

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

**APL** – all documents behind this target sheet pertain to the original application submitted by the Applicant.

**REVIEW** – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

**PBM1** – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

**PBR1** - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

**CC1** - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

**DRC1** - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

**MISC1** - all documents behind this target sheet are those that may not be included in any of the categories above.

**APL**



# Zoning Amendment Application

Department of Planning and Development, Planning Division and Planning Board

PROJECT ADDRESS: 1326 Washington Ave  
CHART/BLOCK/LOT: 437 A 52

## CONTACT INFORMATION:

### APPLICANT

Name: J David Pirone  
Address: 1 Partridge CR  
Portland ME  
Zip Code: 04103  
Work #: \_\_\_\_\_  
Cell #: 632 7975  
Fax #: \_\_\_\_\_  
Home: 773 3154  
E-mail: danderson2a@myfairpoint.net

### PROPERTY OWNER

Name: J David Pirone  
Address: 1 Partridge CR  
Zip Code: 04103  
Work #: \_\_\_\_\_  
Cell #: 632 7975  
Fax #: \_\_\_\_\_  
Home: 773 3154  
E-mail: danderson2a@myfairpoint.net

### BILLING ADDRESS

Name: J David Pirone  
Address: 1 Partridge CR  
Portland ME  
Zip: 04103  
Work #: \_\_\_\_\_  
Cell #: 632 7975  
Fax #: \_\_\_\_\_  
Home: 773 3154  
E-mail: danderson2a@myfairpoint.net

contact agent  
Dan Anderson  
2123741

~As applicable, please include additional contact information on the next page.

**RECEIVED**

APR 13 2010

City of Portland  
Planning Division

AGENT/REPRESENTATIVE

Name: DAN ANDERSON  
Address: 94 AUBURN ST  
Portland ME  
Zip Code: 04103  
Work #: 8783206  
Cell #: 7123741  
Fax #: 8783207  
Home: 8785952  
E-mail: danderson2@my  
fairpoint.net

ARCHITECT

Name: NONE  
Address: PO BOX 210  
Windham ME  
Zip Code: 04062  
Work #: 8922556  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

SURVEYOR

Name: SURVEY INC  
Address: PO BOX 210  
Windham ME  
Zip Code: 04062  
Work #: 8922556  
Cell #: 8386909  
Fax #: 8922557  
Home: \_\_\_\_\_  
E-mail: info@surveyincorporated  
com

ENGINEER

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

CONSULTANT

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ATTORNEY

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_



# PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	<u>6429</u>	sq. ft.
Proposed Total Disturbed Area of the Site	_____	sq. ft.
<b>(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.)</b>		
<u>Impervious Surface Area</u>		
Proposed Total Paved Area	_____	sq. ft.
Existing Total Impervious Area	_____	sq. ft.
Proposed Total Impervious Area	_____	sq. ft.
Proposed Impervious Net Change	_____	sq. ft.
<u>Building Area</u>		
Existing Building Footprint	<u>720</u>	sq. ft.
Proposed Building Footprint	_____	sq. ft.
Proposed Building Footprint Net change	_____	sq. ft.
Existing Total Building Floor Area	_____	sq. ft.
Proposed Total Building Floor Area	_____	sq. ft.
Proposed Building Floor Area Net Change	_____	sq. ft.
New Building	_____	(yes or no)
<u>Zoning</u>		
Existing	<u>R5</u>	
Proposed	<u>R-P</u>	
<u>Land Use</u>		
Existing	<u>Res</u>	
Proposed	<u>PROF</u>	
<u>Residential, if applicable</u>		
Proposed Number of Affordable Housing Units	_____	
Proposed Number of Residential Units to be Demolished	_____	
Existing Number of Residential Units	_____	
Proposed Number of Residential Units	_____	
Subdivision, Proposed Number of Lots	_____	
<u>Parking Spaces</u>		
Existing Number of Parking Spaces	<u>5-7</u>	
Proposed Number of Parking Spaces	<u>5-7</u>	
Number of Handicapped Parking Spaces	<u>0</u>	
Proposed Total Parking Spaces	<u>0</u>	
<u>Bicycle Parking Spaces</u>		
Existing Number of Bicycle Parking Spaces	<u>0</u>	
Proposed Number of Bicycle Parking Spaces	<u>0</u>	
Total Bicycle Parking Spaces	<u>0</u>	
Estimated Cost of Project	<u>0</u>	

no changes to site structure

**Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:

owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.) Assessor Records

**Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

**Existing Use:**

Describe the existing use of the subject property:

Residential one unit dwelling  
720sq ft

**Current Zoning Designation(s):**

R5

**Proposed Use of Property:** Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

see attached sheet

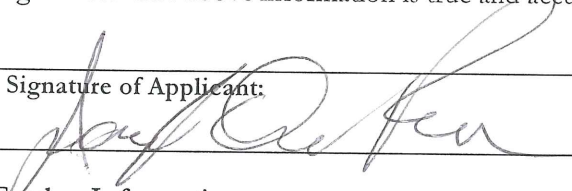
**Sketch Plan:** On a separate sheet, please provide a sketch plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 100'.) Contract and conditional rezoning applications may require inclusion of site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

## APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check to the City of Portland.

<p><b>Zoning Map Amendment</b> ___ \$2,000.00 (from <u>RE</u> zone to <u>RD</u> zone)</p> <p><b>Zoning Text Amendment</b> ___ \$2,000.00 (to Section 14- ___) (For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (<u>example</u>), and language to be added is depicted with underline (<u>example</u>).</p> <p><b>Conditional or Contract Zone</b> ___ \$1,000.00 (under 5,000 sq. ft.) ___ \$3,000.00 (5,000 sq. ft. and over)</p> <p>(A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)</p>
---

**Signature:** The above information is true and accurate to the best of my knowledge.

<b>Signature of Applicant:</b> 	<b>Date:</b> 4/15/10
---	----------------------

### Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

## 1326 Washington Ave

### Re-Zoning Request

This is a request to extend the area R.P. zone by one lot towards the south to include the subject property located at 1326 Washington Avenue.

The driveway to the subject property is via Washington Ave which is known as a secondary commuting road. The property abuts the RP zone and is surrounded by the RP zone on 2 sides. The abutting property to the north is a dental arts and other professional office building that is an open lot with no buffer between the subject property and the dental building and its adjoining parking lot. The property facing the subject property is the LL BEAN call center campus that includes a restaurant, a credit union, and three professional office buildings. The abutting property to the south is buffered with two mature maple trees and a hedge row of mature lilacs and the property is accessed via a driveway on a side street that is 200' linear feet from the subject's driveway opening and the abutting two unit property to the west is substantially the same distance and on the same side street as the easterly abutting lot. The proximity to the subject and lot and access layout provide for a safe and esthetic buffer between the RP and high density R5 zone.

The subject dwelling is a 720 sf one story dwelling built in 1960 with a large paved yard. No changes to the structure are planned. The gross living area of the subject is substantially below most single family homes in the area. With the presence of commercial influence, this does not allow the subject property to be able to be financed with typical mortgage financing and it does not meet underwriting criteria for and type of Federally supported mortgage programs like FHA, USDA, RD and is not eligible for being insured as an owner occupied home with the governments backing of FANNIEMAE or FREDDIEMAC based on its location with a direct commercial influence. The highest and best use of the subject property is as a small professional office in the RP zone.

The rezoning would allow the owner to market the property for sale or lease as a small office in the RP zone. The property in question is currently classified under the R5 zoning standard, but is best suited to be a part of its surrounding commercial neighbors and the overall small business center of North Deering. There are several businesses surrounding the immediate area of the subject property and within the adjoining several hundred feet, including three professional buildings, two pharmacies, dental offices, insurance brokers, a credit union, a church, numerous restaurants, an L.L. Bean call center, and a gas station. About a half mile south down Washington Ave, a mosque was recently granted approval to be located and there is another professional office, a variety store, and a retail storefront that was recently used as a bike shop all within a ½ mile of this area.

The immediate abutting property that is residential in use has an existing barrier of two mature trees with large canopies, and a row of mature lilac bushes. The abutting property is oriented away from the subject property with access that does not interfere with the proposed zone change of 1326 Washington

Ave but offers privacy and a natural buffering that is aided by the elevated topography of the abutting residential use that further removes it from the proposed RP zone change request.

Rezoning this property and allowing a small local professional use would be a very compatible and sensible change given the topography of the land along with the physical characteristics of the subject improvements its neighbors. The proposed professional zone would enhance the current RP zone and not disturb any residential uses. The neighborhood is serviced by the local commercial uses which help create an environmentally appealing neighborhood area that allows for residents to have easy access to needed area services and amenities without needing to always drive to get there.

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) | [Home](#) | [Departments](#) | [City Council](#) | [E-Services](#) | [Calendar](#) | [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

### Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z



Print this record  
PDF Record  
Download Report

<b>CBL</b>	437 A052001
<b>Land Use Type</b>	SINGLE FAMILY
<b>Property Location</b>	1326 WASHINGTON AVE
<b>Owner Information</b>	PIRONE J DAVID 1 PARTRIDGE CIR PORTLAND ME 04102
<b>Book and Page</b>	21488/025
<b>Legal Description</b>	437-A-52 WASHINGTON AVE 1326
<b>Acres</b>	6429 SF 0.148

### Current Assessed Valuation:

<b>TAX ACCT NO.</b>	44434	<b>OWNER OF RECORD AS OF APRIL 2009</b>
		PIRONE J DAVID
<b>LAND VALUE</b>	\$65,300.00	1 PARTRIDGE CIR
<b>BUILDING VALUE</b>	\$74,000.00	PORTLAND ME 04102
<b>NET TAXABLE - REAL ESTATE</b>	\$139,300.00	
<b>TAX AMOUNT</b>	\$2,471.18	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

### Building Information:

Card 1 of 1

<b>Year Built</b>	1960
<b>Style/Structure Type</b>	RANCH
<b># Stories</b>	1
<b>Bedrooms</b>	2
<b>Full Baths</b>	1
<b>Total Rooms</b>	4
<b>Attic</b>	NONE
<b>Basement</b>	FULL
<b>Square Feet</b>	720

[View Sketch](#)

[View Map](#)

[View Picture](#)



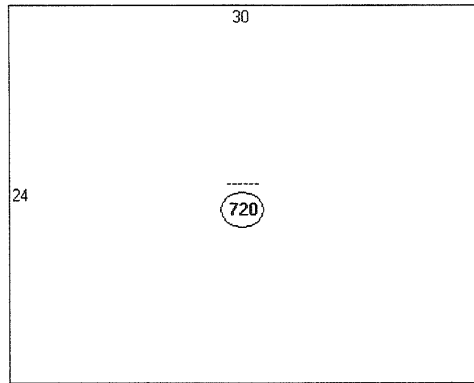
### Sales Information:

