



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

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:

Gregory Gould

NAME

Nacciola
BUSINESS NAME

168 Milton St
BUSINESS ADDRESS

978 793 1058 - greg.gould1000@g.m.a.i.l.c.m
BUSINESS TELEPHONE & E-MAIL

APPLICANT'S RIGHT/TITLE/INTEREST

R2

CURRENT ZONING DESIGNATION

Subject Property Information:

168 Milton St

PROPERTY ADDRESS

333 E041001
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
SECTION 14- *410(C)*

EXISTING USE OF THE PROPERTY:

Single Family

TYPE OF CONDITIONAL USE PROPOSED:

*Single Family with Light Food Manufacturing
Home Occupation*

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]
SIGNATURE OF APPLICANT

3-19-18
DATE

Greg Gould
168 Milton Street
Portland ME 04103

Zoning Board Of Appeals
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Board,

I am requesting a variance to allow me the use of my residence at 168 Milton Street for a home occupation. My home occupation will occupy the kitchen and dining room (see plans), approximately 276 square feet (18%) of floor area of the residence.

I intend to serve as a confectioner, creating chocolate truffles, caramels and jelly candy made with locally sourced ingredients. Light food manufacturing is not currently an acceptable home occupation listed for my zone, R2, under item (2) of Section 14-410 of the Portland Zoning Ordinance. The following is an explanation of how my home occupation otherwise meets the criteria listed under item (1) of the same.

Standards:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone;
 - a. I am making confections for wholesale or catering. There is no retail.
 - b. Clients may pick up their orders at the property but there shouldn't be more than one or two extra cars in my driveway at a time. I have a six car driveway.
 - c. No vehicles even nearing a gross vehicle weight of 6,000 pounds are necessary for my home occupation.
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.
 - a. I use magnetic based induction cooktops. I don't use an oven, I don't fry anything and there are no flames.
 - b. No objectionable effects will result from my home occupation.
3. the design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.
 - a. There will be no external signage related to my home occupation.
 - b. No exterior alterations to the residence are necessary. I'm making candy in my kitchen.
 - c. I will still need to pass various health inspections.

- d. Storage of the material necessary to perform my occupation are minimal and included in the 276 square feet of floor space mentioned above.
- e. Other allowable uses in the zone include furniture restoration and the use potentially hazardous materials. Making candy will have less of an impact than that.

As you can see, my home occupation is a secondary and incidental use of my residence. The external activity level and impact is negligible and in keeping with the residential character of the Neighborhood.

Attached you will find a plot plan, floor plans, a copy of the tax map and photos of the property. I will be using the kitchen and dining area. Thank you for your assistance in this matter.

Greg Gould

Zoning Administrator
Permitting and Inspections Department
City of Portland
389 Congress Street
Portland, Maine 04101

