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CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-3 Residential Zone
Conditional Use Appeal

DECISION

Date of public hearing: November 16, 2017

Name and address of applicant: Greener Pastures Holisticare, Inc.
1851 Washington Avenue
Portland, Maine 04103

Location of property under appeal: 1851 Washington Avenue
CBL 371 A008001

For the Record:

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

Roxanne Gullikson
o/b/o Greener Pastures Holistic Care

Pam Burnside *
Wester Drive
Portland

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

Application and Exhibits

Burnside concerns - about clientele of recovery center
lack of fencing on driveway side of house
Many children in area on ball fields
Concerned about traffic
Don't want to change the neighborhood

Findings of Fact and Conclusions of Law:

The applicant is seeking a Conditional Use Appeal pursuant to § 14-88(a)(1) and § 14-474 to permit a sheltered care group home for recovery facility for adult women.

Findings:

A sheltered care group home is permitted if it meets all of the requirements of Portland City Code §§ 14-88(a)(1) and § 14-474.

A. Sheltered care group homes, must meet the following requirements pursuant to § 14-88:

1. The proposed project meets the definition of a sheltered care group home. A sheltered care group home serves up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users. §§ 14-88(a)(1), 14-47.

Satisfied Not Satisfied

Reason and supporting facts:

Testimony & application - 11 beds - ~~not~~ clients
not part of prohibited list. Drugs &
alcohol not allowed on premises

2. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.

Satisfied Not Satisfied

Reason and supporting facts:

Testimony & written materials -
not a shelter care group home
within 500 feet - google
search showed none.
Public member testified there is a
group home 300 ft's away - no testimony on
whether it is a shelter care group home

3. There shall be no open outside stairways or fire escapes above the ground floor.

Satisfied Not Satisfied

Reason and supporting facts:

no outside renovations or outside fire escapes - also supported by floor plan + pictures

4. The facility shall make provision for adequate on-site staffing in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

Satisfied Not Satisfied

Reason and supporting facts:

Facility not licensed by state. 14 staff members employed. 7 staff members at any given time. 2 staff will be present overnight

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2): The Board shall not authorize issuance of a conditional use permit unless there has been a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. Accordingly, the Board shall only grant approval if each of the following is satisfied:

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.

Satisfied Not Satisfied

Reason and supporting facts:

Passenger vehicle traffic. Volume will be staff & visitors. In vicinity is Condo development. Other allowable uses in zone include Schools & Churches. Family Day will be Wednesdays. Therefore - no greater traffic.

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.

Satisfied Not Satisfied

Reason and supporting facts:

Residential property. Use does not suggest it will create any of the above sanitary conditions. Private waste hauler hired private area fenced off in backyard for smoking.

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

Satisfied Not Satisfied

Reason and supporting facts:

*Residential use in residential zone.
no signs) loading / deliveries*

*trash generation associated w/ residential use. Three standard bins per week
member of public expressed concern over screening / fencing.*

*substantiated concerns, are not part of the standards
mccall
reason
falsified by public member*

Conclusion: (check one)


Option 1: The Board finds that all of the standards (1 through 4) described in section A above have been satisfied and that all of the standards (1 through 3) described in section B above have been satisfied, and therefore GRANTS the application. The conditional use permit shall be effective for 2 years pursuant to §14-474(f).

Option 2: The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of a sheltered care group home permit. § 14-88.

The Board finds that while all of the standards (1 through 4) described in section A above have been satisfied, and that while all standards (1 through 3) described in section B above are satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application with the following conditions:

___ Option 3: The Board finds that not all of the standards (1 through 4) described in section A above have been satisfied and/or that not all of the standards (1 through 3) described in section B have been satisfied, and therefore DENIES the application.

Dated: 11-16-17


Board Chair