Sale Date	Type	Price	Book/Page
7/1/2004	LAND + BUILDING	\$130,000.00	21488/25

[New Search!](#)

Descriptor/Area

A: -----  
720 sqft



5/11/10 -  
wkschp

City of Portland  
Development Review Application  
Planning Division Transmittal form

**Application Number:** 10-89900003      **Application Date:** 4/13/10  
**Project Name:** ZONING MAP AMENDMENT  
**Address:** 1326 Washington Ave      **CBL:** 437 - A-052-001

**Project Description:** Washington Avenue - 1326; Zoning Map Amendment; J. David Pirone  
**Zoning:** R5

**Other Reviews Required:**  
**Review Type:** TEXT/MAP AMENDMENTS

**Applicant:**  
J. David Pirone  
1 Partridge Cir  
Portland Me 04103

**Agent/Representative:**  
Dan Anderson  
94 Auburn Street  
Portland Me 04103

**Distribution List:**

<input checked="" type="checkbox"/> Planner	Eric Giles, Aicp	<input checked="" type="checkbox"/> City Arborist	Jeff Tarling
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input checked="" type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Inspections	Tammy Munson	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input checked="" type="checkbox"/> Fire Department	Keith Gautreau	<input checked="" type="checkbox"/> Stormwater	Dan Goyette
<input type="checkbox"/> Parking	John Peverada	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input checked="" type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
<input type="checkbox"/> DRC Coordinator	Phil DiPierro		

**Preliminary Comments needed by:**  
**Final Comments needed by: 4/28/10**



# REVIEW

Exit Photo

1316 Washington Ave



Apr 9, 2010 1:12 pm



Digitized by Google

Eye alt 87 11

1316 Washington Ave

Exit Photo

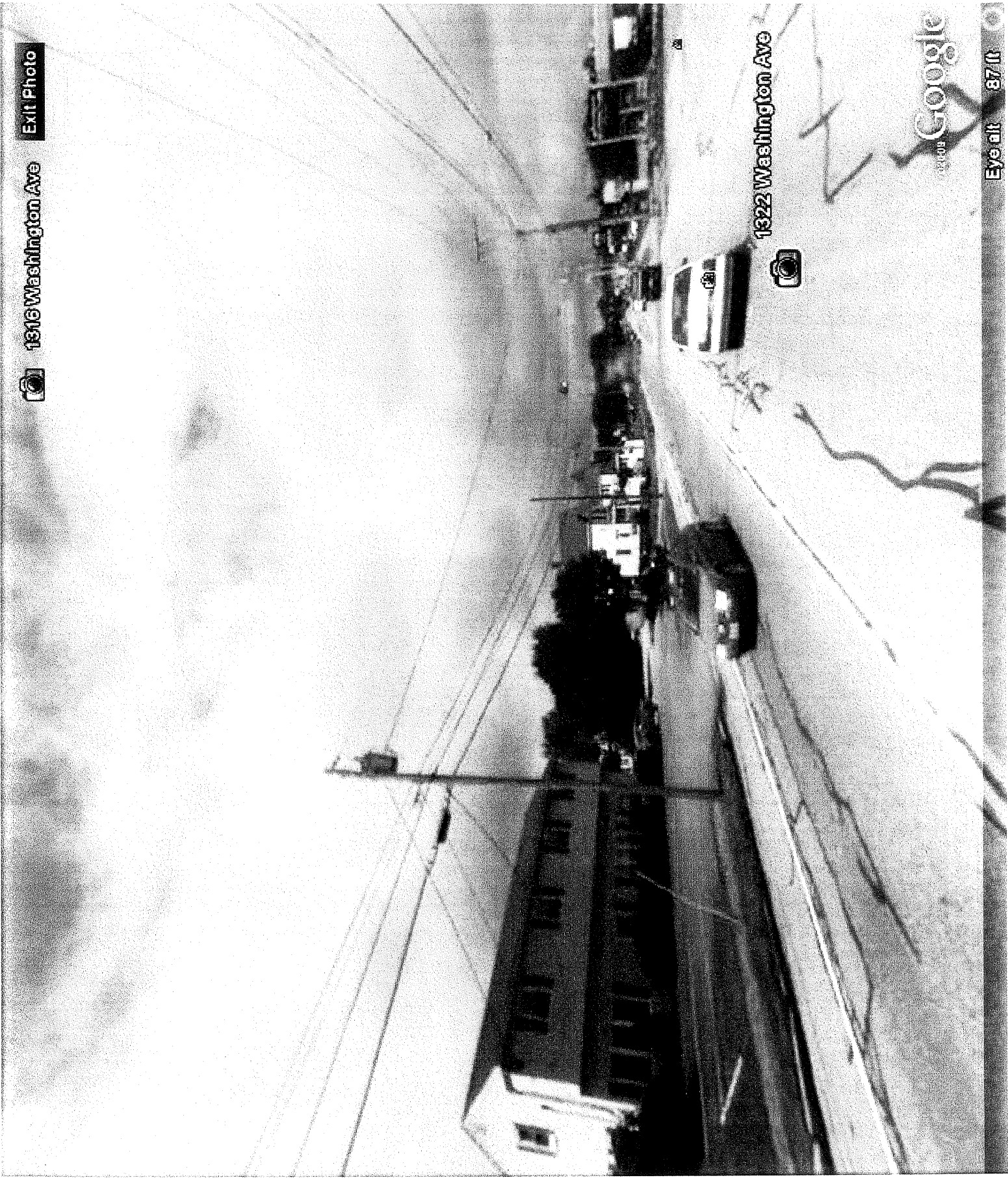


1322 Washington Ave

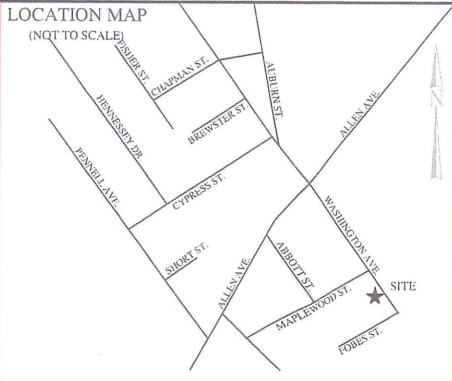
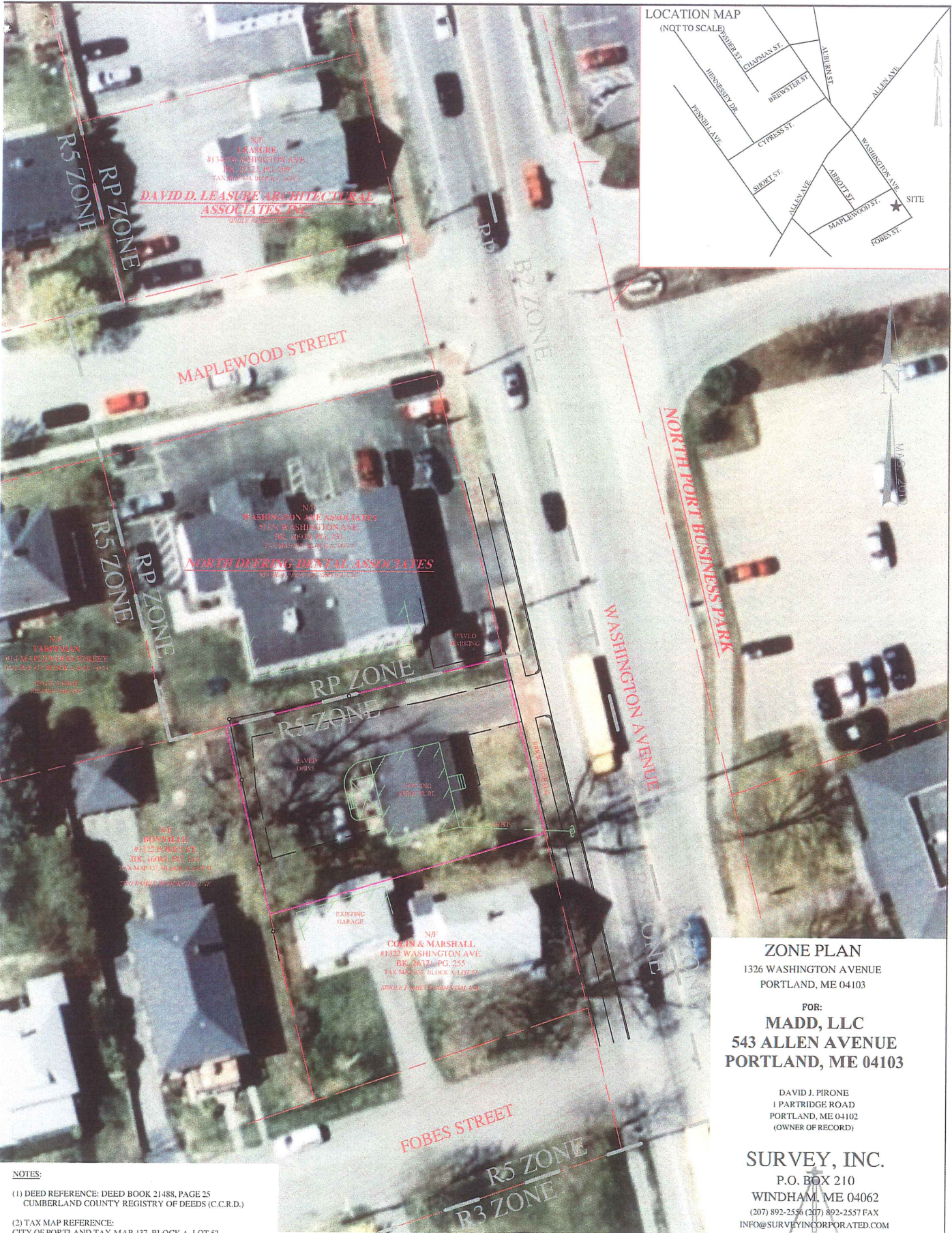


© 2005 Google

Eye alt 87 ft







S/O  
LEASURE  
#1150 WASHINGTON AVE  
PR. 2023 PG. 203  
TAX MAP 434 BLOCK A LOT 2

**DAVID D. LEASURE ARCHITECTURAL ASSOCIATES, INC.**  
2017 FRENCH ST. PORTLAND, ME 04103

N/T  
WASHINGTON AVE ASSOCIATES  
535 WASHINGTON AVE  
PR. 4105 PG. 151  
TAX MAP 434 BLOCK A LOT 3

**NORTH DEERING DENTAL ASSOCIATES**  
401 WASHINGTON AVE PORTLAND, ME 04103

N/T  
COEN & MARSHALL  
#1322 WASHINGTON AVE  
PR. 3617 PG. 255  
TAX MAP 434 BLOCK A LOT 5

N/T  
TARRHILL  
614 MAPLEWOOD STREET  
PR. 4105 PG. 151  
TAX MAP 434 BLOCK A LOT 4

N/T  
BONNER  
#1322 WASHINGTON AVE  
PR. 4003 PG. 174  
TAX MAP 434 BLOCK A LOT 5

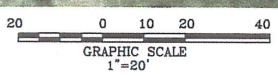
**ZONE PLAN**  
1326 WASHINGTON AVENUE  
PORTLAND, ME 04103

