

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

R-2 Residential Zone:

**Conditional Use Appeal**

**DECISION**

Date of public hearing: April 7, 2016;

Name and address of applicant: Verizon Wireless  
118 Flanders Road  
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 Street  
Portland, ME 04103

For the Record:

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

Proponents: Scott Anderson } Verizon Wireless  
Chip Fredette }  
written testimony from Brian Knublock

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

written package from Scott Anderson  
on behalf of Verizon Wireless.

Findings of Fact and Conclusions of Law:

The applicant, Verizon Wireless, is seeking a conditional use pursuant to § 14-78(c)(1) to construct a one hundred foot tall flagpole tower for wireless antennas and a twelve-foot by sixteen-foot concrete pad with ice canopy for mounting a generator and associated electronic equipment. A similar project was previously approved unanimously (5-0) on October 1, 2015, with several conditions. The project was not constructed prior to the 6-month deadline. This application makes no changes to the specifications for the flagpole tower, however, the twelve-foot by sixteen foot concrete pad with ice canopy for mounting a generator and associated equipment replaces the previously approved twelve-foot by twenty-six foot equipment shelter.

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

1. The structures are utility substations, including sewage and water pumping stations and standpipes, electric power substations, telephone electronic equipment enclosures, or other similar structures.

Satisfied  Not Satisfied

Reason and supporting facts:

Eric: Repres by applicant it is telephonic equipment  
and prior Emlyns of Board,  
5-0 vote.

2. The uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood.

Satisfied  Not Satisfied

Reason and supporting facts:

Prior Emlyns included.  
Fence 10 feet at neighbors request.  
New Installation visually smaller than  
5-0 vote, 2 prior approved plan.

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:

Prior findings incorporated in whole.  
This impact is nominal vs. surrounding  
church traffic on site.  
S-O vote.

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:

Prior findings incorporated in whole.  
Plus

S-O vote.

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:

Many conditions here not applicable.  
No testimony.  
To the extent applicable, conditions are met per Board's prior findings.

**Conclusion:** (check one)

Option 1: The Board finds that Standards (1 and 2) 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.

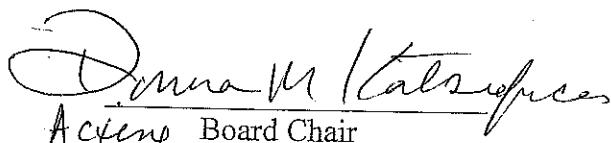
Option 2: The Board finds that while Standards (1 and 2) described in section A above have been satisfied, and that while all standards (1 through 3) described in section B above are satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Eric this plus 5 conditions.  
on reverse.

Option 3: The Board finds that Standards (1 and 2) described in section A above have not 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:

4-7-16

  
Acting Board Chair

# Conditions

1. → Approval is for present application only before the Board, including oral representations by applicants.
  2. → The pole structure shall be designed to accommodate up to two additional similar uses/carriers.
  - 3.
  4. → 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.
  5. → Applicant will balance need for flag etiquette with light pollution concerns.
- The generator be tested or operated in non-emergency circumstances during weekday business hours only.