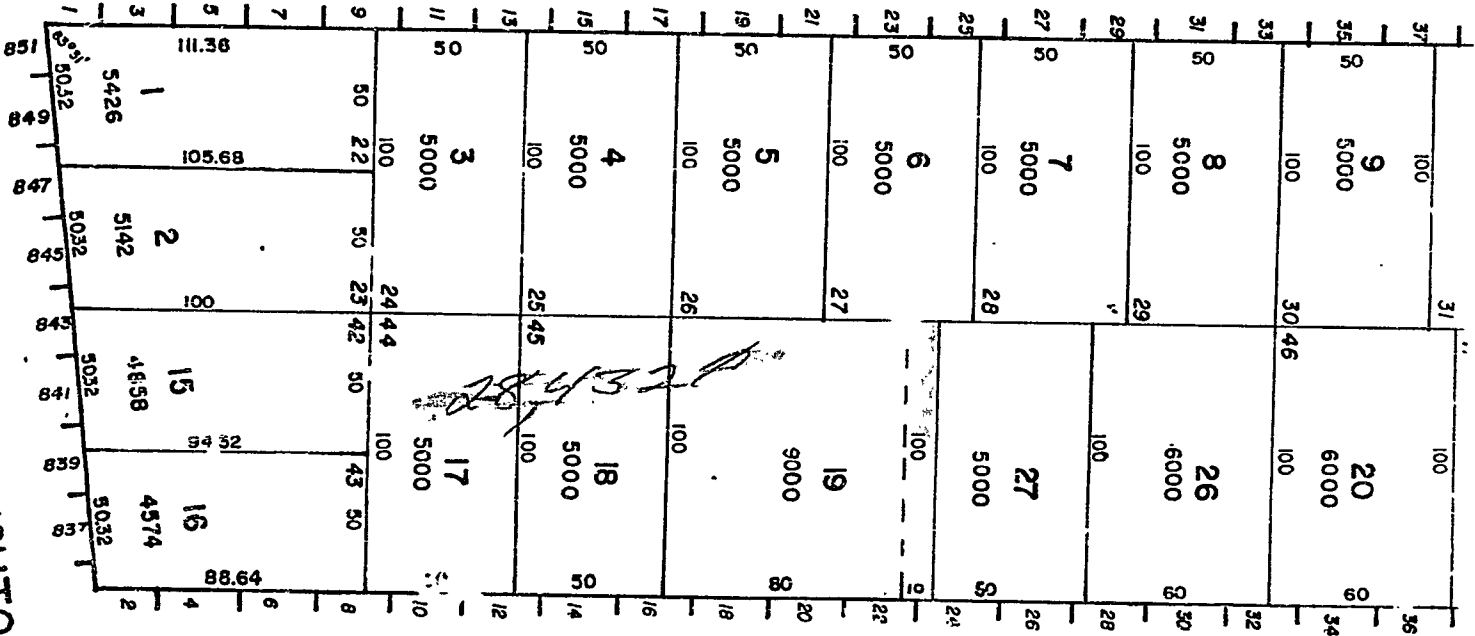


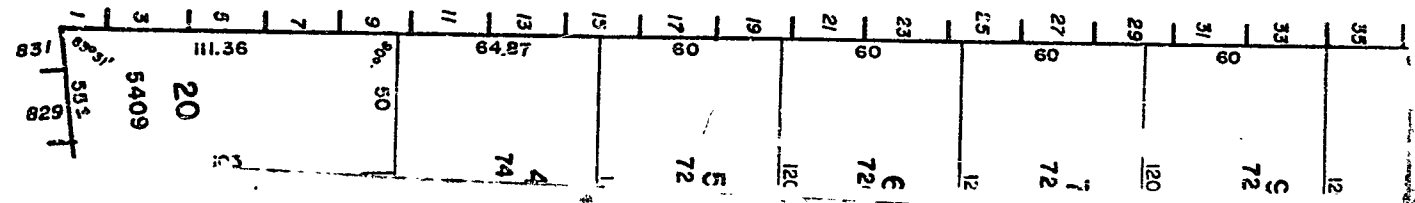
285-A-15,16,17,18,19

837-Glenwood Sq.

DENNETT



RAYMOND



BRIGHTON

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



837-843 Brighton Avenue
Corn. 2-22 Raymond Road

MERRILL S. SELTZER
Chairman

JACQUELINE COHEN
Secretary

EUGENE S. MARTIN
TIMOTHY E. FLAHERTY
ROBERT J. GAUDREAU
PAULETTE P. PARKER
MICHAEL E. WESTORT

November 19, 1984

Glenwood Square Baptist Church
837 Brighton Avenue
Portland, ME 04102

Gentlemen:

As you know, at its meeting of November 15, 1984, the Board of Appeals denied permit to construct a 2,850 sq. ft. addition to the existing building at this location for church use.

A copy of the Board's decision is enclosed for your records.

Sincerely,

Kathleen A. Taylor
Secretary

Enclosure

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

- A. Applicant Glenwood Square Baptist Church
- B. Property Location 837-843 Brighton Avenue, cor. 2-22 Raymond Road
- C. Applicant's Interest in Property:
 Owner cc: Robert Snow, 597 Main Street, So. Portland
 Tenant
 Other _____
- D. Property Owner same
- E. Owner's Address 837 Brighton Avenue
- F. Zone (Circle One):
R-1 R-2 R-3 R-5 R-6 R-4
R-P B-1 B-2 B-3 A-B
I-P I-I I-2 I-2b I-3 I-3b I-4
RPZ W-1
- G. Site Plan Approval required _____
- H. Present Use of Property church
- I. Section(s) to Which Variance Related 14-90.1.e
- J. Reasons Why Permit Cannot be Issued insufficient lot size
28,432 sq. ft. rather than 2-acre minimum required
- K. Requested Variance Would Permit construction of 2,850 sq. ft.
addition to existing building

- L. Notice Sent to _____ Adjacent Property Owners

II. Appearances

A. Those Advocating Variance

Mr Robert Snow (Architect)
Rev Daniel Parsons

B. Those Opposing Variance

Ms Anne Janski 532 Brighton
Patricia L... lives across street
17 Raymond

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its records)

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e))

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

(2) Yes/Agreement with statement

(4) No/Disagreement with statement

Reasons Parcel is not exceptional

B. If yes, the unique physical conditions: (Check One)
Sec. 602.24C 3.b.(1) (b)

() Existed at the time of the enactment of the provision from which a variance is sought; or

() Were caused by natural forces; or

() Were the result of governmental action

60-wood kg.