FOR:  
**MADD, LLC**  
543 ALLEN AVENUE  
PORTLAND, ME 04103

DAVID J. PRONE  
1 PARTRIDGE ROAD  
PORTLAND, ME 04102  
(OWNER OF RECORD)

**SURVEY, INC.**  
P.O. BOX 210  
WINDHAM, ME 04062  
(207) 892-2556 (207) 892-2557 FAX  
INFO@SURVEYINCORPORATED.COM

- NOTES:**
- (1) DEED REFERENCE: DEED BOOK 21488, PAGE 25  
CUMBERLAND COUNTY REGISTRY OF DEEDS (C.C.R.D.)
  - (2) TAX MAP REFERENCE:  
CITY OF PORTLAND TAX MAP 437, BLOCK A, LOT 52
  - (3) NORTH REFERENCE: MAGNETIC 2010.
  - (4) AERIAL PHOTOGRAPH: GOOGLE EARTH 2010

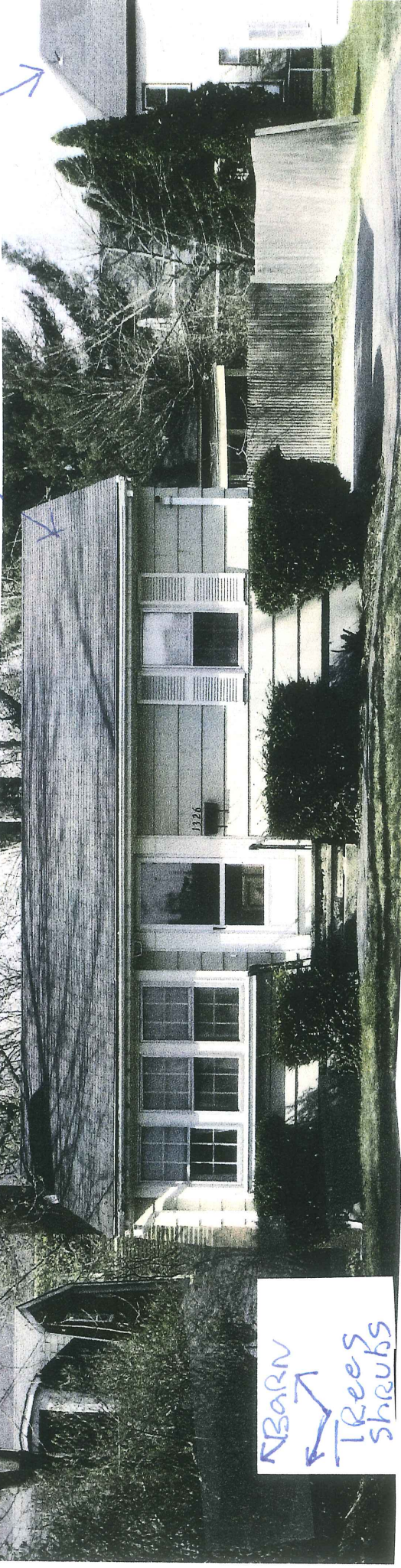


PLAN BY: M.C. & SURVEY, INC., C.R., J.T.  
DATE: APRIL 9, 2010  
JOB NO. 10-023



Abutting Dwelling is accessed via a side street and is oriented toward the R5 residential activity. The barn/garage abuts proposed RP zone and serves as a buffer along with the trees and hedge. All entrances, use, enjoyment and access for abutting property are positioned and function away from the proposed RP use and towards the R5 residential.

