

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

*Dawn
Harrison
Avery
City
Katsipras*

R-2 Residential Zone:

Conditional Use Appeal

DECISION

Date of public hearing: October 1, 2015;

Name and address of applicant: Verizon Wireless
400 Friberg Parkway
Westborough, MA 01581
c/o
Scott D. Anderson
Verrill Dana
One Portland Square
Portland, ME 04112

Location of property under appeal: Grace Baptist Church
476 Summit St.
Portland, ME 04103

For the Record:

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

Proponents: *Scott Anderson, Verrill + Dana
Chip Fredette - Verizon Wireless*

Opponents: *Matt Lucy
520 Summit St. | John Joy
525 Summit St | Nick Staly
119 Kester Drive*

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

Application and attachments

*Appeared 5-0
with conditions*

*Record certificate of
Verizon with 90 days*

*building permit & admin
authorization
Six months*

Heey WITNESSES

ADDENDUM

opponents eye see factor

negative effect on property
values

concern for health risks

wants it in Industrial Park

John Joy - questions why in residential
neighborhood, why not in industrial
park.

questions whether there are any other
similar towers in residential
neighborhoods

can they build bigger tower without
city permission

Nick Sealy

119 Lester Drive

concern for looking at Pole + flag

big eyesore

wants industrial areas explored

Findings of Fact and Conclusions of Law:

The applicant, Verizon Wireless leases space from the Grace Baptist Church on which it is proposing a conditional use pursuant to § 14-78(c)(1) to place antennas centered at 95 feet above ground on a 100 foot tall flagpole tower. It is also proposing to place a 12 foot by 26 foot equipment shelter and a pad-mounted propane tank to fuel the generator near the Grace Baptist Church Family Center Building. Both the flagpole tower and shelter will be located immediately behind the existing church structure and access to the facility will be via the existing driveway and parking area.

A. Conditional Use Standards pursuant to Portland City Code §14-78(c)(1)

Utility substations, including sewage and water pumping stations and standpipes, electric power substations, telephone electronic equipment enclosures, and other similar structures are permitted if:

1. The use is suitably screened and landscaped so as to ensure compatibility with the neighborhood;

Satisfied Not Satisfied

Reason and supporting facts:

*antenna being screened by flag pole
stealth approach to screen equipment
fencing involved
church + congregation had input into
design - attempt to make design
compatible with residential neighborhood
and congregation*

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:

*not many changes to existing site.
no more parking needed, no
traffic impact
consistent with other telecommunication
facilities and electronic substations*

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

4 - 1 opposed (Gavin)

Reason and supporting facts:

*glare only potential issue. Will use
non-glare paint. Minimal lighting.
lighting on sensor or timer.*

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:

Compared design of other telecommunications equipment enclosures, handpipes or substations allowed. is really no different. Flag Poles + flags would be allowed without review.

Conclusion: (check one)

Option 1: The Board finds that Standard (1) described in section A above has been satisfied and that all of the standards (1 through 3) described in section B above have been satisfied, and therefore GRANTS the application.

Option 2: The Board finds that while Standards (1) described in section A above has 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 SUBJECT TO THE FOLLOWING CONDITIONS:

Carmen Larsson

Option 3: The Board finds that Standard (1) described in section A above has 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: 10-1-15

[Signature]

Board Chair

SECRETARY + ACTING CHAIR

Conditions

1. Approval is present application before the Board only, including oral representations as (made by) applicants.
2. The pole structure shall be designed to accommodate up to two additional similar uses/carriers.
- ~~3. City shall ensure Applicant shall provide assurance to satisfaction of City that the pole and structure will be removed when required at no cost to property owner.~~

~~① ~~Best representation~~~~

Condition ①

Approval is for present application before the Board only including ext. representations as made by applicants.

3. If the structure remains unused for 12 months, it must be removed. Applicant will provide security to satisfaction of the City to accomplish such removal.

4. Applicant will ~~comply with flag flying etiquette standards while~~ balancing need for lighting per flight etiquette with light pollution concerns.