C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

(2) Yes/Agreement with statement

(4) No/Disagreement with statement

Reasons Can still operate in existing bldg
Can use house as dwelling unit

D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

(2) Yes/Agreement with statement

(4) No/Disagreement with statement

Reasons They can still operate as a church - have other options - there are 2 other lots in the neighborhood

E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec.602.24C 3.b. (1) (e)

(2) Yes/Agreement with statement

(4) No/Disagreement with statement

Reasons _____

1. Specific Relief Granted

After a public hearing held on Nov 15, 1984, the Board of Appeals finds that: (Check One)

(1) Approval
(2) Approval - All of the conditions required by Sec. 602.24C 3.b.(i) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) Approval is denied

() Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

Approval: Suzanne Martin Chairman
Faulette Fisher

Disapproval: Joan E. Hight Chairman
Maria L. Smith
Michael J. White
Robert L. Johnson

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



837-843 Brighton Avenue
Cor. 2-22 Raymond Road

EUGENE S. MARTIN
Chairman

MERRILL S. ELTZER
Secretary

JACQUELINE COHEN
TIMOTHY E. FLAHERTY
TOMAS J. MURPHY
PAULETTE P. PARKER
MICHAEL E. WESTORT

October 30, 1984

Glenwood Square Baptist Church
837 Brighton Avenue
Portland, ME 04102

cc: Robert Snow
597 Main Street
South Portland, ME 04106

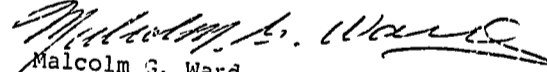
Gentlemen:

Building permit and certificate of occupancy to construct a 2,850 sq. ft. addition to the existing building at the above-named location for church use are not issuable under the Zoning Ordinance because the area of the lot on which this building is located is only about 28,432 sq. ft. rather than the 2-acre minimum required by Section 14-90.1.e of the Ordinance applying to the R-3 Residential Zone in which this property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 315, City Hall, to file the appeal on forms which are available here.

A fee of \$50 for a Space & Bulk Appeal shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed prior to this letter, then consider this letter as a matter of formality. Section 14-473.

Sincerely,


Malcolm G. Ward
Zoning Enforcement Officer

MGW/kat

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



837-843 Brighton Avenue
Cor. 2- Raymond Road

EUGENE S. MARTIN
Chairman

MERRILL S. SELTZER
Secretary

JACQUELINE COHEN
TIMOTHY E. FLAHERTY
THOMAS J. MURPHY
PAULETTE P. PARKER
MICHAEL E. WESTORT

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, November 15, 1984 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by Ordinance.

Glenwood Square Baptist Church, owner of the property at 837-843 Brighton Avenue, corner of 2-22 Raymond Road, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a 2,850 sq. ft. addition to the existing building for church use, not allowed because the lot on which this building is located is only about 28,432 sq. ft. rather than the 2-acre minimum required by Section 14-90.1.e of the Ordinance applying to the R-3 Residential Zone in which this property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473 of the Zoning Ordinance have been met.

Merrill S. Seltzer
Secretary

11/1/84
kat

837-843 Brighton
285-A-15 to 19

- 285-A-2 Forrest L. Kirk, 349 Brighton 04102
- 3 Joseph L. + Susan Martell, 13 Dennett St. 04102
- 4 Eugene O. + Anna J. Heduz, 17 Dennett
- 5-5
- 0 Barry C. + Carol K. Noble, 23 Dennett
- 27 Carl M. Austin, 30 Raymond Rd 04102

- ~~285~~ B-4 Harvard C. + Patricia H. Whitten, 17 Raymond Rd
- 5-5
- 6 John E. Swierzynski, 23 Raymond
- 20 Margaret T. Rissmiller, 5 Raymond

- 259-D-1 - Church
- 3 - Church
- 10 Frederick F. + Ann E. Jewell, 832 Brighton

RECEIVED
OCT 26 1984
DEPT. OF BLDG. INFO.
CITY OF PORTLAND

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWEL'ING UNIT CONVERSIONS)

Glenwood Square Baptist Church owner of property at 937-843 Brighton Avenue
under the provisions of Section 14-473(c) of the Zoning Ordinance of the City
of Portland, hereby respectfully petitions the Board of Appeals to permit:

construction of a 1,850 sq. ft. addition to the existing
building, not allowed because the area of the lot on which
this building is located is only about 28,432 sq. ft. rather
than the 2-acre minimum required by Section 14-90.1.e of the
Ordinance applying to the R-3 Residential Zone in which this
property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of
Appeals finds that the conditions imposed by Section 14-473 (c)(1) of
the Zoning Ordinance have been met. (See reverse side hereof for said
conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If
Site Plan approval is required a preliminary or final site plan is attach-
ed hereto as Exhibit A.



APPELLANT

14-473 (c)(2) Space and Bulk Variances/other than for Dwelling Unit Conversions:

(a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

(b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

(c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of the property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.

(d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional rights not available to owners or occupants of other lots or parcels, subject to the same provision.

(e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

Applicant: GLENWOOD SQ. BAPTIST CHURCH
Date: 10/29/84
Address: 837-843 BRIGHTON AVE. COR. 2-22
Assessors No.: 285-A-15 TO 19
RAYMOND RD.

CHECK LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - R-3

Interior or corner lot -

Use - 2,850^{sq} CHURCH
ADMIT. N 5/160

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

14-90.1.1.E.
Lot Area - 28432^{sq} - 2 ACRES (87120^{sq})

Building Area - 2850^{sq}

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking - 31 SHOWN - 35 REQ.

Loading Bays -

Site Plan -

Shoreland Zoning -

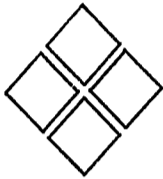
Flood Plains -

14-473

Glennwood 19



Glenwood Sq.



Philip Snow Associates

ARCHITECTS ♦ ENGINEERS ♦ PLANNERS

597 MAIN ST. ♦ SOUTH PORTLAND, ME. 04106 ♦ 207-775-0436

ROBERT P. SNOW R.A.

PHILIP P. SNOW P.E. — CONSULTANT

26 October 1984

Board of Appeals
City of Portland
Portland, ME 04101

re: Addition to Glenwood Square Baptist Church

Gentlemen:

As the authorized representative of the Glenwood Square Baptist Church, I am appealing Section 14-90 (1) e of the recently passed Zoning Ordinance, namely the 2 acre minimum for church use.