*subject Dentist office*



Abutting Property in R5 zone with Mature Growth Buffer between RP





SWH

1316 Washington Ave

Exit Photo



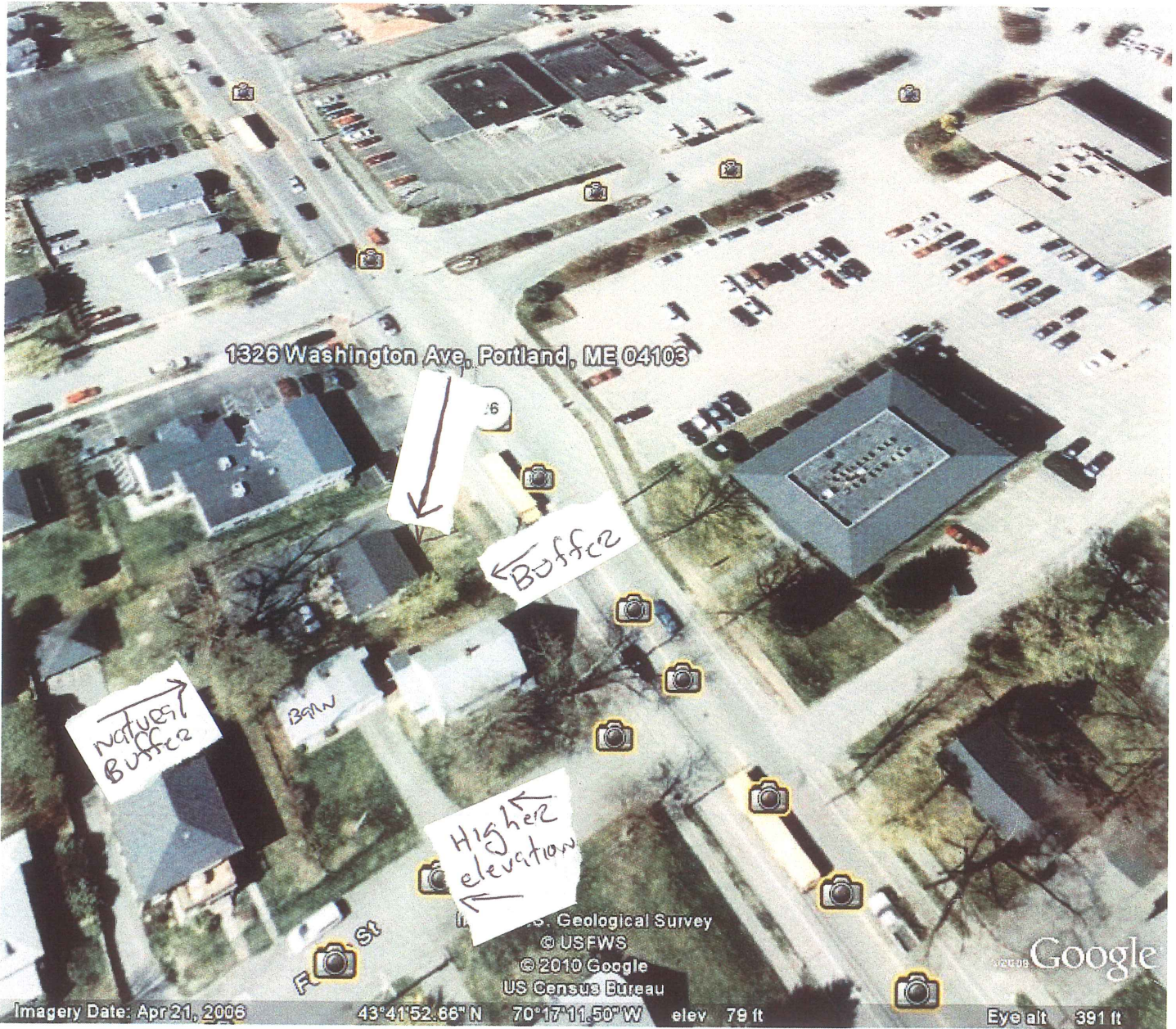
Natures 1 Buffer ↗

1326 Washington Ave - Subject Property

Google

Eye alt 87 ft





1326 Washington Ave, Portland, ME 04103

Buffer

Natural Buffer

Higher elevation

B&W

F St

U.S. Geological Survey  
© USFWS  
© 2010 Google  
US Census Bureau

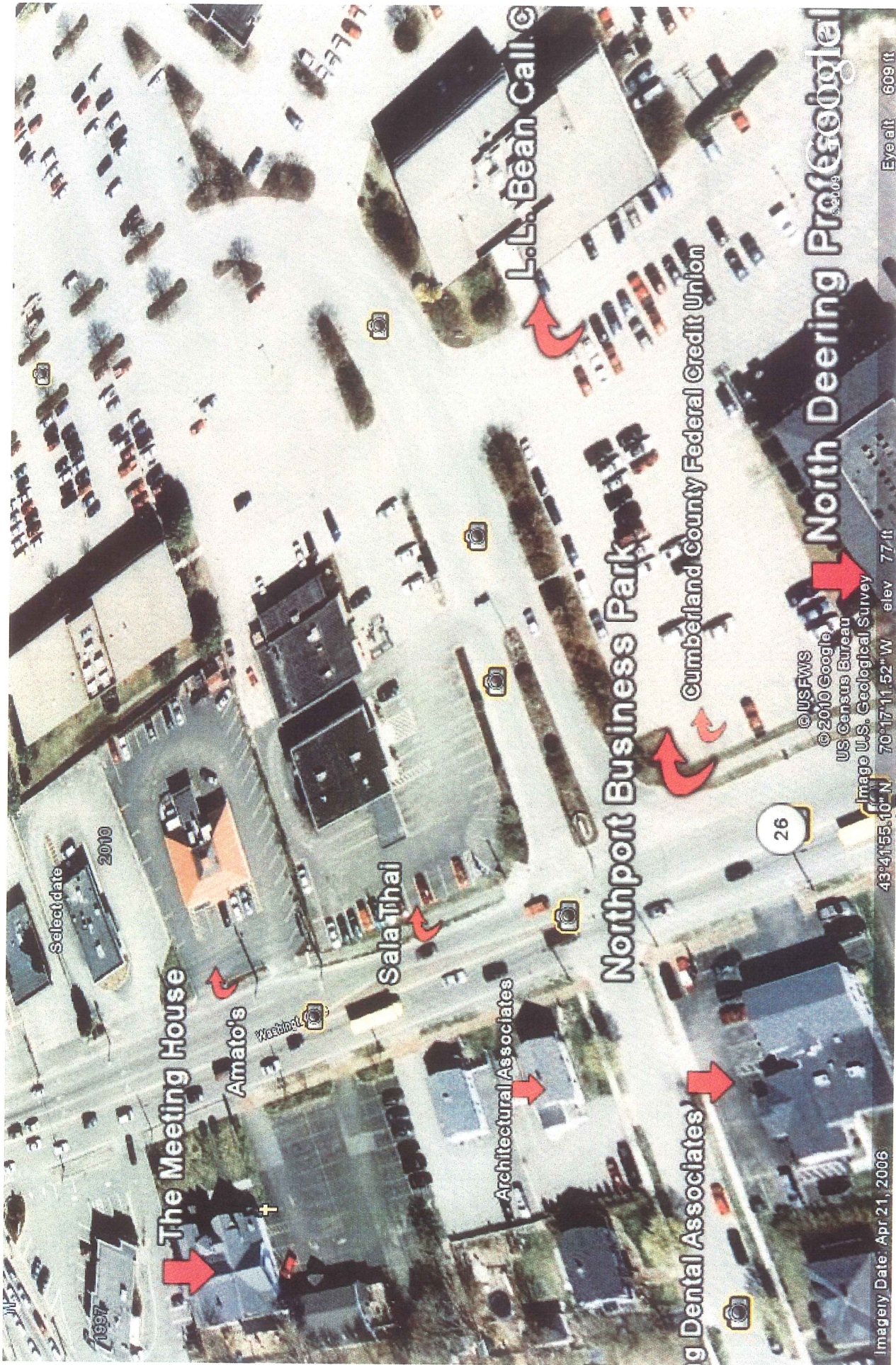
Google

Imagery Date: Apr 21, 2006

43°41'52.66" N 70°17'11.50" W elev 79 ft

Eye alt 391 ft





Select date

2010

The Meeting House

Amato's

Worknet

Sala Thai

Architectural Associates

Dental Associates

Northport Business Park

Cumberland County Federal Credit Union

L.L. Bean Call Center

North Deering Professional

26

©USFWS  
©2010 Google  
US Census Bureau  
Image U.S. Geological Survey

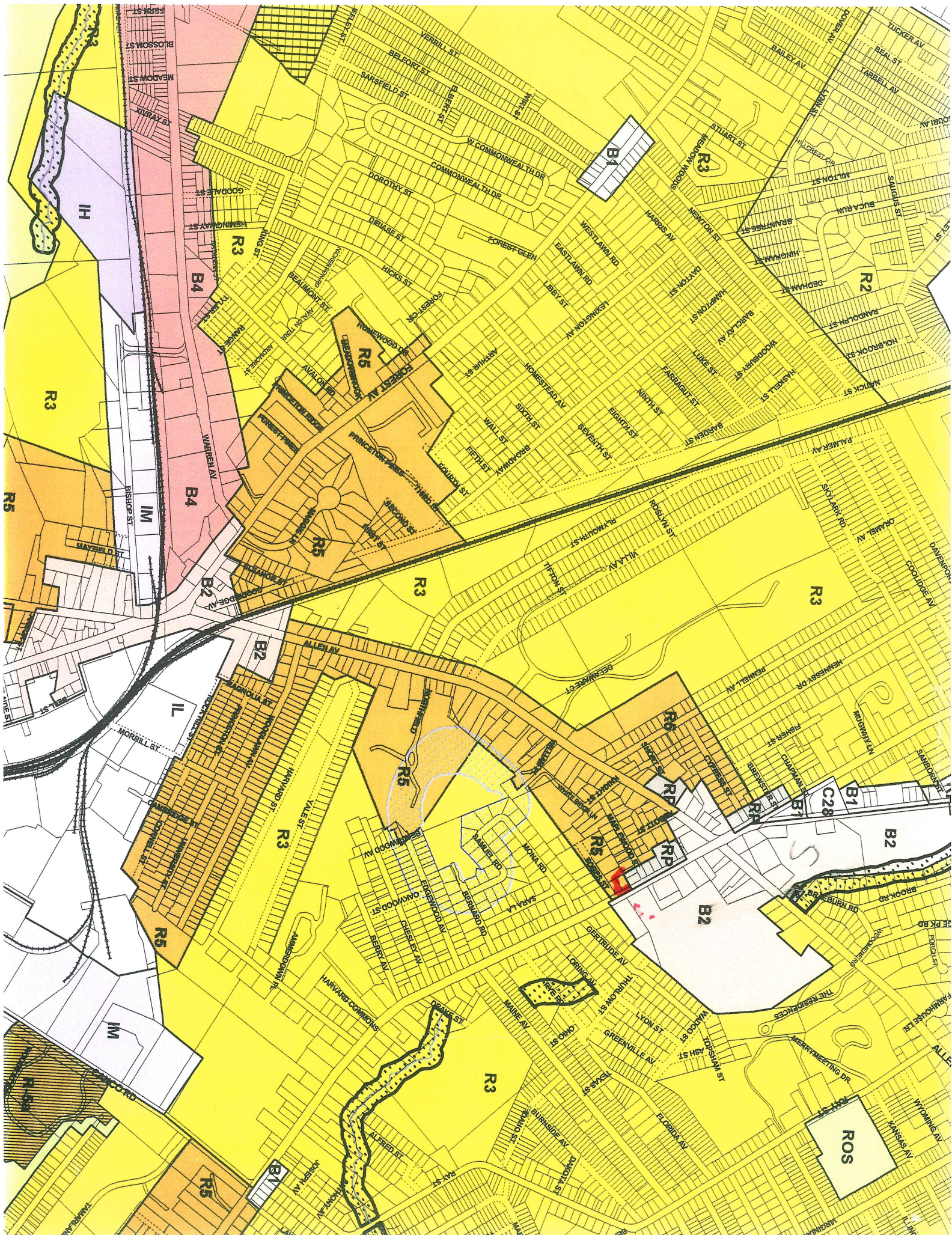
Imagery Date: Apr 21, 2006

43°41'55.10" N 70°17'11.52" W elev 77 ft

Eye alt 609 ft

Subject property  
1326 Washington Ave







**PBR1**



# PLANNING BOARD REPORT PORTLAND, MAINE

Washington Avenue - 1326; Zoning Map Amendment  
1326 Washington Ave

Text/Map Amendments  
10-89900003  
J. David Pirone, APPLICANT

Submitted to: Portland Planning Board: Public Hearing Date: 6/8/10	Prepared by: Erick Giles, AICP, LEED AP, Planner Date: 6/3/10 PB Report: #18-10
--	--

## I. INTRODUCTION

This is a report to the Portland Planning Board regarding a request for a zone change from R5 Residential to RP Residential Professional, consisting of a parcel shown on the City's Tax Map 437, Block A, Lot 52. The property proposed for rezoning is approximately 6,306 sq.ft. and has an existing single-family structure. The applicant intends to change the use of the structure from a single-family home to a real estate office.

### A. PUBLIC NOTIFICATION:

134 notices were mailed announcing this Public Hearing and the legal ad appeared in the Portland Press Herald May 31<sup>st</sup> and June 2, 2010. As of the writing of this report one public comment has been received and is included as **Attachment 2**.

### B. PLANNING BOARD WORKSHOP SUMMARY 5/11/10

The Board did not state any objections to the proposed request and found the extension of the R-P zone to the site was consistent with the zoning of adjacent properties.

## II. PROJECT DATA

A. EXISTING ZONING: R-5 (RESIDENTIAL)

B. PROPOSED ZONING: R-P (RESIDENTIAL PROFESSIONAL)

C. AREA TO BE REZONED: 6,306 SQ. FT.

**D. USES IN VICINITY:**

The property can be accessed from Washington Ave. The site abuts an established residential neighborhood zoned Residential (R-5) to the west. Across Washington Avenue is the Northport Business Park, which is zoned B-2 and the residential zone on the southerly side of Fobes Street is Residential R-3. Please see **Table 1** below.

**Table 1: Adjacent Zoning and Land Uses**

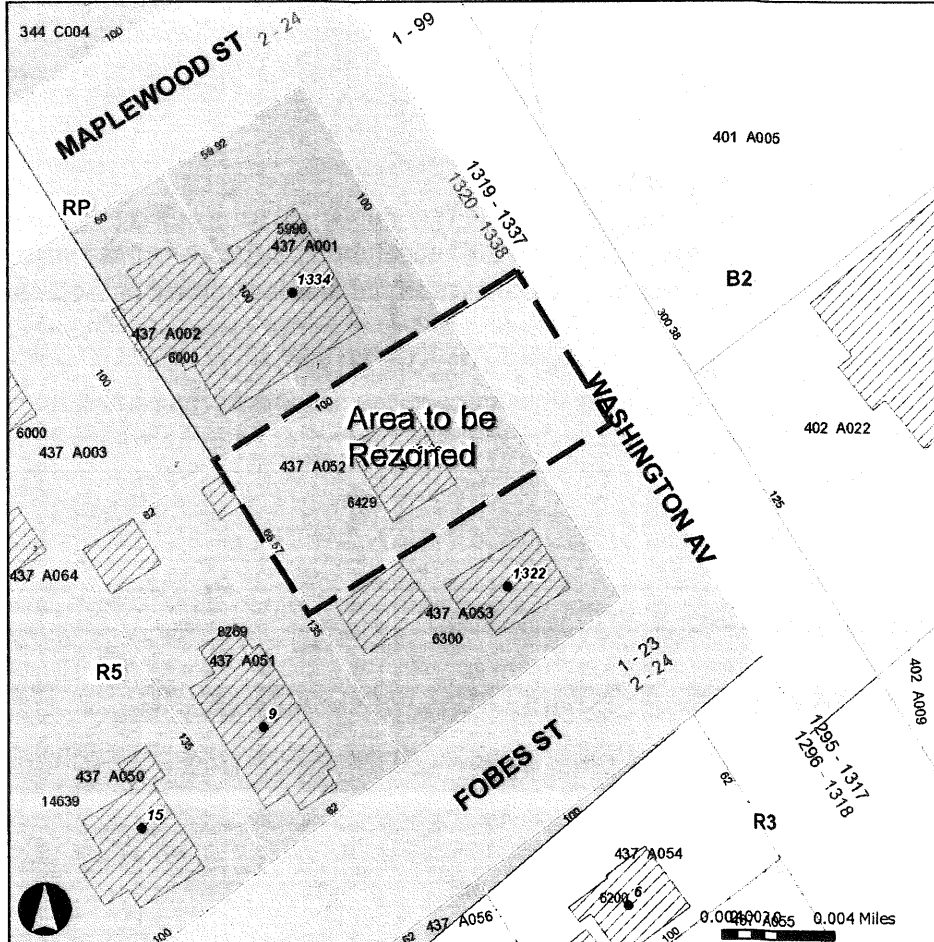
Direction	Zone	Use
<i>North</i>	R-P	Business, Northport Business Park
<i>South</i>	R-3	Residential, Single-Family
<i>East</i>	B-2	Business, LL Bean Office
<i>West</i>	R-5	Residential, Single-Family

**III. ZONING AMENDMENT**

**A. PROJECT DESCRIPTION:**

The request is for a rezoning of the property from R-5 to R-P as the applicant is planning to change the use of the site from residential to a professional real estate office. No site improvements are proposed.