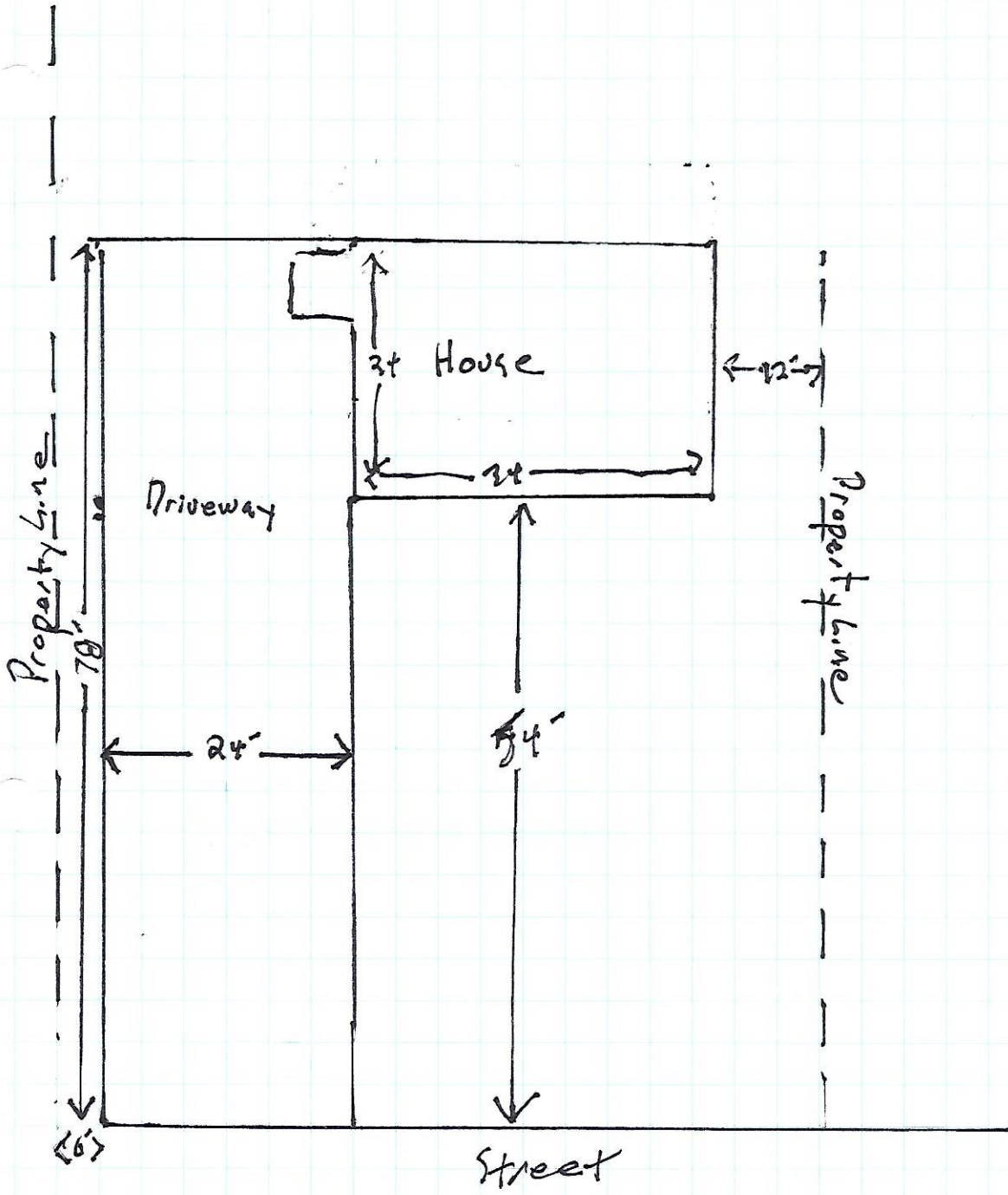
Dear Zoning Administrator:

