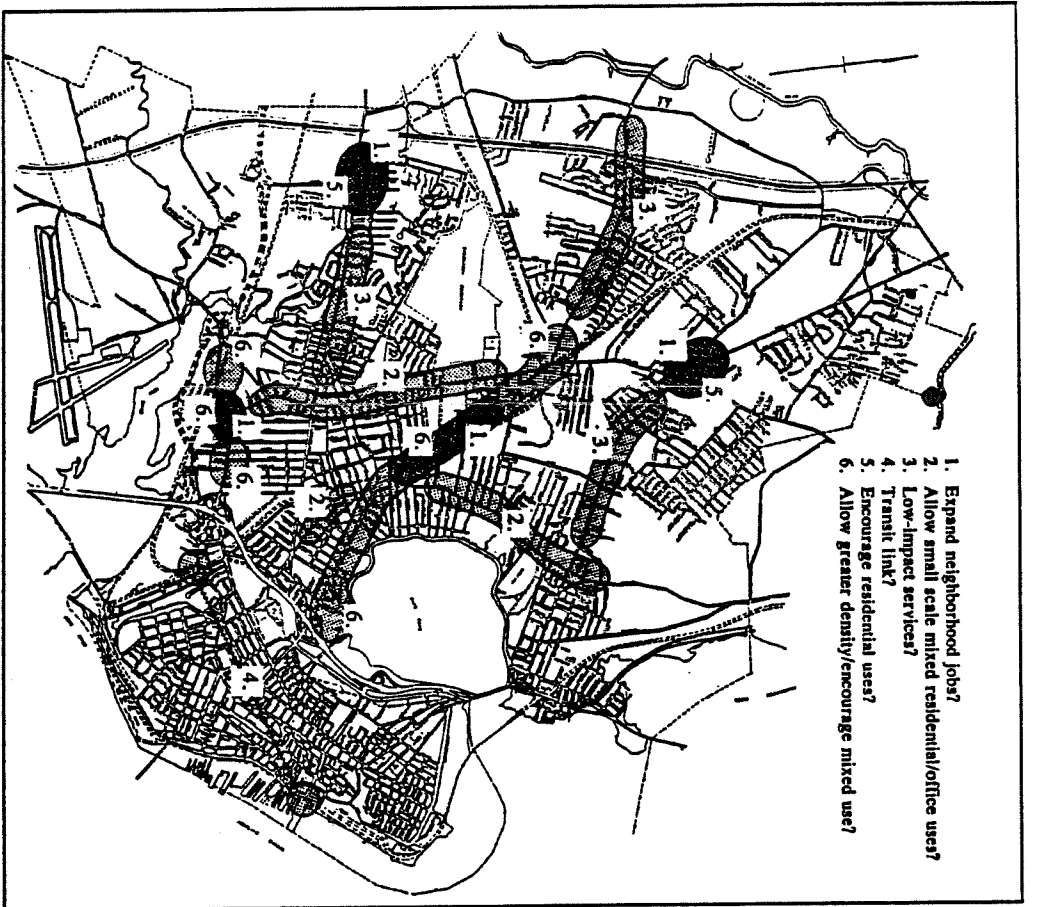


Figure V-2: Examples of opportunities to link land use and transportation

Action Box No. C-1

To promote a land use pattern that allows people to meet more of their everyday needs within or adjacent to transportation districts:

- Review and liberalize home occupation regulation, with standards to assure that home occupations are unobtrusive and small-scale.
- Ask neighborhoods in each transportation district what goods and services they would like to have within walking distance and where low-impact offices and services could be integrated into their areas. Involve the neighborhoods in the design of safe routes to reach these facilities by foot and bicycle. Establish performance-based controls to assure compatibility of these uses with the residential scale of the neighborhoods. These standards should address traffic generation, noise, parking demand, and preservation of existing residential structures, for example.
- Encourage small-scale, mixed-use building that retain a residential use at strategic points along collector streets where traffic has devalued purely residential use.
- Allow a wider range of small and midsize businesses near established community commercial centers such as Northgate, Westgate, Pine Tree, and Woodlords. An example of this type of use is the former Northport Shopping Center in North Deering, which now houses a radio/TV station, telemarketing center, and other uses. Consider performance-based land use standards in these areas.
- Enable the Planning Board to assess, case-by-case, parking, setback, lighting, and landscaping standards in commercial projects and to modify them where doing so would clearly be compatible with walking and neighborhood design.

cont'd on next page

Existing arterials carrying through-traffic cut through transportation districts with established neighborhoods, disrupting life in the neighborhoods and putting pressure on the street system that, if expanded in response to the traffic, will further chip away at the integrity of the neighborhoods.