**Map 1: Proposed Rezoning**



**IV. STAFF REVIEW**

**A. ZONING ASSESSMENT**

Zoning Administrator, Marge Schmuckal

This is an existing single story single family which would change to professional offices if a zoning change from R-5 to R-P is allowed.

After doing a quick analysis, I have determined that if the property is rezoned to R-P, no nonconformities would be created. The building would meet the setbacks, the maximum impervious surface allowance, the floor area ratio required and parking. The property also meets the minimum lot size for R-P and the minimum street frontage requirements.

If the zone is change as requested, separate permits are required for the change of use and for any new signage.

**B. ZONING COMPARISON**

<b>RESIDENTIAL R-5</b>	<b>RESIDENCE PROFESSIONAL R-P</b>
<b>PERMITTED USES</b> 1. RESIDENTIAL – ALL TYPES 2. PARKS 3. HOME OCCUPATION 4. MUNICIPAL USES	<b>PERMITTED USES</b> 1. RESIDENTIAL – ALL TYPES 2. BUSINESS 3. OFFICES 4. FUNERAL HOMES 5. INSTITUTIONAL
<b>CONDITIONAL USES</b> 1. RESIDENTIAL – GROUP HOMES, ACCESSORY UNIT 2. INSTITUTIONAL 3. OTHER – PARKING LOT, UTILITY STATION, DAY CARE	<b>CONDITIONAL USES</b> 1. ANY CONDITIONAL USE IN A RESIDENTIAL ZONE
<b>PERFORMANCE STANDARDS</b> 1. SETBACK a. FRONT – 20 FT. b. REAR – 20 FT. c. SIDE – 8 FT. (1 & 1.5 STORY STRUCTURE) d. SIDE – 12 FT (2 STORY STRUCTURE) e. SIDE – 14 FT (2.5 STORY STRUCTURE)	<b>PERFORMANCE STANDARDS</b> 1. SETBACK a. FRONT – 20 FT., OR AVERAGE b. REAR – 20 FT., OR AVERAGE c. SIDE – 10 FT. (1 STORY) d. SIDE – 12 FT. (2 STORY) e. SIDE – 14 FT. (3 STORY OR MORE) 2. EXTERNAL EFFECTS a. ENCLOSED STRUCTURE b. NOISE c. VIBRATION AND HEAT d. GLARE, RADIATION, FUMES e. SMOKE f. MATERIALS OR WASTE

### C. COMPREHENSIVE PLAN COMPLIANCE

Based on a review of the comprehensive plan, the proposed rezoning is in compliance with the goals and policies of the City of Portland Comprehensive Plan. According to the Future Land Use Map and Growth Areas Map, the site has been designated a growth area in the R-5 Residential.

#### i. Goals and Policies

##### **HOUSING: SUSTAINING PORTLAND'S FUTURE- November 18, 2002**

#### a. Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

#### b. Policies

- While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.
- Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.

#### ii. Future Land Use Map – R-5 Residential

#### iii. Growth and Rural Areas Map – Growth Area designation

#### iv. Future Land Use Plan – R-P Discussion (Excerpt)

The R-P zone is to provide appropriate locations for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods. The R-P zone also serves as a transition or buffer zone between residential and more intensive nonresidential zones. The permitted uses in RP include residential uses, professional offices, and business services. Other offices that meet the standards of a conditional use are allowed in the zone along with the conditional uses permitted in the adjoining residential zone.

*Staff Comment:* Due to the site's location, the rezoning of the site to R-P would meet the intent of an appropriate location for low-intensity professional office on Washington Avenue and adjacent to a residential neighborhood.

**V. STAFF RECOMMENDATION**

The Planning Division recommends that the Planning Board adopt the staff report as findings and recommend to the City Council to rezone the property located at 1326 Washington Ave. to the R-P zone.

**VI. MOTIONS FOR THE BOARD**

On the basis of plans and materials submitted by the applicant, and the information provided in this Planning Board Report, and/or other findings as follows:

The Planning Board finds that the proposed R-P zone [is / is not] consistent with the Comprehensive Plan of the City of Portland and [is / is not] consistent with the policies of the R-P zoning district. The Planning Board therefore [recommends / does not recommend] to the City Council approval of the rezoning at 1326 Washington Ave. to the R-P zone.

Attachments:

Planning Board Report Attachments

1. 5/11/10 PB Workshop Packet
2. 6/1/10 Public Comment

Applicant's Submittal

- A. Neighborhood Meeting Certification





AH. |

# PLANNING BOARD REPORT PORTLAND, MAINE



1326 Washington Avenue  
Zoning Map Amendment

Map Amendment  
10-89900003

J. David Pirone, APPLICANT

Submitted to: Portland Planning Board: Public Workshop Date: 5/11/10	Prepared by: Erick Giles, AICP, LEED AP, Planner Date: 5/6/10
--	---

## I. INTRODUCTION

This is a report to the Portland Planning Board regarding a request for a zone change from R5 Residential to RP Residential Professional, consisting of a parcel shown on the City's Tax Map 437, Block A, Lot 52. The property proposed for rezoning is approximately 6,306 sq.ft. and has an existing single-family structure. The applicant intends to change the use of the structure from a single-family home to a real estate office.

### A. PUBLIC NOTIFICATION:

134 notices were mailed announcing this Public Workshop and the legal ad appeared in the Portland Press Herald May 3 and 4, 2010. As of the writing of this report no public comment has been received.

## II. PROJECT DATA

A. EXISTING ZONING: R-5 (RESIDENTIAL)

B. PROPOSED ZONING: R-P (RESIDENTIAL PROFESSIONAL)

C. AREA TO BE REZONED: 6,306 SQ. FT.

### D. USES IN VICINITY:

The property can be accessed from Washington Ave. The site abuts an established residential neighborhood zoned Residential (R-5) to the west. Across Washington Avenue is the Northport Business Park, which is zoned B-2 and the residential zone on the southerly side of Fobes Street is Residential R-3. Please see **Table 1** below.



#### IV. STAFF REVIEW

##### A. ZONING ASSESSMENT

Zoning Administrator, Marge Schmuckal

This is an existing single story single family which would change to professional offices if a zoning change from R-5 to R-P is allowed.

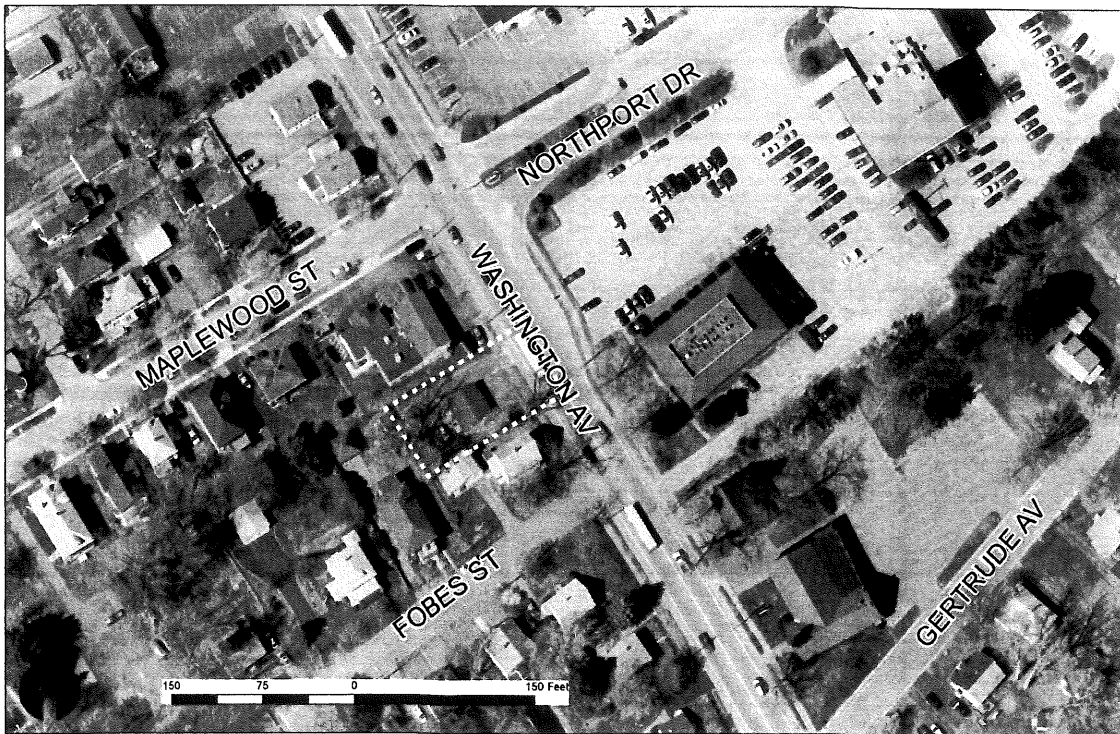
After doing a quick analysis, I have determined that if the property is rezoned to R-P, no nonconformities would be created. The building would meet the setbacks, the maximum impervious surface allowance, the floor area ratio required and parking. The property also meets the minimum lot size for R-P and the minimum street frontage requirements.

If the zone is change as requested, separate permits are required for the change of use and for any new signage.

##### B. EXISTING CONDITIONS

Currently the site is a vacant single-family structure with access directly onto Washington Ave.

Map 2: 2006 Existing Conditions



**Figure 2: Existing Conditions – Proposed site for rezoning looking from Washington Ave.**



**Figure 3: Existing Conditions – Looking at rear yard of site for proposed rezoning**



**Figure 4: Existing Conditions – Looking from Washington Ave. North to the adjacent site.**



**Figure 5: Existing Conditions - Looking from Washington Ave. South to Fobes Street and the adjoining residential use.**