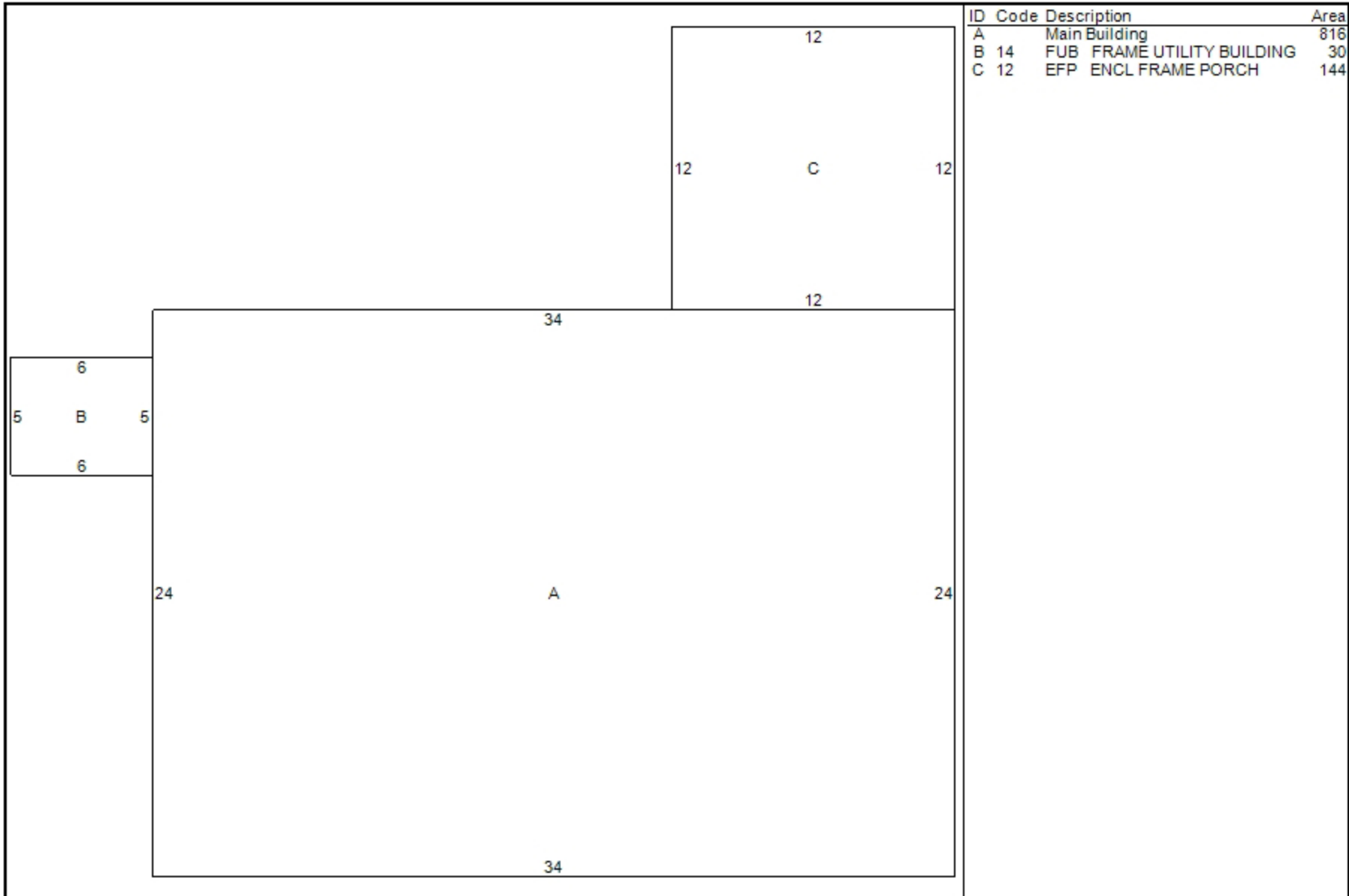
I am requesting a permit to allow me the use of my residence at 168 Milton Street for a home occupation. I intend to serve as a confectioner, creating chocolate truffles, caramels and jelly candy made with locally sourced ingredients. In effect my work will be home crafts, an acceptable home occupation listed under item (2) of Section 14-410 of the Portland Zoning Ordinance. The following is an explanation of how my home occupation meets the criteria listed under item (1) of the same.

1. My home occupation will occupy the kitchen and dining room (see plans), approximately 276 square feet (18%) of floor area of the residence.
2. No goods will be stored displayed or be visible from outside the residence.
3. Storage of the material necessary to perform my occupation are minimal and included in the 276 square feet of floor space mentioned above.
4. Any exterior signage will be within the guidelines of non-illuminated, no bigger than square feet, attached to the building, and not protruding more than 1 foot from the building. I am not currently planning any signs.
5. No exterior alterations to the residence are necessary.
6. I have a driveway with enough space for 8 vehicles.
7. I use magnetic based induction cooktops. I don't use an oven, range, any flame, or a griddle. There are no offensive smells, noises, humidity, or any other objectionable effects as a result of this occupation.
8. There will not be more than one non resident employed in the occupation. I would like the opportunity to hire one individual if needed.
9. My business is primarily wholesale and web based. No traffic will be generated by the home occupation in greater volumes than what is currently in the neighborhood.
10. No vehicles nearing 6000 pounds are needed.