Policies

As set forth in policies on regional traffic (see issue R-7), the City should take steps and urge steps by others that would shift through-traffic to other more appropriate modes and routes.

Beyond these steps, the City should develop and implement a strategy that balances the integrity of the neighborhood against the need to move traffic on the arterials.

The City should take all reasonable steps to assure that motor vehicle laws are strictly enforced, especially in neighborhoods where the balance between traffic and the needs of the neighborhood is delicate.

The treatment of arterials, whose role is to carry through-traffic, requires different approaches on different roadways. Balancing the need to move goods and people and the need to protect the internal functioning of transportation districts and their neighborhoods is critical. In some cases it is appropriate to encourage more efficient use of the roadway and to mitigate the impacts. In others, it is appropriate to give up some efficiency in the movement of traffic in response to the needs of the neighborhood. And in others, it is necessary to actively discourage use of the roadway in favor of alternative routes of travel.

This issue can't be separated from other issues confronting transportation districts. Transportation districts with a degree of self-sufficiency in meeting everyday needs (as discussed in the first issue of this chapter) will not add to or feel as acutely the impacts of through traffic. An effective program of travel demand management, with effective local transport centers and good facilities for bicycling and walking will help mitigate the problem of through traffic.

Realistically, however, the problem of through-traffic dividing and disrupting neighborhoods is likely to persist and must be addressed directly. The proposed strategy has three parts, dealing with arterials in three different situations:

(1) Where commuting traffic has an alternative to the arterial that is cutting through the transportation district and its neighborhoods, take steps that will discourage use of the arterial (including "calming" traffic through reduced roadway capacity, substituting on-street parking, bikelanes, etc.) and, concurrently, encourage the use of other arterials that are better located (upgrading the latter arterials if necessary).

(2) Where commuting traffic has no alternative but to take the arterial that is cutting through the transportation district and its neighborhoods, and the land uses are sensitive to the traffic (e.g., schools, pedestrian-oriented activities), take steps to "calm" the traffic without substantially taking away capacity (e.g., through effective landscaping, definitive sidewalks with esplanades, pedestrian crosswalks, and similar visual cues).

(3) Where commuting traffic has no alternative but to take the arterial that is cutting through the transportation district and its neighborhoods, and where land uses are not highly sensitive to the traffic, take the steps necessary to move the traffic through the area in the shortest time possible during peak periods. The emphasis here is on efficient use of existing pavement, not necessarily widening roadways. Nor does it mean speeding up traffic, but rather trying to achieve smooth, steady flows.

Of the three strategies, priority should be given to the first two.

Inherent in these strategies is thoughtful design of the physical environment: in some cases using physical design to slow and "calm" traffic, in other cases to make the most efficient use possible of the street in order to move traffic. To achieve such design will require a new working relationship between transportation planners, who set forth concepts like "calming," and traffic engineers, who must implement them.

Good physical design can act as a self-enforcement mechanism to achieve the desired results. However, the balance between the needs of neighborhoods and the needs of traffic is fragile in many places. Without aggressive enforcement of motor vehicle laws--regulating speed, turning movements, cross-walks, traffic signals, and so forth--the strategies may fail.

The test of whether balance has been achieved may be summed up in the answer to any parent's question: "Do I feel safe letting my child cross the street...to get to school, a store, or a friend's house?" If the answer is "no," the situation is out of balance; and there is one less reason for a family to continue to live in the City, where walkability, being close to things, and not being entirely dependent on the car presumably are among the advantages. Both good physical design and enforcement are necessary for the answer to be "yes."

See Action Box No. C-6.