As shown on the accompanying Site & Floor Plan, The Church would like to construct an addition to their building at 837 Brighton Avenue for an enlarged sanctuary for 160 people. The building would include an unfinished basement for future class rooms when need requires them.

As you may remember, the present sanctuary at 842 Brighton Avenue had a disastrous fire some time ago and is a total loss. That site is very small and the church plans to sell that site, probably for a house lot.

After the fire, the members have been meeting in the large home across the street at 837. They have been exploring their options since, but feel their growth opportunity and financial abilities are limited. Therefore, they would like to add the sanctuary structure shown.

The reason we are applying for this appeal is that the lot is one of the largest in the area at over 28,000 s.f., large enough for the 160 person sanctuary and the required 33 car parking. In the R-3 Zone, it is large enough for over 4 house lots. The proposed building would be 25 ft. from the nearest lot line rather than the 8 ft. minimum. Clearly the lot is adequate for the proposed use.

RECEIVED

OCT 26 1984

DEPT OF BLDG INSP.
CITY OF PORTLAND

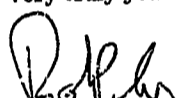
The Glenwood Square Baptist Church has owned and used the existing building on the site for church functions since 1972. The sanctuary has been across the street for many years before then. This area of Portland is their home. To find and purchase a 2 acre site in this area is not feasible for them.

If denied, the Church would be forced to relocate a long distance away and for substantially more cost. With less than 100 parishioners, this might be impossible to accomplish.

The basic use of the sanctuary is Sunday morning. All traffic will occur then, when Brighton Avenue has a low traffic count.

The Glenwood Square Baptist Church prays the Board of Appeals will grant this Space & Bulk Variance.

Very truly yours,



Robert P. Snow
RPS/rj

enc: 9 copies Site Plan dated 10-26-84
9 copies Main Level floor plan dated 9-5-84
9 prints of photo of property
1 signed release letter
1 letter of authorization

copy: Glenwood Square Baptist Church



Glenwood Square Baptist Church

837 - 842 Brighton Avenue

Portland, Maine 04102

Telephone: 772-5918

Oct 15, 1985

To whom it may concern;

We the building committee of the Glenwood Square Baptist Church do authorize Robert P. Snow of the Philip Snow Associates to represent us in connection with the building of our new sanctuary at 837 Brighton Ave

Sincerely yours

*Donald E. Baber
Chairman of Building Committee.*



CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



837 Brighton Avenue

THOMAS F. JEWELL
RAY M. JOHNSON
JOHN C. KNOX
MATTHEW D. MANAHAN
DEWEY A. MARTIN, JR.
REBECCA SARGENT
MICHAEL E. WESTORT

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, May 7, 1992 at 7:00 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Mr. Blaine Hopkins of New England Telephone Company, prospective owners of the property located at 837 Brighton Avenue, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of a Fiber Optic Switching Facility at the above named location.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

4/14/92
/el

May 7, 1992

837 Brighton Ave.
New England Telephone
CITY OF PORTLAND



CONDITIONAL USE APPEAL

DECISION

For the Record

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

Blaine Hopkins _____
Michael Deletovsky _____

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

Findings of Fact

1. The proposed conditional use is (circle one) is not (circle one) permitted under Section 14-474 of the Zoning Ordinance, for the following reason(s): _____

4-0

2. The proposed conditional use does (circle one) does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): _____

4-0

3-A. There are are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s): _____

4-0

3-B. There will will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s): _____

4-0

3-C. The impact does not (circle one) differ substantially from the impact which would normally occur from such a use in that zone, for the following reason(s):

4-0

Conclusion*

After public hearing on May 7, 1991, and for the reasons above-stated, the accompanying application is hereby (check one)

granted.

granted subject to the following condition(s):

denied.

Dated: May 7, 1991

Paul C. Knox
Secretary of the Board

* The application may be denied only if EITHER the finding for #1 or 2 above is in the negative OR the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

Granted 4

Denied - 0

Paul C. Knox
Thomas Powell
Gregory M. [unclear]
Rebecca S. [unclear]

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



THOMAS F. JEWELL

RAY M. JOHNSON
JOHN C. KNOX
MATTHEW D. MANAHAN
DEWEY A. MARTIN, JR.
REBECCA SARGENT
MICHAEL E. WESTORT

July 2, 1992

837 Brighton Avenue

Mr. Blaine Hopkins
New England Telephone Company
837 Brighton Avenue
Portland, ME 04103

Dear Mr. Hopkins:

As you know, at its meeting of May 7, 1992, the Board of Appeals voted to permit construction of a Fiber Optic Switching Facility.

A copy of the Board's decision is enclosed for your records.

You should now continue the process by coming into this office, Room 315, to apply for a building permit.

Sincerely,

William D. Giroux

William D. Giroux
Zoning Administrator

/jcf

Enclosure

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
P. Samuel Horsfes, Chief of Inspection Services
Charles Lane, Associate Corporation Counsel
File Folder
Kevin Carroll, Code Enforcement Officer

Called Blaine Hopkins 7/8

*10:11
"Clean record just per a graph"
E.F.*

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



THOMAS F. JEWELL

RAY M. JOHNSON
JOHN C. KNOX
MATTHEW D. MANAHAN
DEWEY A. MARTIN, JR.
REBECCA SARGENT
MICHAEL E. WESTORT

April 14, 1992

RE: 837 Brighton Avenue

New England Telephone
5 Davis Farm Road
Portland, Maine 04103
Attn: Blaine Hopkins

Dear Mr. Hopkins:

Receipt of your application for a conditional use appeal regarding the proposed fiber optic switching facility at 837 Brighton Avenue, is acknowledged.

This appeal will be scheduled for review before the Board of Appeals on Thursday evening, May 7, 1992, at 7:00 P.M. in Room 209, City Hall, Portland, Maine. We hope that you will plan to attend to answer any questions which the Board members may have concerning this appeal.

We will send you a copy of the May 7th agenda as soon as copies become available for distribution.