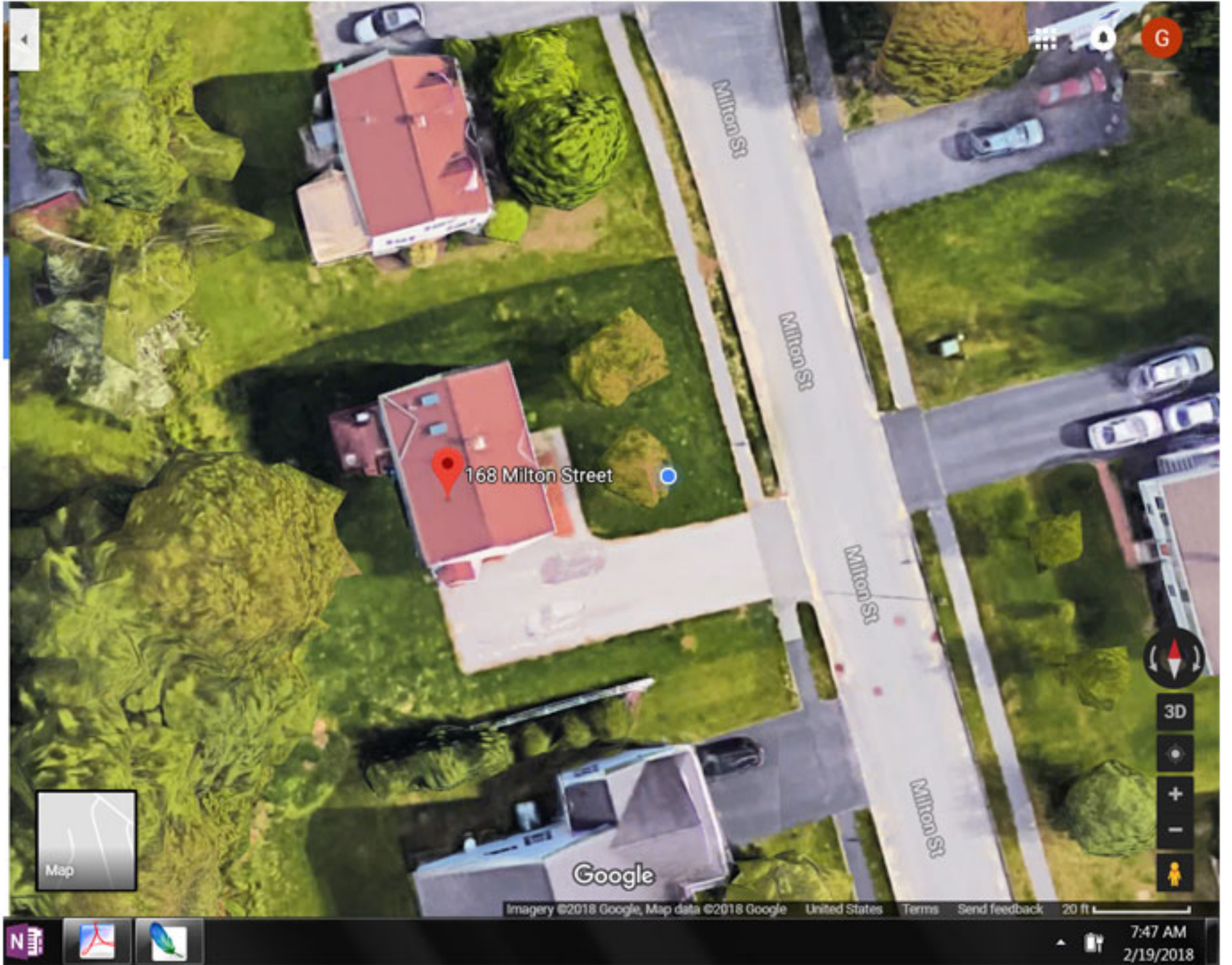
As you can see, my home occupation is a secondary and incidental use of my residence. The external activity level and impact is negligible and in keeping with the residential character of the neighborhood.