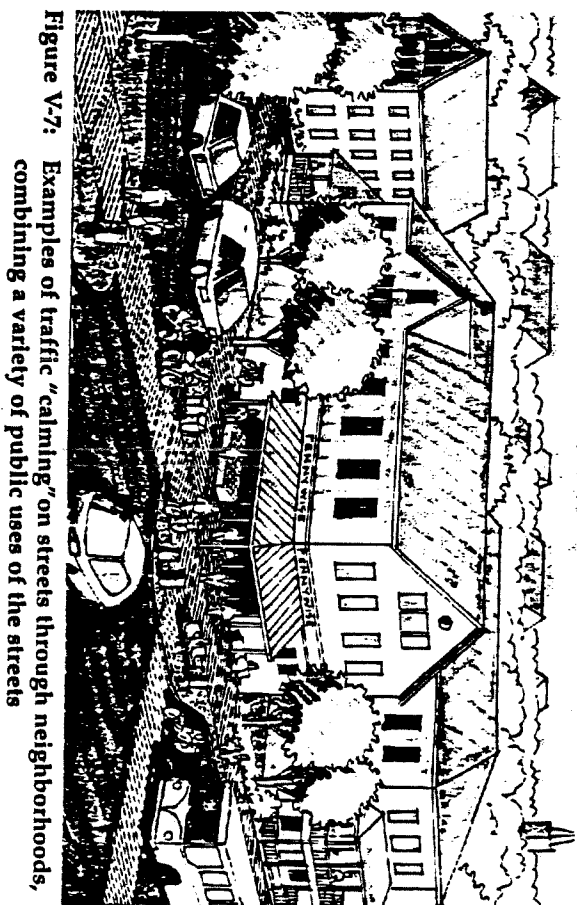
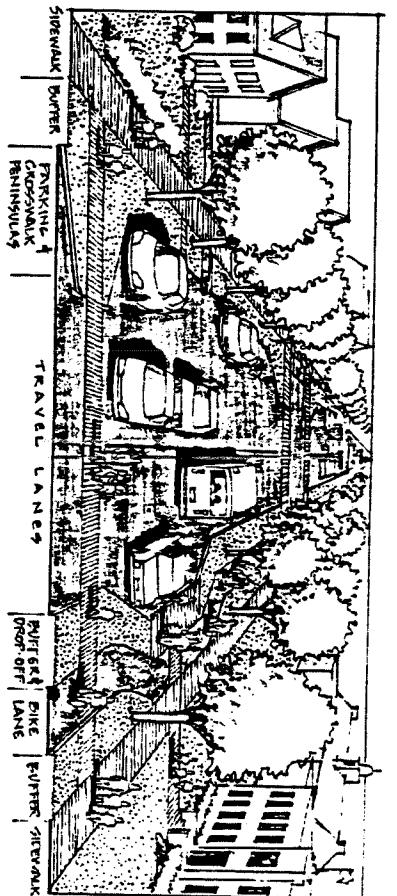


Figure V-7: Examples of traffic "calming" on streets through neighborhoods, combining a variety of public uses of the streets

Action Box No. C-6

To balance the integrity of neighborhoods against the need to move traffic on arterials:

- Where the situation calls for aggressively discouraging use of the road for through-traffic:
 - adding more school zones
 - providing for more on-street parking
 - posting the street for "No Through Trucks"
 - adding stop signs
 - narrowing the road in strategic places for easier pedestrian crossings, wider sidewalks, landscaping, etc.
 - adding a bike lane
 - adding sidewalks, narrowing the cartway (the area between curbs) if necessary
 - upgrading other arterials, and providing better access to other arterials that are more appropriate for through traffic
 - trying to assure that major destinations of this through traffic are being fully served by alternative modes of travel

Examples: Stevens Ave., Frost St., Capital St., with diversions of through traffic to Riverside street and Maine Turnpike; Dantorth St., with diversion to other arterials

Action Box No. C-6 (cont'd)

- Where the situation calls for accommodating through traffic by slowing it down (or "calming" it), consider:
 - making improvement that cause drivers to note that they are in a neighborhood/pedestrian setting, such as:
 - regular and closely spaced tree plantings;
 - well-marked crosswalks;
 - other improvements to create a closed-in effect on the roadway;
 - posted speed limits
 - pedestrian-controlled walk lights

Examples: State St., High St., Woodfords St., Forest Ave. through Riverton, residential areas of Brighton Ave.

- Where the situation calls for expediting the movement of traffic through the area in the shortest time possible, consider:
 - eliminating on-street parking during peak hours
 - where possible, relocating bus stops to bus turnouts
 - so-called "transportation system management" improvements, such as adjustments to the geometrics of an intersection, as necessary and desirable
 - regulating traffic lights and providing signs to indicate the desirable travel speed during peak hours
 - with appropriate signs and education, allowing the use of a lane in one direction during the morning peak hours and in the opposite direction during the evening peak hours
 - safety measures for pedestrians, including school children

Examples: St. John St., Warren Ave., Washington Ave., Forest Ave. (in the latter two cases with heavy landscaping to mitigate impacts)