Sincerely,

William D. Giroux
Zoning Administrator

/el

cc: Thomas F. Jewell, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
P. Samuel Hoffses, Chief of Inspection Services
Michael S. Deletetsky, P.E., 133 Pope Avenue, South Portland, ME 04106
Melodie Esterberg, Planner

260 - G - 7 Richard K & Marie S Newell
480 Caprice St 04102

H - 8 George E Jr & Susan Burnell
492 Caprice St 04102

289 - C - 1 Rudolph J Gagnon
899 Brighton 04102

In Addition
to Labels
119 cards
11 letters
285-A-15, 16, 17
7E 71 & 17
-19

259-B-27 Mary Ann Michaud,
48 David Rd 04102

B-29 Rachel & West Jean W. Meind
88 Mayer Rd 04102

B-45 Robert & Margaret Turner
24 Albion St 04102

B-46 Joseph H & Ann C Ostwald
32 Albion St 04102

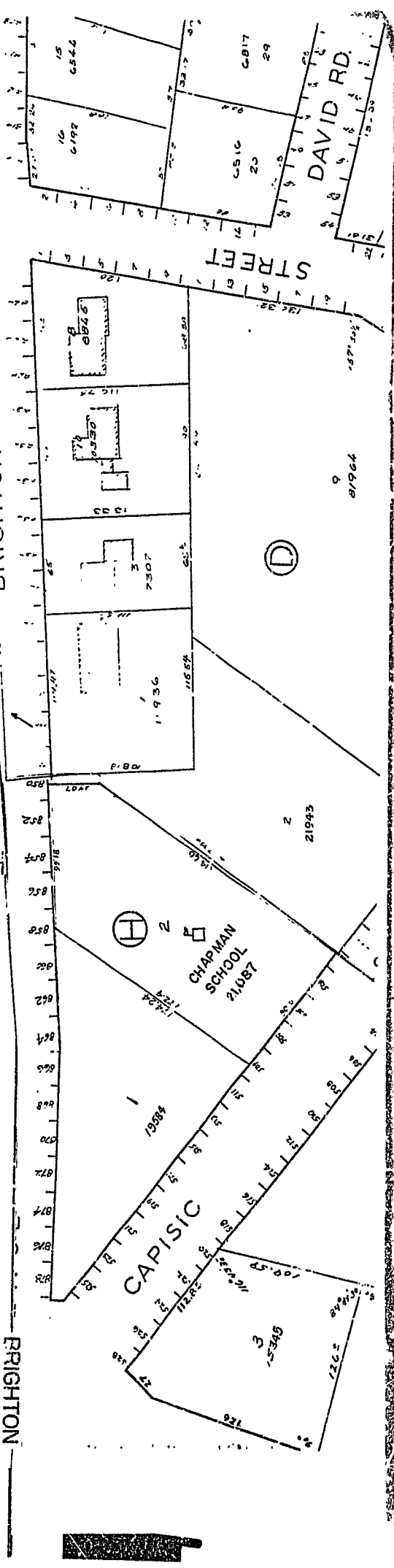
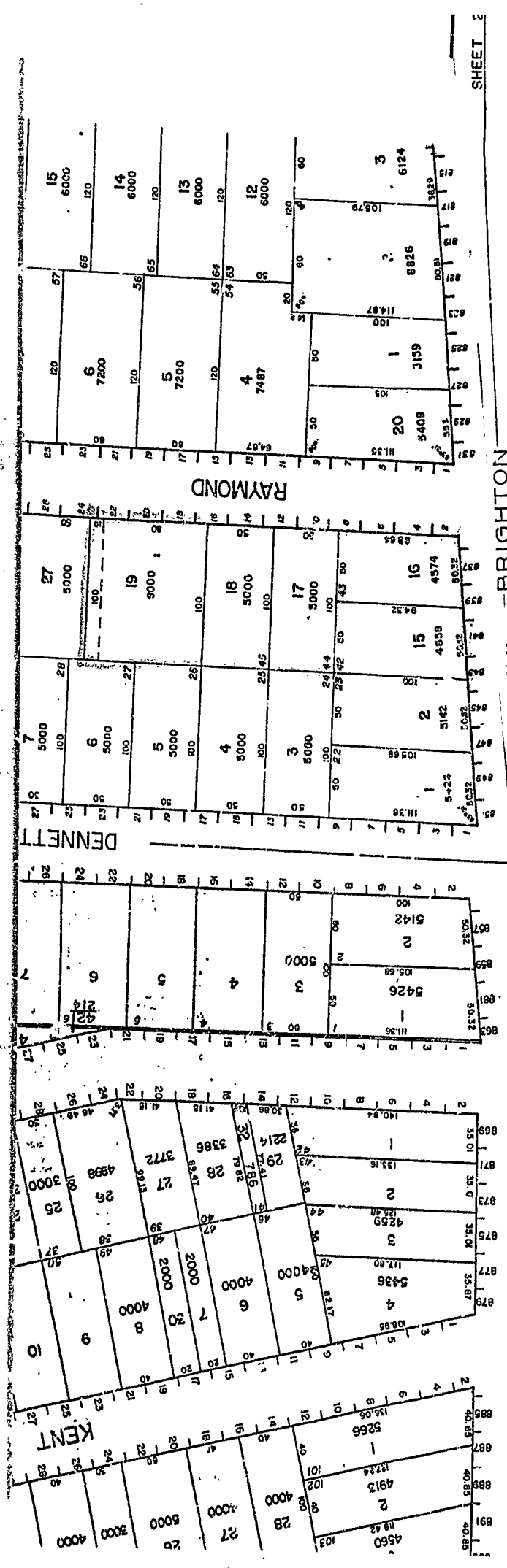
B-47 William J & Tracy L Carlson
461 Capisic 04102

B-48)

C-6 Mary Newell
484 Capisic St 04102

260-H-1 Kathleen L & Philip T Casasa
514 Capisic 04102

H-3 Arthur C & Olive A Riley
520 Capisic St



SHEET 2

BRIGHTON

BRIGHTON

Blaine N. Hopkins
Manager - Right of Way



**New England
Telephone**

A **NYNEX** Company
5 Davis Farm Road
Portland, Maine 04103
Phone (207) 797 1785

PRESENTATION
TO
PORTLAND PLANNING BOARD
OF APPEALS
FIBER OPTIC SWITCHING FACILITY
837 BRIGHTON AVENUE
PORTLAND, MAINE

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TABLE OF CONTENTS

Section	Title
1	Cover Letter
2	Conditional Use Appeal Application
3	Site Plan Review Requirements, Article V, Section 14-525 of Portland Code
4	Standards of Conditional Use, Article III, Section 14-474 Conditional Use Standards
5	Cost Estimate of Improvements to be Covered by Performance Guarantee
6	Easement Deed and Registry Information
7	Photos of Site and Typical Fiber Optic Building Installation

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**New England
Telephone**

A NYNEX Company

5 Davis Farm Road
Portland, Maine 04103
Phone (207) 797-1785

Blaine N. Hopkins
Manager - Right of Way

March 25, 1992

City of Portland
Zoning Board of Appeals
389 Congress Street
Portland, ME 04101

Subject: Fiber Optic Switching Facility
837 Brighton Avenue

Dear Board Members:

New England Telephone Company respectfully asks your consideration of the attached Site Plan for the proposed location of a Fiber Optic Switching Facility at 837 Brighton Avenue. The site will be located on Glenwood Square Baptist Church property which is in the R-3 Residential Zone. The completed application is enclosed, along with a signed deed for the property owner giving permission for NET to present this plan. This package is submitted according to Chapter 14, Land Use, of the Code of Ordinances of the City of Portland; reference Article III, Division 4 and Article V, Section 14-525. Article III, Division 4, Section 14-88 states that telephone electronic equipment enclosures are an acceptable conditional use.