**Figure 6: Existing Conditions – Looking East from proposed rezoning site across Washington Ave.**



**C. ZONING COMPARISON**

<b>RESIDENTIAL R-5</b>	<b>RESIDENCE PROFESSIONAL R-P</b>
<b>PERMITTED USES</b> <ol style="list-style-type: none"> <li>1. RESIDENTIAL – ALL TYPES</li> <li>2. PARKS</li> <li>3. HOME OCCUPATION</li> <li>4. MUNICIPAL USES</li> </ol>	<b>PERMITTED USES</b> <ol style="list-style-type: none"> <li>1. RESIDENTIAL – ALL TYPES</li> <li>2. BUSINESS</li> <li>3. OFFICES</li> <li>4. FUNERAL HOMES</li> <li>5. INSTITUTIONAL</li> </ol>
<b>CONDITIONAL USES</b> <ol style="list-style-type: none"> <li>1. RESIDENTIAL – GROUP HOMES, ACCESSORY UNIT</li> <li>2. INSTITUTIONAL</li> <li>3. OTHER – PARKING LOT, UTILITY STATION, DAY CARE</li> </ol>	<b>CONDITIONAL USES</b> <ol style="list-style-type: none"> <li>1. ANY CONDITIONAL USE IN A RESIDENTIAL ZONE</li> </ol>
<b>PERFORMANCE STANDARDS</b> <ol style="list-style-type: none"> <li>1. SETBACK               <ol style="list-style-type: none"> <li>a. FRONT – 20 FT.</li> <li>b. REAR – 20 FT.</li> <li>c. SIDE – 8 FT. (1 &amp; 1.5 STORY STRUCTURE)</li> <li>d. SIDE – 12 FT (2 STORY STRUCTURE)</li> <li>e. SIDE – 14 FT (2.5 STORY STRUCTURE)</li> </ol> </li> </ol>	<b>PERFORMANCE STANDARDS</b> <ol style="list-style-type: none"> <li>1. SETBACK               <ol style="list-style-type: none"> <li>a. FRONT – 20 FT., OR AVERAGE</li> <li>b. REAR – 20 FT., OR AVERAGE</li> <li>c. SIDE – 10 FT. (1 STORY)</li> <li>d. SIDE – 12 FT. (2 STORY)</li> <li>e. SIDE – 14 FT. (3 STORY OR MORE)</li> </ol> </li> <li>2. EXTERNAL EFFECTS               <ol style="list-style-type: none"> <li>a. ENCLOSED STRUCTURE</li> <li>b. NOISE</li> <li>c. VIBRATION AND HEAT</li> <li>d. GLARE, RADIATION, FUMES</li> <li>e. SMOKE</li> <li>f. MATERIALS OR WASTE</li> </ol> </li> </ol>

**D. COMPREHENSIVE PLAN COMPLIANCE**

Based on a review of the comprehensive plan, the proposed rezoning is in compliance with the goals and policies of the City of Portland Comprehensive Plan. According to the Future Land Use Map and Growth Areas Map, the site has been designated a growth area in the R-5 Residential.

i. Goals and Policies

**HOUSING: SUSTAINING PORTLAND’S FUTURE- November 18, 2002**

a. Goal

Maintain and enhance the livability of Portland’s neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

b. Policies

- While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.
  - Support Portland’s livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.
- ii. Future Land Use Map – R-5 Residential
  - iii. Growth and Rural Areas Map – Growth Area designation
  - iv. Future Land Use Plan – R-P Discussion (Excerpt)

The R-P zone is to provide appropriate locations for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods. The R-P zone also serves as a transition or buffer zone between residential and more intensive nonresidential zones. The permitted uses in RP include residential uses, professional offices, and business services. Other offices that meet the standards of a conditional use are allowed in the zone along with the conditional uses permitted in the adjoining residential zone.

*Staff Comment:* Due to the site’s location, the rezoning of the site to R-P would meet the intent of an appropriate location for low-intensity professional office on Washington Avenue and adjacent to a residential neighborhood.

**V. Next Steps**

1. Applicant conducts a neighborhood workshop
2. Schedule a public hearing

Attachments:

Planning Board Report Attachments

Applicant’s Submittal –blue cover

- A. Applicant Letter
- B. Residence Professional Text



# **Applicant's Submittal**





A.1

# Zoning Amendment Application

Department of Planning and Development, Planning Division and Planning Board

PROJECT ADDRESS: 1326 Washington Ave  
CHART/BLOCK/LOT: 437 A 52

## CONTACT INFORMATION:

### APPLICANT

Name: J David Pirone  
Address: 1 Partridge CR  
Portland ME  
Zip Code: 04103  
Work #: \_\_\_\_\_  
Cell #: 632 7975  
Fax #: \_\_\_\_\_  
Home: 773154  
E-mail: dananderson2a@mytsirpoint.net

### PROPERTY OWNER

Name: J David Pirone  
Address: 1 Partridge CR  
Zip Code: 04103  
Work #: \_\_\_\_\_  
Cell #: 632 7975  
Fax #: \_\_\_\_\_  
Home: 7733154  
E-mail: dananderson2a@mytsirpoint.net

### BILLING ADDRESS

Name: J David Pirone  
Address: 1 Partridge CR  
Portland ME  
Zip: 04103  
Work #: \_\_\_\_\_  
Cell #: 632 7975  
Fax #: \_\_\_\_\_  
Home: 7733154  
E-mail: dananderson2a@mytsirpoint.net

contact agent  
DAN ANDERSON  
2123781

~As applicable, please include additional contact information on the next page.

**RECEIVED**

APR 13 2010

City of Portland  
Planning Division

AGENT/REPRESENTATIVE

Name: DAN ANDERSON  
Address: 94 AUBURN ST  
Portland ME  
Zip Code: 04103  
Work #: 8783206  
Cell #: 7123741  
Fax #: 8783207  
Home: 8785952  
E-mail: danderson2@my  
fairpoint.net

ARCHITECT

Name: NONE  
Address: PO BOX 210  
Windham ME  
Zip Code: 04062  
Work #: 8922556  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

SURVEYOR

Name: SURVEY INC  
Address: PO BOX 210  
Windham ME  
Zip Code: 04062  
Work #: 8922556  
Cell #: 8386909  
Fax #: 8922557  
Home: \_\_\_\_\_  
E-mail: info@surveyincorporated  
com

ENGINEER

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

CONSULTANT

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ATTORNEY

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

# PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	6429	sq. ft.
Proposed Total Disturbed Area of the Site		sq. ft.
<b>(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.)</b>		
<u>Impervious Surface Area</u>		
Proposed Total Paved Area		sq. ft.
Existing Total Impervious Area		sq. ft.
Proposed Total Impervious Area		sq. ft.
Proposed Impervious Net Change		sq. ft.
<u>Building Area</u>		
Existing Building Footprint	720	sq. ft.
Proposed Building Footprint		sq. ft.
Proposed Building Footprint Net change		sq. ft.
Existing Total Building Floor Area		sq. ft.
Proposed Total Building Floor Area		sq. ft.
Proposed Building Floor Area Net Change		sq. ft.
New Building		(yes or no)
<u>Zoning</u>		
Existing	R5	
Proposed	RP	
<u>Land Use</u>		
Existing	Res	
Proposed	PROF	
<u>Residential, if applicable</u>		
Proposed Number of Affordable Housing Units		
Proposed Number of Residential Units to be Demolished		
Existing Number of Residential Units		
Proposed Number of Residential Units		
Subdivision, Proposed Number of Lots		
<u>Parking Spaces</u>		
Existing Number of Parking Spaces	5-7	
Proposed Number of Parking Spaces	5-7	
Number of Handicapped Parking Spaces	0	
Proposed Total Parking Spaces	0	
<u>Bicycle Parking Spaces</u>		
Existing Number of Bicycle Parking Spaces	0	
Proposed Number of Bicycle Parking Spaces	0	
Total Bicycle Parking Spaces	0	
<u>Estimated Cost of Project</u>	0	

no changes to site/structure

**Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:

owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.) ASSESSOR RECORDS

**Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

**Existing Use:**

Describe the existing use of the subject property:

Residential one unit dwelling  
720sq ft

**Current Zoning Designation(s):**

R5

**Proposed Use of Property:** Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

see attached sheet

**Sketch Plan:** On a separate sheet, please provide a sketch plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 100'.) Contract and conditional rezoning applications may require inclusion of site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

### APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check to the City of Portland.

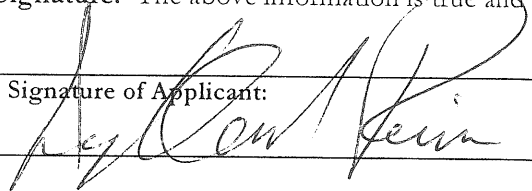
**Zoning Map Amendment**  
 \_\_\_ \$2,000.00 (from RS zone to RD zone)

**Zoning Text Amendment**  
 \_\_\_ \$2,000.00 (to Section 14- \_\_\_)  
 (For Zoning Text Amendment, attach on a 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 underline (example).

**Conditional or Contract Zone**  
 \_\_\_ \$1,000.00 (under 5,000 sq. ft.)  
 \_\_\_ \$3,000.00 (5,000 sq. ft. and over)

(A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)

**Signature:** The above information is true and accurate to the best of my knowledge.

Signature of Applicant: 	Date: <u>4/13/10</u>
---	----------------------

#### Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

# 1326 Washington Ave

## Rezoning Request

This is a request to extend the area R.P. zone by one lot towards the south to include the subject property located at 1326 Washington Avenue.

The driveway to the subject property is via Washington Ave which is known as a secondary connecting road. The property abuts the RP zone and is surrounded by the RP zone on 2 sides. The abutting property to the north is a dental arts and other professional office building that is an open lot with no buffer between the subject property and the dental building and its adjoining parking lot. The property facing the subject property is the LL BEAN call center campus that includes a restaurant, a credit union, and three professional office buildings. The abutting property to the south is buffered with two mature maple trees and a hedge row of mature lilacs and the property is accessed via a driveway on a side street that is 200' linear feet from the subject's driveway opening and the abutting two unit property to the west is substantially the same distance and on the same side street as the easterly abutting lot. The proximity to the subject and lot and access layout provide for a safe and esthetic buffer between the RP and high density R5 zone.

The subject dwelling is a 720 sf one story dwelling built in 1960 with a large paved yard. No changes to the structure are planned. The gross living area of the subject is substantially below most single family homes in the area. With the presence of commercial influence, this does not allow the subject property to be able to be financed with typical mortgage financing and it does not meet underwriting criteria for and type of Federally supported mortgage programs like FHA, USDA, RD and is not eligible for being insured as an owner occupied home with the governments backing of FANNIEMAE or FREDDIEMAC based on its location with a direct commercial influence. The highest and best use of the subject property is as a small professional office in the RP zone.

The rezoning would allow the owner to market the property for sale or lease as a small office in the RP zone. The property in question is currently classified under the R5 zoning standard, but is best suited to be a part of its surrounding commercial neighbors and the overall small business center of North Deering. There are several businesses surrounding the immediate area of the subject property and within the adjoining several hundred feet, including three professional buildings, two pharmacies, dental offices, insurance brokers, a credit union, a church, numerous restaurants, an L.L. Bean call center, and a gas station. About a half mile south down Washington Ave, a mosque was recently granted approval to be located and there is another professional office, a variety store, and a retail store that was recently used as a bike shop all within a 1/2 mile of this area.

The immediate abutting property that is residential in use has an existing barrier of two mature trees with large canopies, and a row of mature lilac bushes. The abutting property is oriented away from the subject property with access that does not interfere with the proposed zone change of 1326 Washington



Ave but offers privacy and a natural buffering that is aided by the elevated topography of the abutting residential use that further removes it from the proposed RP zone change request.

Rezoning this property and allowing a small local professional use would be a very compatible and sensible change given the topography of the land along with the physical characteristics of the subject improvements its neighbors. The proposed professional zone would enhance the current RP zone and not disturb any residential uses. The neighborhood is serviced by the local commercial uses which help create an environmentally appealing neighborhood area that allows for residents to have easy access to needed area services and amenities without needing to always drive to get there.