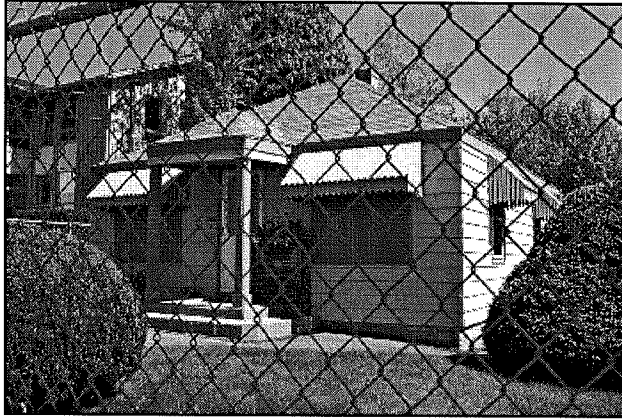


Figure 1 1077 Brighton Avenue

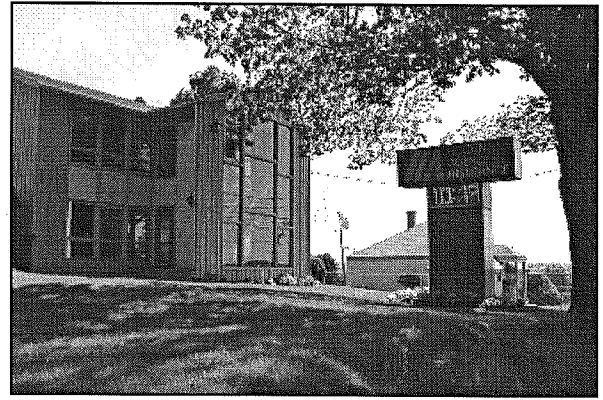


Figure 2 1083-1091 Brighton Avenue

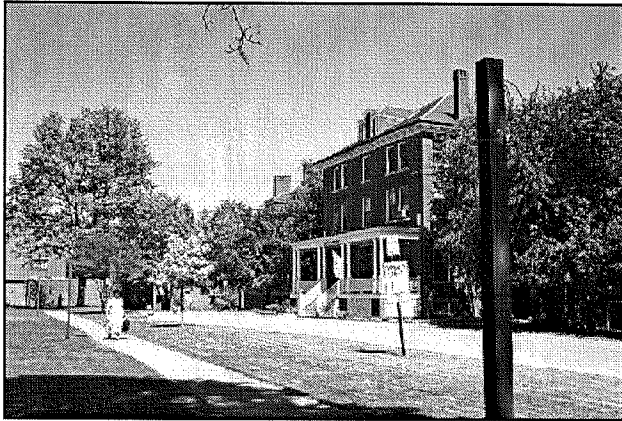


Figure 3 Barron Center

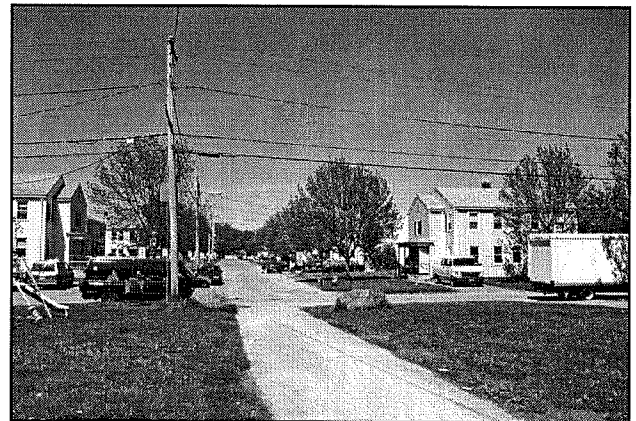


Figure 4 Sagamore Village



Figure 5 Pine Tree Shopping Center



Figure 6 Shopping Center at 1041 Brighton Avenue





July 27, 1998

Mr. Angelo Martella
1081 Brighton Ave.
Portland ME 04102

Dear Mr. Martella:

Your daughter Lenora Pressey asked me to clarify the possible rezoning of your parcel. You are presently zoned B-1 Business. The Planning Board is considering changing that to B-2 Business.

In either case, B1 or B2 it is o.k. for you to continue to live in your home.

Residences are allowed in both zones. The B-2 zone would allow a wider variety of business uses than B1 does.

If you have any questions, don't hesitate to call me. My number is 874-8724.

Sincerely,

Alexander Jaegerman
Chief Planner