We were directed to submit an application for Site Plan approval to the Zoning Board of Appeals by the Code Enforcement Officer and the Planning Department Engineer.

We propose to construct this facility on an easement located on Glenwood Square Baptist Church property (reference Portland Tax Map 285-Block A-Lots 15, 16, 17, 18 and 19). This facility will upgrade existing telephone services offered to residents of Portland in this area. Copies of the Easement Deed and their Property Deed are included in Section 6 of this submittal for your reference.

The building is a fully assembled pre-cast concrete structure that is delivered to the site by truck. Placement is accomplished by crane in less than two hours time. The structure will receive a gray horizontal siding to match the existing siding on the church.

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Page 2

Site preparation consists of excavation to a depth of two feet below grade and placement of a gravel pad for the foundation and a bark mulch planting border around the building. All electrical and telephone cables are underground, trenched from existing manholes located in Brighton Avenue sidewalks. The site will be landscaped and all damaged grass areas that are to remain grass shall be repaired.

Vehicular access will be via the existing driveway entrances off Raymond Road. Upon completion of the installation, visits to the facility will average two per week.

I will be present at your meeting to answer any further questions. Thank you for your time and consideration of this matter. If you have any questions before the meeting, call Michael Deletetsky at OFST Associates - Tel. 761-1770 ext. 92.

Sincerely,

Blaine Hopkins
Blaine Hopkins



CITY OF PORTLAND

CONDITIONAL USE APPEAL

APPLICATION

Applicant's name and address: New England Telephone and Telegraph Company,
5 Davis Farm Road, Portland, Maine 04103

Applicant's interest in property (e.g., owner, purchaser, etc.):
Easement granted to applicant by owner.

Owner's name and address (if different): Glenwood Square Baptist Church,
837 Brighton Avenue, Portland, Maine 04101

Address of property (or Assessor's chart, block and lot number):
Tax Map 285 - Block A - Lots 15, 16, 17, 18 and 19.

Zone: R-3 Present use: Church

Type of conditional use proposed: Telephone Electronic Equipment Enclosure

Conditional use authorized by: Section 14-88

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

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

Dated: April 13, 1992

Blaine N. Hopkins
Signature of Applicant

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SITE PLAN REVIEW REQUIREMENTS AS FOUND IN ARTICLE V,
SECTION 14-525, FINAL SITE PLAN SUBSECTION C.

1. A description of the proposed uses to be located on the site, including quantity and type of residential units, if any:

Response - The proposed use is a telephone electronic equipment enclosure. The building will house equipment that will give that area of Portland Fiber Optic capabilities in the future.

2. The total land area of the site and the total floor area and ground coverage of each proposed building and structure.

Response - The size of the church site is 28,443± SF with an existing church/day care facility structure with foundation footprint of 5500± SF. The proposed construction will encompass 500± SF with the building having an 187± SF footprint.

3. General summary of existing and proposed easements or other burdens now existing or to be placed on the property.

Response - At this time, no known easements or burdens exist on the property. The easement being proposed with this application is 500± SF. (See Section 6)

4. Method for handling solid waste.

Response - There is no solid waste created by this building's use.

5. The applicant's evaluation of the availability of off-site public facilities, including sewer, water and streets.

Response - This building will not be plumbed for water or sewer. Under normal operations, the building will only have one NET truck visiting the site at one time. These visits will average two times a week or an hour at a time. Therefore, the existing road system in the area is sufficient.

6. A description of any problems of drainage or topography or a representation that, in the opinion of the applicant, there are none.

Response - The NET site will have a net gain of impervious surface of 19 SF. The overall site is relatively flat. No existing drainage courses will be affected.

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7. An estimate of the time period required for completion of the development.

Response - At present, our schedule indicates that all conduit work, pad construction, and the associated restoration will begin in September, 1992 and be completed in October, 1992. The building will be placed in February, 1993, with the facade added within six weeks of placement. During May of 1993, the area will be landscaped, thereby completing the project.

8. A list of all state and federal regulatory approvals to which the development may be subject, the status of any pending applications and the anticipated time frame for obtaining such permits or that a determination of no jurisdiction from the agency will be requested.

Response - Not applicable since the total development is 500 SF and does not require any State or Federal regulatory approvals.

9. Evidence of financial and technical capacity to undertake and complete the development including, but not limited to, a letter from a responsible financial institution stating that it has reviewed, the planned development and would seriously consider financing it when approved, if requested to do so.

Response - Technical Capacity - Currently 560 of these units are in operation in the State of Maine. Several of the units are already in Portland located on the following streets:

- o At the end of Wall Street
- o Riverside Street near Lucas Tree
- o Congress Street near the Stroudwater Bridge

Financial Capacity - New England Telephone finances their own projects and have bonded the public improvements for two years. (See attached.)

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STANDARDS OF CONDITIONAL USE, ARTICLE III
SECTION 14-474 CONDITIONAL USE STANDARDS

The following items are the standards that the Board can refuse your Conditional Use Application.

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;

Response - The facility is a telephone electronic equipment enclosure which is allowed as a Conditional Use in a R-3 zone. The building creates no product other than the ability to have fiber optic capabilities in this area of Portland. The only external equipment involved in this installation is a 10,000 BTU window style air conditioner. The air conditioner is necessary to control the internal temperature of the building to prevent the telephone equipment from overheating.

- b. There will be an adverse impact upon the health, safety or welfare of the public or the surrounding area;

Response - See above. Also the building is a 11' x 17' x 8' high pre-cast concrete building with one metal door. There are no emissions from the building including gasses, sewage, or solid waste.

- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Response - The building in this location has no adverse impact for this zone.