A. 7

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

- Services
- Applications
- Doing Business
- Maps
- Tax Relief
- Tax Roll
- Q & A
- browse city services a-z
- browse facts and links a-z

**Current Owner Information:**

**CBL** 437 A052001  
**Land Use Type** SINGLE FAMILY  
**Property Location** 1326 WASHINGTON AVE  
**Owner Information** PIRONE J DAVID  
 1 PARTRIDGE CIR  
 PORTLAND ME 04102  
**Book and Page** 21488/025  
**Legal Description** 437-A-52  
 WASHINGTON AVE 1326  
**Acres** 6429 SF  
 0.148

**Current Assessed Valuation:**

**TAX ACCT NO.** 44434 **OWNER OF RECORD AS OF APRIL 2009**  
 PIRONE J DAVID  
**LAND VALUE** \$65,300.00 1 PARTRIDGE CIR  
**BUILDING VALUE** \$74,000.00 PORTLAND ME 04102  
**NET TAXABLE - REAL ESTATE** \$139,300.00  
**TAX AMOUNT** \$2,471.18

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

**Building Information:**

Card 1 of 1  
**Year Built** 1960  
**Style/Structure Type** RANCH  
**# Stories** 1  
**Bedrooms** 2  
**Full Baths** 1  
**Total Rooms** 4  
**Attic** NONE  
**Basement** FULL  
**Square Feet** 720

[View Sketch](#)   [View Map](#)   [View Picture](#)



**Sales Information:**

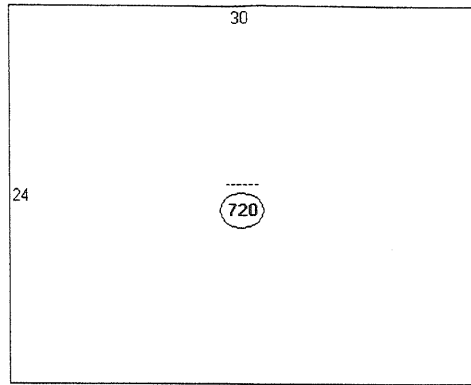
Sale Date	Type	Price	Book/Page
7/1/2004	LAND + BUILDING	\$130,000.00	21488/25

[New Search!](#)

A.8

Descriptor/Area

A:.....  
720 sqft



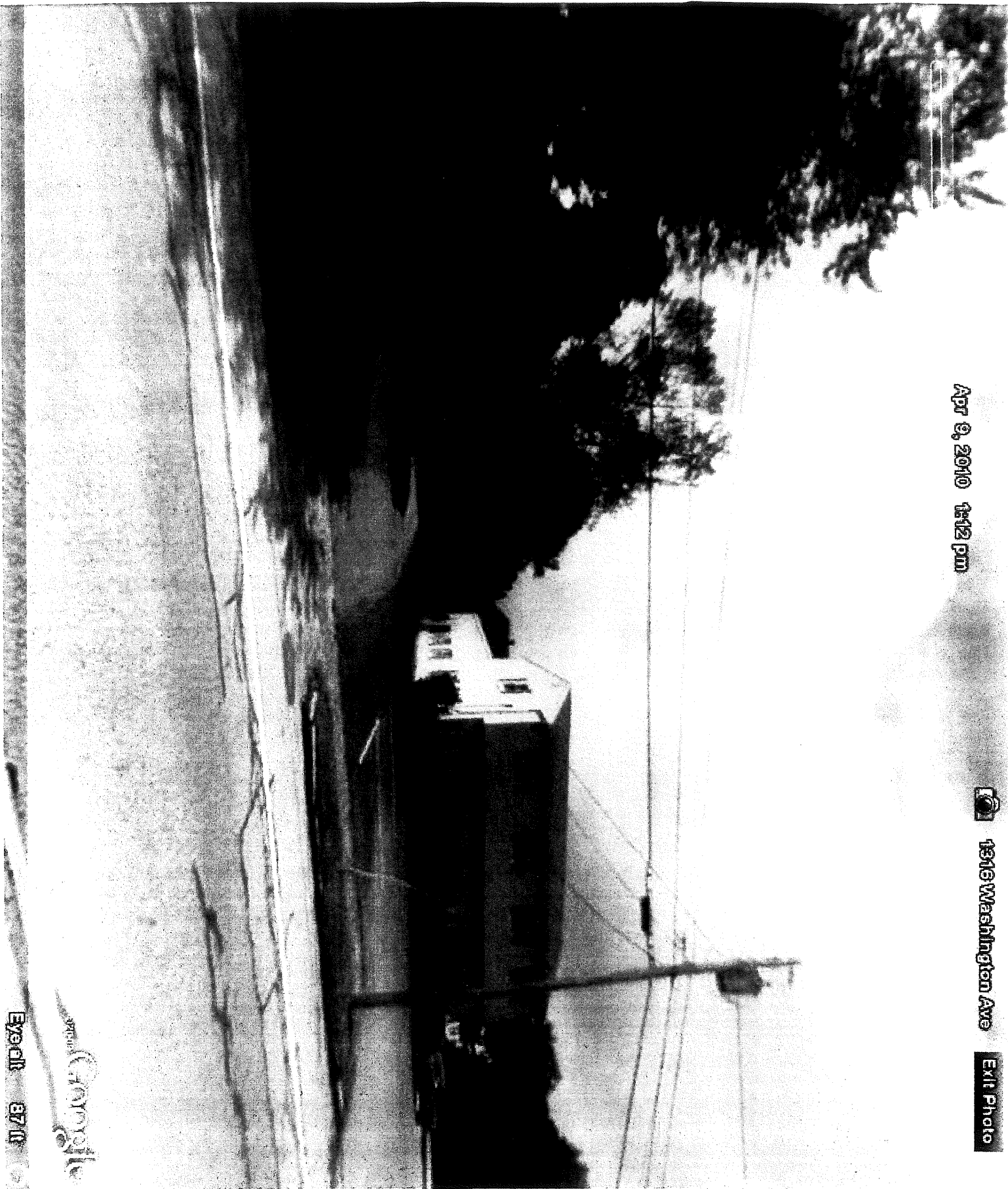


Apr 9, 2010 1:12 pm



1916 Washington Ave

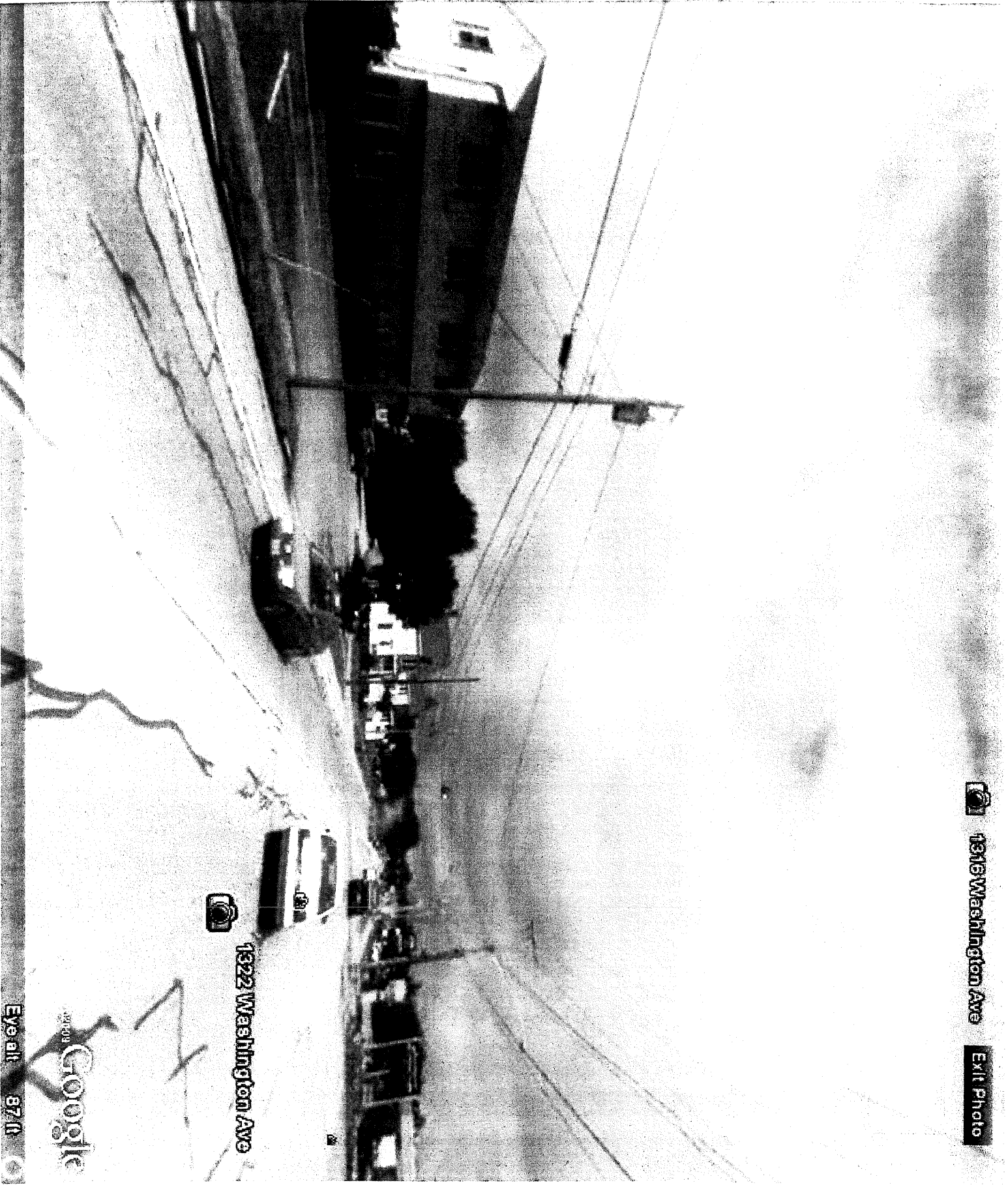
Exit Photo



Eye-Fi 8711

Eye-Fi

A18



1315 Washington Ave Exit Photo

1322 Washington Ave

Google

Eye alt 87/0

2.11

**Sec. 14-146. Purposes.**

The purposes of the R-P residence-professional zone are:

- (a) To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or
- (b) To serve as a transition or buffer zone between residential and more intensive nonresidential zones.

**Sec. 14-147. Permitted uses.**

The following uses are permitted in the R-P district:

- (a) *Residential:* Any residential use is 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.
- (b) *Business:*
  - 1. Professional offices, including the offices and facilities of health care and related laboratory and pharmacy services and health care administration, but excluding personal services, retail establishments and veterinarians.
  - 2. Business services, as defined in section 14-47, except copy services.
  - 3. Adult day care services.
  - 4. Mortuaries or funeral homes.
- (c) *Other:*
  - 1. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan).
  - 2. Accessory uses as provided in section 14-404.