Greg Gould
168 Milton Street
Portland ME 04103





ID	Code	Description	Area
A		Main Building	816
B	14	FUB FRAME UTILITY BUILDING	30
C	12	EFP ENCL FRAME PORCH	144



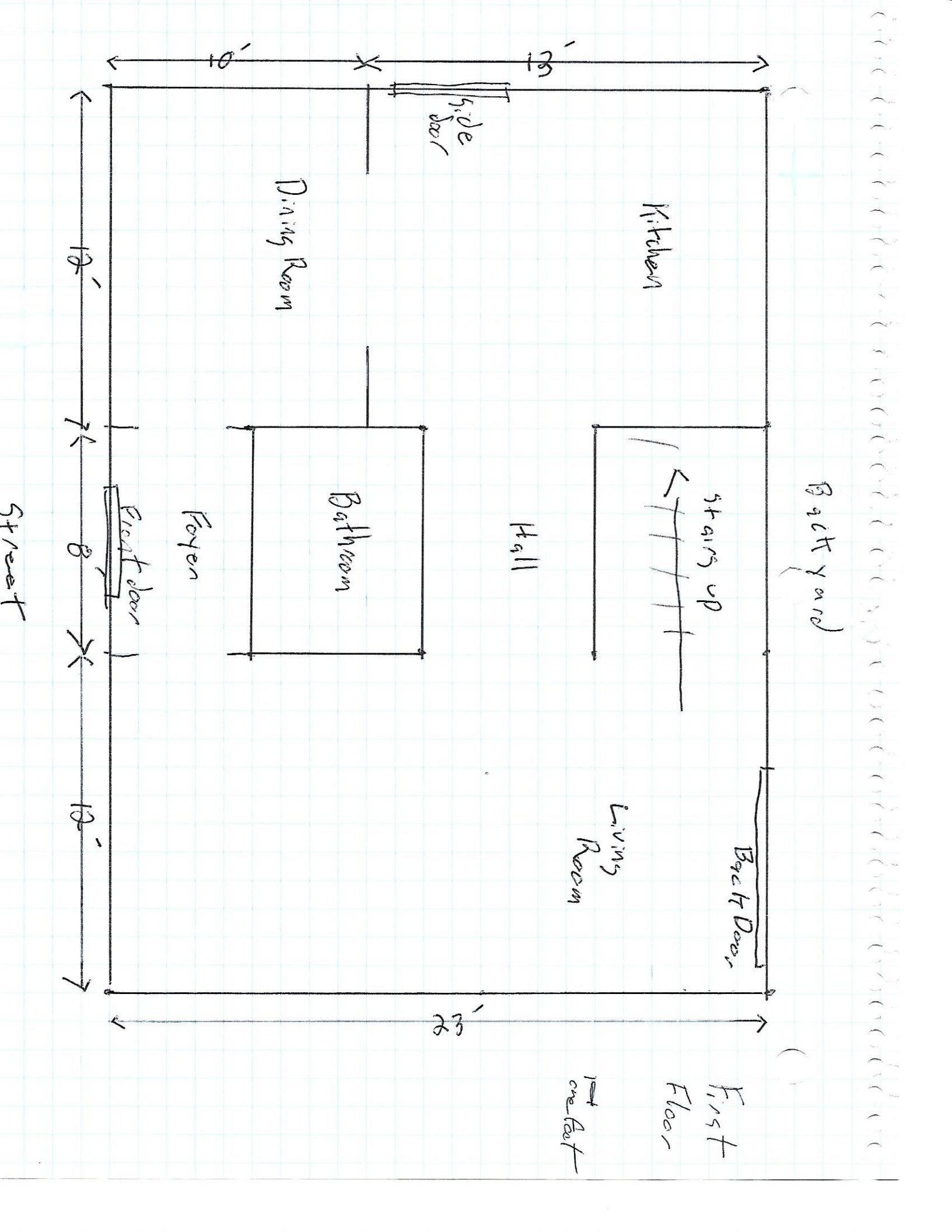
168 Milton Street

Google

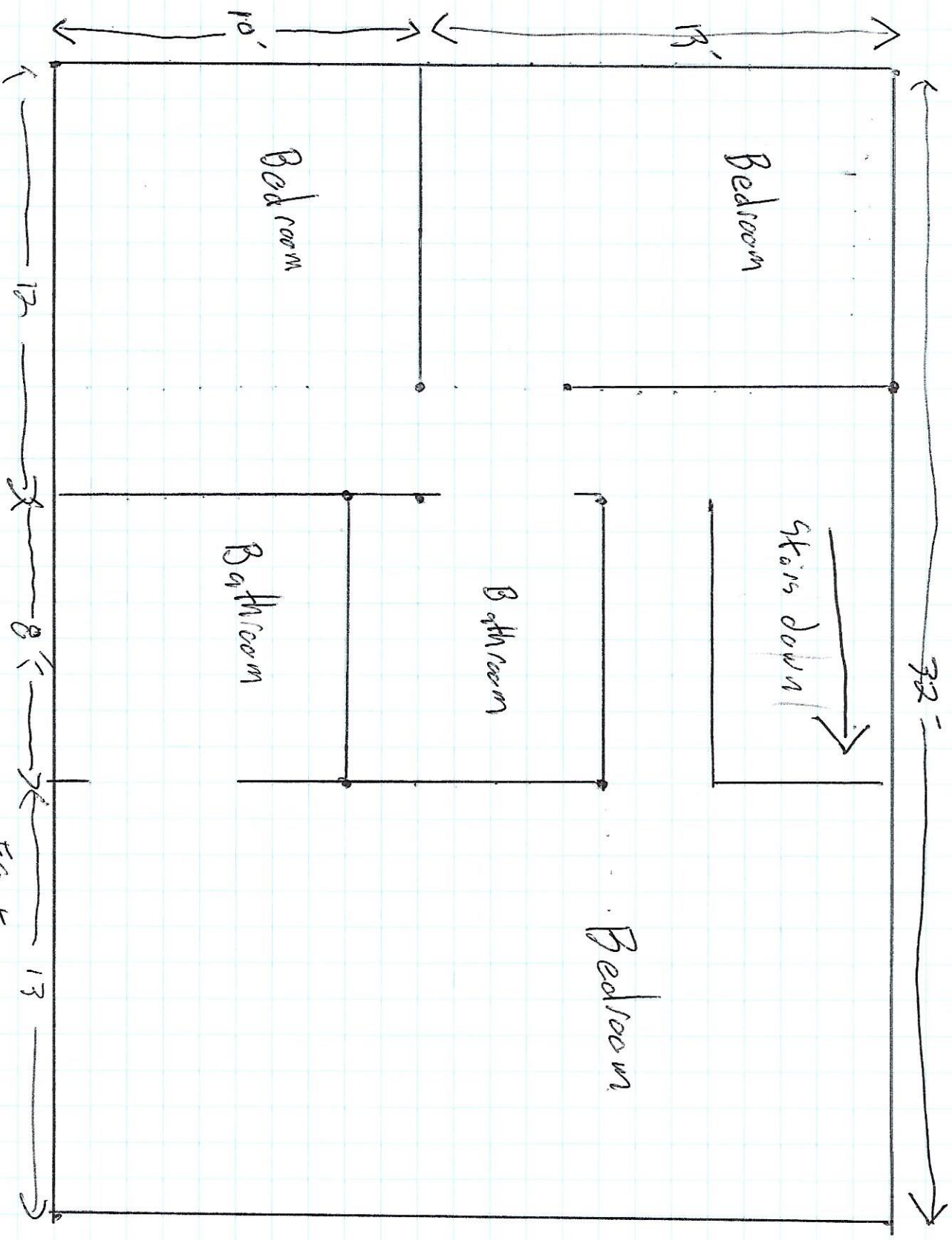
Imagery ©2018 Google, Map data ©2018 Google United States Terms Send feedback 20 ft

7:47 AM
2/19/2018





Second Floor



1
one
foot



WARRANTY DEED

Joint Tenants

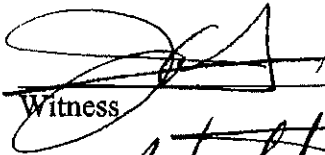
(Maine Statutory Short Form)