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CITY OF PORTLAND, MAINE
 Department of Planning and Urban Development
 SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date 25 March 1992

Name of Project Fiber Optic Switching Facility - Glenwood Square Baptist Church
 Address/Location 837 Brighton Avenue
 Developer New England Telephone and Telegraph
 Form of Performance Guarantee Bond from Dunlap Agency
 Type of Development: Subdivision Site Plan (Major/Minor)

ITEM	QUANTITY	UNIT COST	SUBTOTAL	COMPLETED
STREET/SIDEWALK:				
Road	20 SY	\$ 10.00	\$ 200.00	_____
Granite Curbing	24 LF	6.00	144.00	_____
Sidewalks	180 SY	6.00	1080.00	_____
Esplanades	N/A	_____	_____	_____
Monuments	N/A	_____	_____	_____
Street Lighting	N/A	_____	_____	_____
Other	_____	_____	_____	_____
SANITARY SEWER:				
Manholes	N/A	_____	_____	_____
Piping	N/A	_____	_____	_____
Connections	N/A	_____	_____	_____
Other	_____	_____	_____	_____
STORM DRAINAGE:				
Manholes	N/A	_____	_____	_____
Catch Basins	N/A	_____	_____	_____
Piping	N/A	_____	_____	_____
Retention Basin	N/A	_____	_____	_____
Other	_____	_____	_____	_____
STREET LIGHTING	N/A	_____	_____	_____
NOISE CONTROL	88 LF	4.00	\$352.00	_____
RECREATION AND OPEN SPACE				
UTILITIES	N/A	_____	_____	_____
LANDSCAPING (Attach breakdown of materials, quantities, and unit costs)	Lump Sum	\$1095.00	\$ 1095.00	_____
CELLANEOUS	_____	_____	_____	_____

PERCENT AMOUNT OF PERFORMANCE GUARANTEE _____
 % = INSPECTION FEE _____

Approved _____
 Approved _____

DPUD.KC2/11 92

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PLANTING BREAKDOWN

Arborvitaes	12 each @ \$75/each =	\$ 900.00
Mulch	6 cubic yards @ \$10/cy =	60.00
Planting Timbers	90 linear feet @ \$1.50/LF =	<u>135.00</u>
	Total	\$ 1095.00

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Dunlap
INSURANCE & BONDING

April 8, 1992

Mr. Blaine Hopkins, Manager
New England Telephone Co.
5 Davis Farm Road
Portland, ME 04103

RE: City of Portland
Brighton Ave./Glenwood Square Baptist Church
Site Bond #LO 6716

Dear Mr. Hopkins:

As requested, enclosed please find captioned bond in the amount of \$25,000 and effective June 1, 1992.

Please be sure the bond is signed by an authorized representative of the New England Telephone Co. before filing directly with the City of Portland.

If we can offer further assistance at this time, please do not hesitate to call.

Very truly yours,

Janet H. Gibson
Janet H. Gibson, Secretary to
David H. Skillings, Vice President

8
Encl.

The Dunlap Corporation
31 Court Street, P.O. Box 40
Auburn, Maine 04212-0040

TEL. (207) 783-2211

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SUBDIVISION BOND NO. LO 6716

KNOW ALL MEN BY THESE PRESENTS, That we,
NEW ENGLAND TELEPHONE CO.

as Principal, and the

PEERLESS INSURANCE COMPANY

a corporation organized under the laws of the State of New Hampshire and duly authorized to transact business in the State of Maine, as Surety, are held and firmly bound unto

CITY OF PORTLAND, MAINE

as Oblige, in the sum of **TWENTY FIVE THOUSAND AND NO/100*
Dollars (\$25,000.00) for the payment whereof well and truly to be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal and the Oblige have agreed to construct the subdivision improvements consisti of

Brighton Avenue, Portland on Property of
the Glenwood Square Baptist Church

NOW THEREFORE, the condition of the foregoing obligation is such that if the Principal shall indemnify the Oblige for all loss that the Oblige may sustain by reason of the Principal's failure to fulfill all improvements as required by the City of Portland, Maine then this obligation shall be void; otherwise it shall remain in full force and effect.

In no event shall the Surety be liable for a greater sum than the penalty of this Bond, or subject to any claim, suit, action or other proceeding thereon that is instituted later than two years from completion of said Contract, unless this Bond is continued by a properly executed continuation certificate.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 1st day of June 1992.

NEW ENGLAND TELEPHONE COMPANY

By: [Signature]
K. G. Powell, A. O. M.-Financial Assurance
PEERLESS INSURANCE COMPANY

By: [Signature]
Michelle V. Billings, Attorney-in-Fact

19197
Know all Men by these Presents, That

We, Carl M. Austin of Portland in the County of Cumberland and State of Maine, and Russell J. Austin of South Portland in said County and State of Maine,

in consideration of one dollar and other valuable consideration paid by GLENWOOD SQUARE BAPTIST CHURCH, a religious organization located in Portland, County of Cumberland and State of Maine,

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said GLENWOOD SQUARE BAPTIST CHURCH, its successors and assigns forever, the following described real estate: A certain lot or parcel of land with the buildings thereon, situated at the intersection of the northeasterly side of Brighton Avenue and the northwesterly side of Raymond Road in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a point at the intersection as aforesaid; thence northeasterly along the northwesterly sideline of said Raymond Road two hundred sixty-eight and sixty-four hundredths (268.64) feet, more or less, to the most southwesterly corner of land conveyed by Mada A. Weston to Carl M. Austin by deed dated July 10, 1967 and recorded in Cumberland County Registry of Deeds in Book 3002, Page 681; thence northwesterly along the southwesterly sideline of land so conveyed to Carl M. Austin, one hundred (100) feet, more or less, to a point; thence in a southwesterly direction along the northwesterly sideline of land conveyed to the aforesaid Mada A. Weston by the President and Trustees of Colby College by deed dated July 18, 1944 and recorded in said Registry of Deeds in Book 1752, Page 500, as corrected by deed dated March 9, 1945, recorded in said Registry of Deeds in Book 1980, Page 94, to the northeasterly sideline of said Brighton Avenue; thence south-easterly along the northeasterly sideline of said Brighton Avenue, one hundred and sixty-four hundredths (100.64) feet, more or less, to the point of beginning. Being a portion of the premises conveyed to Mada A. Weston by the President and Trustees of Colby College by the aforesaid deed dated July 18, 1944 and recorded in said Registry of Deeds in Book 1752, Page 500 as corrected by deed dated March 9, 1945, and recorded in said Registry of Deeds in Book 1980, Page 94. We acquired the premises as devisees under the will of our mother, the aforesaid Mada A. Weston, abstract of said will being recorded in said Registry of Deeds in Book 1152, Page 325.