**Sec. 14-147.5. Conditional uses.**

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

- (a) Such other offices which have characteristics similar to but no more objectionable than those generally associated with professional offices. In determining appropriateness, the zoning board shall consider the quality of building design and materials, signage, and landscaping, and their general



## Attachment B

compatibility with the surrounding residential development. Such uses shall also be shown to have vehicular patterns, including parking and storage of motor vehicles, similar to those associated with professional offices. Noise levels and hours of operation shall also be considered. An approval granted under this section shall be issued to a specific user and shall not run with the land to subsequent users. A new conditional use approval shall be required when the user changes. A new conditional use approval may be issued by the zoning authority if it determines that the new user will maintain the same use as the original user and that such use will not have substantially different external effects, including, but not limited to, parking, vehicular traffic on and off the site, noise levels, hours of operation, and visual characteristics such as signage or changes to building design.

- (b) With the exception of daycare facilities below, any conditional use that is allowed as a conditional use in any residential zone abutting the lot. If there is no abutting residential zone, any conditional use that is allowed as a conditional use in the nearest residential zone to the lot. Any such conditional use shall be subject to all conditions required in the residential zone.
- (c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
  - 1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
  - 2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
  - 3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
  - 4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
  - 5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

Attachment B

6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
  7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
  8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.
- (d) Daycare facilities or home babysitting services not otherwise permitted as a home occupation under section 14-410, and nursery schools and kindergartens for up to twelve (12) children shall be allowed as a conditional use:
1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy.
  2. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
  3. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- (e) Daycare facilities, home babysitting services, nursery schools and kindergartens that serve more than 12 children shall meet the following additional standards:
1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy.
  2. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child.
  3. The play area shall be located in the side and rear yards only and shall not be located in front yards.
  4. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height.

5. A ten-foot (10') wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the city's Technical Standards and Guidelines.
6. The minimum lot size for a daycare facility, home babysitting service, nursery school or kindergarten serving more than twelve (12) children shall be six thousand (6,000) square feet.
7. Off-street parking shall be provided on site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the adjacent residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zone site.
8. Any additions or exterior alternations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building or preserve the residential appearance of the building.

**Sec. 14-148. Prohibited uses.**

Uses not enumerated in section 14-147 as permitted uses or in section 14-147.5 as conditional uses are prohibited.

**Sec. 14-149. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, the following requirements shall apply. Residential uses permitted under section 14-147(a) shall meet the requirements of such abutting or nearest residential zone. Nonresidential uses in the R-P zone shall meet the following minimum requirements:

- (a) *Minimum lot size:* Six thousand (6,000) square feet.
- (b) *Minimum street frontage:* Sixty (60) feet.
- (c) *Minimum yard dimensions:*
  1. *Front yard:*
    - a. Principal or accessory structures: Twenty (20) feet, except that:
      - i. The front yard need not exceed the average depth of immediately abutting front yards; and
      - ii. The front yard of a lot existing as of April 4, 1988, which lot is less than one hundred (100) feet deep, need not be deeper than ten (10) percent of the depth of the lot.

- 2. *Rear yard:*
  - a. Principal structures: Twenty (20) feet.
  - b. Accessory structures (detached): Seven (7) feet.

- 3. *Side yard:*
  - a. Principal structures:  
*Number of Stories    Required Side Yard*  
1 story . . . . . 10 feet  
2 stories . . . . . 12 feet  
3 or more stories . . 14 feet

The width of one (1) side yard may be reduced one (1) foot for each foot that the other side yard is correspondingly increased, provided, however, no side yard shall be reduced to less than seven (7) feet in width.

- b. Accessory structures (detached): Seven (7) feet.
  - c. Side yards on side streets (corner lot): For both principal or accessory structures:
    - i. One (1) or two (2) stories: Fifteen (15) feet; and
    - ii. Three (3) or more stories: Eighteen (18) feet.
- (d) *Minimum lot width:* Sixty (60) feet.
- (e) *Maximum structure height:* Forty-five (45) feet. Where the lot abuts an R-6 residential zone, the maximum permitted height shall be the maximum permitted height of the R-6 zone. If there is a difference in height between abutting R-6 zones, the least restrictive height limitation shall apply.
- (f) *Maximum impervious surface ratio:* The maximum impervious surface ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the least restrictive such zone. The ratios are as follows:

*Maximum Impervious*

Residential Zone    Surface Ratio

R-1/R-2 . . . . . 0.60

R-3 . . . . . 0.70

R-4/R-5/R-5A/R-6 . . . . . 0.80

- (g) *Floor area ratio (F.A.R.):* The maximum floor area ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the least restrictive such zone. The ratios are as follows:

*Residential Floor Area Ratio*

R-1/R-2 . . . . . 0.45

R-3 . . . . . 0.55

R-4/R-5/R-5A/R-6 . . . 0.65

**Sec. 14-150. Other requirements.**

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

- (a) *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).
- (b) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (c) *Off-street parking and loading:* Off-street parking and loading are as required by division 20 and division 21 of this article.
- (d) *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, provided that for a lot of three (3) acres or more this limitation does not apply.
- (e) *Signs:* Signs shall be subject to the provisions of division 22 of this article.
- (f) *Exterior storage:* There shall be no exterior storage with the exception of receptacles for solid waste disposal. Such receptacles shall be shown on the approved site plan.
- (g) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.

- (h) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood hazard zone, the requirements of division 26 and/or division 26.5 apply.

**Sec. 14-151. External effects.**

Every use in a R-P zone shall be subject to the following requirements:

- (a) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.
- (b) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (c) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (d) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (e) *Smoke:* Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level, as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (f) *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 material 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.
- (g) The hours of operation of funeral homes (including processions) may be restricted and/or traffic management measures may be required, in order to avoid impacts to the public street system, if so recommended by the city traffic engineer or comparable professional.





# **Applicant's Submittal**

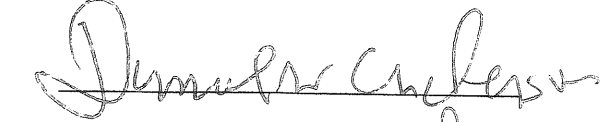
## Neighborhood Meeting Certification

Att. A

I, (applicant/consultant) hereby certify that a neighborhood meeting was held on (date) at (location) at (time).

I also certify that on (date at least seven days prior to the neighborhood meeting), invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed development in an industrial zone and the residents on the "interested parties" list.

Signed,

  
Daniel W Anderson

June 7, 2010 (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes



94 Auburn St., Suite 201, Portland, ME 04103  
(207) 878-3206 Tel (207) 878-3207 Fax

---

May 21, 2010

## **Neighborhood Meeting Invitation**

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a request for a zone change from an R-5 (Residence) zone to an R-P (Residence Professional) zone located at 1326 Washington Ave, Portland, Maine.

Meeting Location: 1364 Washington Ave Portland, ME. North Deering Congregational Church  
Meeting Date: June 1, 2010  
Meeting Time: 6pm to 7 pm

The city code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign in sheet will be circulated and minutes of the meeting will be taken. Both the sign in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Dan Anderson at 207-712-3741 or 207-878-3206.

Sincerely,

J. David Pirone – Owner

Daniel W. Anderson- Applicant

**Note:**

Under Section 14-32( C ) of the City Code of Ordinances, an applicant for a major development, submission of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 207-874-8721 or send written correspondence to the Department of Planning and Development, Planning Division 4<sup>th</sup> Floor, 389 Congress street Portland, Maine 04101 or by email: to [bab@portlandmaine.gov](mailto:bab@portlandmaine.gov).

---



94 Auburn St., Suite 201, Portland, ME 04103  
(207) 878-3206 Tel (207) 878-3207 Fax

---

June 1, 2010

## Neighborhood Meeting Sign In Sheet

Meeting Begin 6pm

Meeting Agenda : discuss our plans for a request for a zone change from an R-5 (Residence) zone to an R-P (Residence Professional) zone located at 1326 Washington Ave, Portland, Maine.

Meeting Location: 1364 Washington Ave Portland, ME. North Deering Congregational Church

Meeting Date: June 1, 2010

Meeting Time: 6pm to 7 pm

Present: J. David Pirone – Owner

Present: Daniel W. Anderson- Applicant/Agent

NAME, Address, contact information

1. Steven Hill 31 Mona Rd (207) 650-6603
2. Victoria Hill 31 Mona Rd. 207-797-4750

3.

4.

5.

6.

7.

8.

9.

---



94 Auburn St., Suite 201, Portland, ME 04103  
(207) 878-3206 Tel (207) 878-3207 Fax

June 1, 2010

## Neighborhood Meeting Minutes

Meeting Begin 6pm

Meeting Agenda : discuss our plans for a request for a zone change from an R-5 (Residence) zone to an R-P (Residence Professional) zone located at 1326 Washington Ave, Portland, Maine.

Meeting Location: 1364 Washington Ave Portland, ME. North Deering Congregational Church

Meeting Date: June 1, 2010

Meeting Time: 6pm to 7 pm

Present: J. David Pirone – Owner

Present: Daniel W. Anderson- Applicant/Agent

Two neighbors came to the meeting. Both are familiar with the applicant and zone change request. Victoria Hill is a part time sales agent in the applicants real estate office. Steven Hill is a recent college graduate and attended the meeting to observe. No discussion was made concerning the zone request. No other individuals attended. The church's pastor Rev. Mark Rustin, sent Don Forester to open the church to allow applicant in. He asked who was going in to the property. I told him an office and some kind perhaps mine. He wanted to know if a McDonald's

Minutes submitted on June 2, 2010 to Portland Department of Planning and Development,  
Planning Division 4<sup>th</sup> Floor, 389 Congress street Portland, Maine 04101

Barbara Barhydt: [bab@portlandmaine.gov](mailto:bab@portlandmaine.gov)

Eric Giles: [EGILES@portlandmaine.gov](mailto:EGILES@portlandmaine.gov)

page 1 of 2

June 1, 2010

1326 Washington Ave Neighborhood Meeting

Sign in sheet *minutes*

Continued:

10. fast food type restaurant could go in to the  
11. property if the zone changed. I told him  
12. I do not believe it was allowed in the RP  
13. zone but it could be most any type of  
14. professional office.

15. Photos of the property along with  
16. the zoning map and requested change  
17. were displayed.

18. No public individuals attended.  
19. No public comments other than stated  
20. above were made.

21. Dan Anderson  
22. June 2, 2010

23. Sign in sheet submitted on June 2, 2010 to Portland Department of Planning and Development,  
Planning Division 4<sup>th</sup> Floor, 389 Congress street Portland, Maine 04101

Barbara Barhydt: [bab@portlandmaine.gov](mailto:bab@portlandmaine.gov)

Eric Giles: [EGILES@portlandmaine.gov](mailto:EGILES@portlandmaine.gov)

page 2 of 2