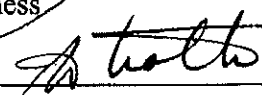
KNOW ALL PERSONS BY THESE PRESENTS, that We, **Joseph Handlon and Kimberly Handlon** of Portland, County of Cumberland and State of Maine, for consideration paid, do hereby GRANT to **Gregory A. Gould and Valerie C. Paquin-Gould**, of Portland, County of Cumberland and State of Maine, whose mailing address is 30 Preble Street, Apt. #463, Portland, ME 04101, with **Warranty Covenants and as joint tenants**, the land together with all buildings thereon situated in Portland, County of Cumberland, and State of Maine, being more particularly described as follows:

See attached Exhibit A – Property Description

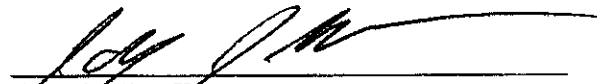
WITNESS my hand and seal this 27th day of December, 2007

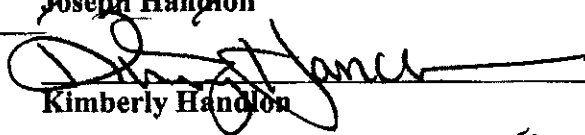
Signed, Sealed, and Delivered
in the presence of:



Witness


Witness



Joseph Handlon


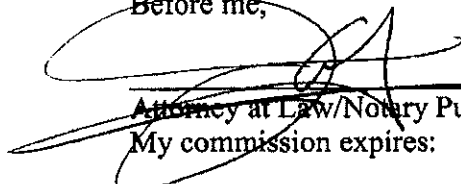
Kimberly Handlon

STATE OF MAINE
COUNTY OF CUMBERLAND

27th
December ~~28~~ 2007 JH

Personally appeared the above-named **Joseph Handlon** and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Attorney at Law/Notary Public
My commission expires:
Printed Name

Janice A. Guilmont,
Notary Public, Maine
My Commission Exp. 3/2/2013

MAINE REAL ESTATE TAX PAID

STATE OF MAINE
COUNTY OF CUMBERLAND

December 27, 2007

Personally appeared the above-named **Kimberly Handlon**, and acknowledged the foregoing instrument to be her free act and deed.

Before me,



Attorney at Law/Notary Public

My commission expires: **Janice A. Guimont,**

Notary Public, Maine

Printed Name

My Commission Exp. 3/2/2013

Order No: 1394478 (Gould)

EXHIBIT 'A'

A certain lot or parcel of land with any buildings and improvements thereon situated on Milton Street in the City of Portland, County of Cumberland and State of Maine, and being Lot No. 171 on a plan entitled "Milton Street Extension Subdivision" made for Diversified Properties dated October 8, 1999 as revised, prepared by Titcomb Associates and recorded at Cumberland County Registry of Deeds in Plan Book 200, Page 184.

The lot herein conveyed is subject to and together with a 20 foot drainage easement in common with Lot 170 along the southerly sideline of the lot herein conveyed, 10 feet more or less of which is on Lot 170 and 10 feet more or less of which is on Lot 171.

The lot herein conveyed is subject to and together with a 20 foot drainage easement in common with Lot 172 along the northerly sideline of the lot herein conveyed, 10 feet more or less of which is on Lot 172 and 10 feet more or less of which is on Lot 171.

The lot herein conveyed is subject to and together with a drainage easement in common with Lots 167 through 172 along the westerly sideline of the lot herein conveyed as shown on said plan.

Also granting the right to enter upon said drainage easement area as necessary in order to maintain proper drainage from said Lot 171.

Also conveying herewith a 25 foot grading easement as shown on said Plan together with the right to enter upon said drainage and grading easement as necessary in order to maintain proper drainage from said Lots 167 through 172.

The lots herein conveyed are subject to the Notes described on said Plan.

Reference is hereby made to a deed from W & C, LLC to Joseph Handlon and Kimberly Handlon, recorded on August 29, 2006 in said Registry of Deeds as Book 24316, Page 9.

W & C

JH

Received
Recorded Register of Deeds
Dec 31, 2007 11:51:12A
Cumberland County
Pamela E. Lovley