This conveyance is made subject to local estate taxes of the City of Portland for the tax year commencing April 1, 1972

STATE OF MAINE
REAL ESTATE TRANSFER TAX
37.40

To Have and to Hold the aforesaid and bargained premises, with all the privileges and appurtenances thereof, to the said GLENWOOD SQUARE BAPTIST CHURCH, its successors

and assigns, to its and their use and benefit forever. And we do covenant with the said Grantee and its successors that we are lawfully seized in fee of the premises; that they are free of all incumbrances; that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our heirs and assigns shall and will warrant and defend the same to the said Grantee and its successors against the lawful claims and demands of all persons.

In Witness Whereof, We, the said Carl M. Austin and Virginia L. Austin, wife of said Carl M. Austin, and Russell J. Austin and Ruth T. Austin, wife of said Russell J. Austin, each

joining in this deed as Grantors, and for establishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this 25th day of August in the year of our Lord one thousand nine hundred and seventy-two.

Signed, Sealed and Delivered in presence of
Clias Thomas
Clias Thomas

Carl M. Austin
Virginia L. Austin
Russell J. Austin
Ruth T. Austin
August 25 1972

State of Maine, Cumberland, ss.
Personally appeared the above named Carl M. Austin

and acknowledged the foregoing instrument to be his free act and deed

Before me, Clias Thomas

CLIAS THOMAS
Notary Public
CUMBERLAND COUNTY, MAINE

STATE OF MAINE, CUMBERLAND COUNTY, ss.

Received AUG 29 1972

in BOOK 3289 PAGE 237

at 2 o'clock P.M. in the presence of
W. L. [unclear] [unclear]

Knowall Men by

That I, CARL H. AUSTIN, of Portland, Count

4333
C.H.E.
T. Austin

333

in consideration of one dollar and other good and consideration,

paid by GLENSWOOD SQUARE BAPTIST CHURCH, a religious organization duly organized and existing under the laws of the State of Maine, and having its place of business in Portland, County of Cumberland and State of Maine,

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said GLENSWOOD SQUARE BAPTIST CHURCH,

its successors ~~state~~ and assigns forever.

A certain lot or parcel of land situated in Portland, in the County of Cumberland and State of Maine, on Raymond Road, so called, bounded and described as follows:

Beginning at a point on the northwesterly sideline of Raymond Road and the northeasterly corner of other land of this Grantee, which point is distant two hundred sixty-eight and sixty-four one hundredths (268.64) feet, more or less, northeasterly from the intersection of the northwesterly sideline of Raymond Road and the northeasterly sideline of Brighton Avenue; thence northwesterly at right angles with the northwesterly sideline of Raymond Road along the northerly sideline of this Grantee's land a distance of one hundred (100) feet, more or less, to a point; thence northeasterly and on a line parallel to the northwesterly sideline of Raymond Road a distance of ten (10) feet, more or less, to a stake; thence counterclockwise at right angles to the last described course a distance of one hundred (100) feet, more or less, to a stake on the northwesterly sideline of Raymond Road; thence southwesterly along the northwesterly sideline of Raymond Road a distance of ten (10) feet, more or less, to the point of beginning.

Meaning and intending to convey a ten (10) foot strip on the northerly side and joining property of this Grantee recently purchased from Carl H. Austin and Russell J. Austin.

Being a portion of the premises conveyed to this Grantor by deed of Hoda A. Weston dated July 10, 1967, recorded in Cumberland County Registry of Deeds, Book 3002, Page 681.

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EASEMENT OPTION

For and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, a non-refundable amount, to it paid by New England Telephone and Telegraph Company, a corporation duly organized under the laws of the State of New York, whose address is 185 Franklin Street, Boston, Massachusetts, 02107, the receipt of which is hereby acknowledged, Glenwood Square Baptist Church, of Portland, Maine, hereby agrees that it *shall grant* unto said Company, its successors and assigns, the right and easement to place and maintain underground electrical and communication cables, conduits and appurtenances along with an eleven (11) foot by seventeen (17) foot pre-cast concrete building upon an easement over a parcel of land located westerly of, but not adjacent to, Raymond Road in the City of Portland, Cumberland County, Maine, bounded and described as follows: Beginning at a 5/8-inch rebar set on the southwesterly corner of the following described easement, said rebar is located N 45-10-56 E, 108.00 feet from a 3/4-inch iron pipe found marking the easterly sideline of Brighton Avenue and the most westerly corner of the Grantor; thence, N 43-19-30 E, through land of the Grantor, 25.00 feet to a 5/8-inch rebar set; thence, S 46-40-30 E, through land of the Grantor, 20.00 feet to a 5/8-inch rebar set; thence, S 43-19-30 W, through land of the Grantor, 25.00 feet to a 5/8-inch rebar set; thence, N 46-40-30 W, through land of the Grantor, 20.00 feet to the point of beginning. The above described easement contains 500 square feet, more or less. Bearings are based on observed magnetic north, dated 1984. All 5/8-inch rebars are capped "OEST 1245." Said easement further described as being a portion of Block A, Lots #15, 16, 17, 18 & 19, of Map #285, as identified by the Assessors Map for the City of Portland, County of Cumberland, and State of Maine, and as being a northwesterly portion of land owned by Glenwood Square Baptist Church, as described in Book 3289, Page 237, of the Cumberland County Registry of Deeds, and is further referenced to a plan entitled, "Fiber Optic Switching Facility Located on Property of: Glenwood Square Baptist Church, Brighton Avenue, Portland, Maine," dated February, 1992, by Oest Associates, Inc., of South Portland, Maine. The right to cut trees, trim brush and grade said easement is also granted with permission to enter upon its property for the above purposes and to park a company vehicle on its property whenever work needs to be done within said fiber optic switching facility.

Full execution of this easement will occur upon successful review and approval of the City of Portland of the proposed project and final payment, as agreed to by New England Telephone and Telegraph Company.

New England Telephone Company agrees to the following:

- 1) Assume any and all taxes associated with this terminal;
- 2) Indemnify and save harmless the Grantor, its successors and assigns from any and all claim costs and liability arising from use of said premises;
- 3) Landscape said easement area and alter the external facade in accordance with the Grantor's wishes;
- 4) Upon termination of New England Telephone Company use for this easement, all rights herein granted will revert to the owner of record.

Witness our hands and common seal this 9th day of April, 1992

Witnesses:

Nancy J. Bozenhard

Lois Sylvester

Lois Sylvester
Treasurer

to both

Mary Anne Baker

Mary Anne Baker
Clerk

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State of Maine County of Cumberland ss., April 9, 1992

Then personally appeared the above named Lois Sylvester and Mary Anne Baker, Treasurer and Clerk, respectively, of the Glenwood Square Baptist Church and acknowledged the foregoing instrument to be their free act and deed, and the free act and deed of the Glenwood Square Baptist Church before me.

Nancy J. Bozenhard
Notary Public

My Commission expires:

NANCY BOZENHARD
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES OCTOBER 21, 1999

OEST Associates, Inc.

• engineers
• architects
• surveyors
• construction
managers

133 Pope Avenue

South Portland, ME 04106

(207) 781-1770

FAX (207) 774-1248

796.83.01

April 1, 1992

Description of New England Telephone and Telegraph Company Easement Located on Property of Glenwood Square Baptist Church

An easement over a parcel of land located westerly of, but not adjacent to, Raymond Road in the City of Portland, Cumberland County, Maine, bounded and described as follows:

Beginning at a 5/8 inch re-bar capped "OEST 1245" set on the southwesterly corner of the following described easement, said re-bar is located, N 45-10-56 E, 108.00 feet from a 3/4 inch iron pipe found marking the easterly sideline of Brighton Avenue and the most westerly corner of the Grantor;

Thence, N 43-19-30 E, thru land of the Grantor, 25.00 feet to a 5/8 inch re-bar capped "OEST 1245";

Thence, S 46-40-30 E, through land of the Grantor, 20.00 feet to a 5/8 inch re-bar capped "OEST 1245";

Thence, S 43-19-30 W, through land of the Grantor, 25.00 feet to a 5/8 inch re-bar capped "OEST 1245";

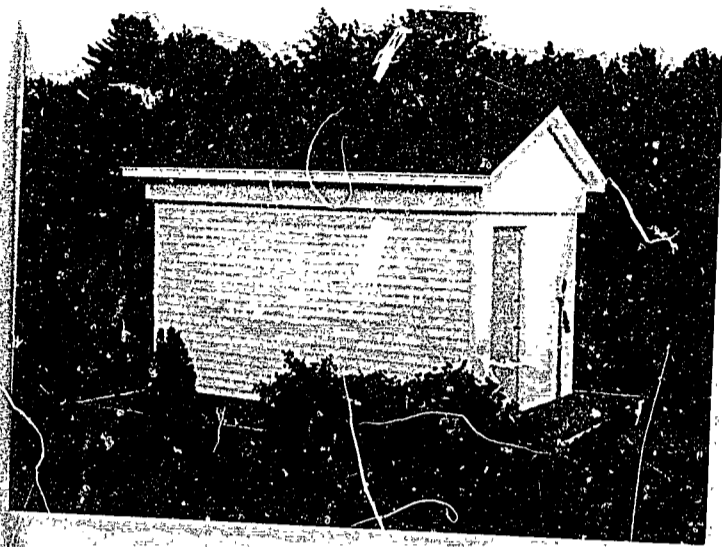
Thence, N 46-40-30 W, through land of the Grantor, 20.00 feet to the point of beginning.

The above described easement contains 500 square feet, more or less.

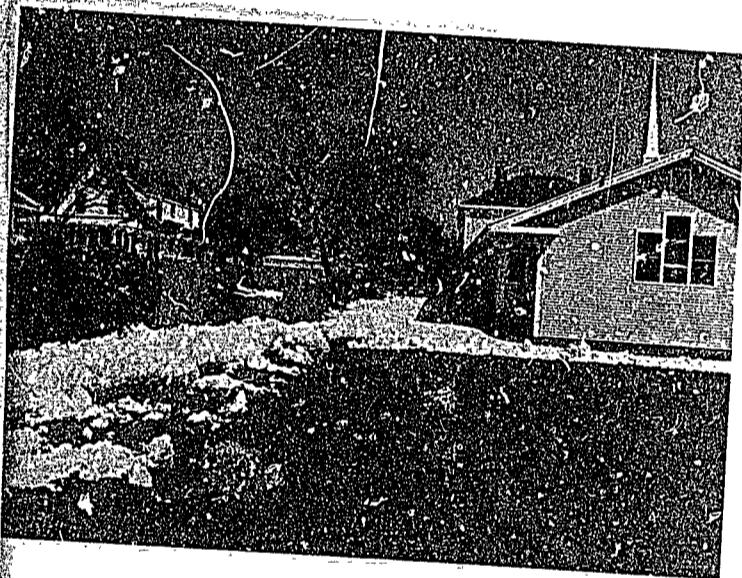
Bearings are based on observed magnetic north, dated 1984.

The above described easement is a northwesterly portion of land owned by Glenwood Square Baptist Church as described in Book 3289, Page 237 of the Cumberland County Registry of Deeds and is further referenced to a plan entitled "Fiber Optic Switching Facility Located on Property of: Glenwood Square Baptist Church, Brighton Avenue, Portland, Maine", dated February 1992, by OEST Associates, Inc. of South Portland, Maine.

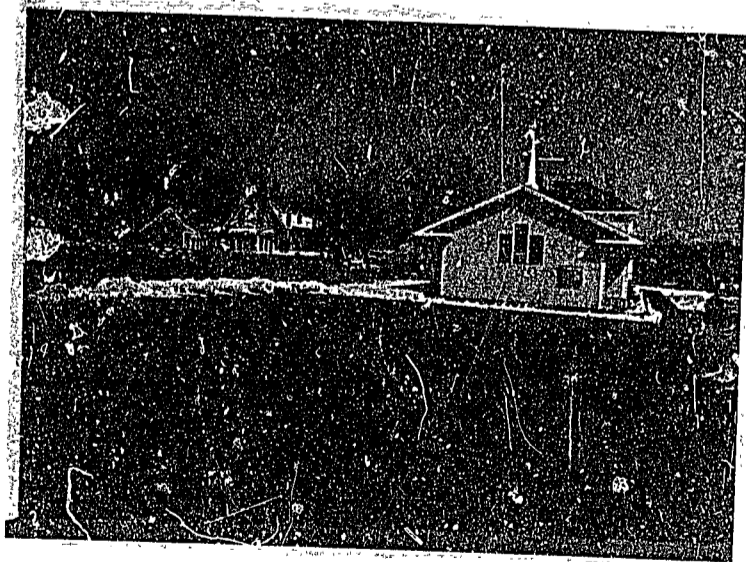
John B. Watters



TYPICAL
INSTALLATION



SITE



SITE FROM
BRIGHTON AVE

