



*Director of Planning and Urban Development
Penny St. Louis Littell*

*Inspection Services, Director
Tammy M. Munson*

August 12, 2009

Patricia Meehan
1757 Forest Avenue
Portland, Maine 04103

RE: 1757 Forest Avenue
CBL: 309 A 018
ZONE: R3

Dear Ms. Meehan:

On August 6, 2009 the Portland Zoning Board of Appeals voted 4-0 to grant your Conditional Use Appeal pursuant to Portland Land Use Code §14-88.

Enclosed please find a copy of the Board's decision.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,

Gayle Guertin
Office Assistant

CC: Estate of Richard J. Goduti
file

members present: Jill Hunter (Acting Chair) - Deborah Futter (Acting Sec.)
CITY OF PORTLAND, MAINE Sara Moppin - William Getz

ZONING BOARD OF APPEALS

members Absent: Phil Sancier, Gordon Smith, Peter Coyne -

APPEAL AGENDA

meeting called to order 6:35pm

The Board of Appeals will hold a public hearing on Thursday, August 06, 2009 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

4-0
granted
on condition
1. **New Business:**
A. **Disability Variance Appeal:**
104 Front Street, Sadri Shir, owner, Tax Map 167, Block B, Lot 006, R-3 Residential Zone: The appellant is seeking a disability variance under section 14-473(c)(2) to install a handicap ramp. The appellant is requesting a front yard setback of zero feet instead of the ~~maximum~~ ^{minimum} twenty-five foot setback as required under section 14-90(d)(1).
Representing the appeal is Stevan Morrow, Sterling Builders, Inc.

4-0
granted
A period of 50 years
B. **Conditional Use Appeal:**
361 Ludlow Street, Clyde Blackwell & Jane McCarthy-Blackwell, owners, Tax Map 286, Block D, Lot 009, R-3 Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners.

4-0
granted
C. **Conditional Use Appeal:**
1757 Forest Avenue, Sean & Patricia A. Finnemore Meehan, owners, Tax Map 309, Block A, Lot 018, R-3 Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-88(d)(3) to have a family daycare at her home for 12 children. Representing the appeal is the owner, Patricia Meehan.

2. **Other Business:**

3. **Adjournment:** 7:15 pm

deborah.futter@yahoo.com

Schuyler VA 22969
Secretary's Sand Rd

~~SECRET~~ 771A

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-3 Residential Zone Day Care Facility:

7 am - 5:15

Conditional Use Appeal

DECISION

Date of public hearing: August 6, 2009

Name and address of applicant: Patricia Meehan
1757 Forest Ave.
Portland, ME 04103

Location of property under appeal: 1757 Forest Ave.

For the Record:

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

Patricia Meehan

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

As submitted to board via mail

Findings of Fact and Conclusions of Law:

The Applicant is requesting a conditional use permit for a property located within the R-3 zone, in order to use the property as a day care. The day care will be for twelve children, ages 6 weeks to five years and will be located in the applicant's single family home. The back yard is fenced and is surrounded by large pine trees.

A. Conditional Use Standards pursuant to Portland City Code §14-88(d)(3):

1. The day care facility or home babysitting service would not be permitted as a home occupation under section 14-410 (because it will accommodate more than 6 children plus 2 children after school or will have any nonresidential employees).

Satisfied 4-0 Not Satisfied

Reason and supporting facts:

Applicant testimony
Provided written statement

2. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care use, home babysitting use, nursery school or kindergarten, or in a nonresidential structure accessory to the principal nonresidential use.

Satisfied 4-0 Not Satisfied

Reason and supporting facts:

Applicant testimony
Provided statement

3. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection (v) are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care use or home babysitting use, nursery school or kindergarten, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.

Satisfied 4-0 Not Satisfied

Reason and supporting facts:

Applicant testimony
Provided documentation

4. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

Satisfied 4-0 Not Satisfied

Reason and supporting facts:

Applicant testimony
Pictures submitted
Provided documentation

5. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

Satisfied 4-0 Not Satisfied

Reason and supporting facts:

Applicant testimony
Provided documentation

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes No 4-0

Reason and supporting facts:

Application,
Applicant testimony
Submitted documents

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

Yes No 4-0

Reason and supporting facts:

Application
Applicant testimony
Submitted documents

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

Yes No 4-0

Reason and supporting facts:

Application
Applicant testimony
Submitted pictures

Conclusion: (check one)

_____ Option 1: The Board finds that all of the standards (1 through 5) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

✓ 1-0 Option 2: The Board finds that all of the standards (1 through 5) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

_____ Option 3: The Board finds that not all of the standards (1 through 5) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Dated:



Board Chair

O:\OFFICE\MARYCVZBAIR-3 conditional use appeal child care Meehan.doc

Gayle Guertin - Re: ZBA legal ad for Friday ,07/30/09

From: Joan Jensen <jjensen@pressherald.com>
To: Gayle Guertin <GG@portlandmaine.gov>
Date: 7/28/2009 11:31 AM
Subject: Re: ZBA legal ad for Friday ,07/30/09

Hi Gayle,

All set to run your ad on Thursday, July 30.
The cost is \$179.41.

divided 3 ways

If you have any questions, please call or email me.

Thank you,
Joan

Joan Jensen
Legal Advertising
Portland Press Herald/Maine Sunday Telegram
P.O. Box 1460
Portland, ME 04104
Tel. (207) 791-6157
Fax (207) 791-6910
Email jjensen@pressherald.com

On 7/28/09 9:41 AM, "Gayle Guertin" <GG@portlandmaine.gov> wrote:

Good Morning Joan,
Attached is the Zoning Board of Appeals agenda for the legal ad on Friday, July 30, 2009.

Thank You
Gayle Guertin @ 874-8701



**Zoning Board of Appeals
Conditional Use Appeal Application**

Applicant Information:

Name: Patricia Meehan
 Business Name: A Great Start Daycare
 Address: 1757 Forest Ave
Portland, Me 04103
 Telephone: (207) 878-5738 Fax: _____

Subject Property Information:

Property Address: 1757 Forest Ave
 Assessor's Reference (Chart-Block-Lot): 309-A-018
 Property Owner (if different): _____
 Name: _____
 Address: _____
 Telephone: _____ Fax: _____

Applicant's Right, Title or Interest in Subject Property:

OWNER
 (e.g. owner, purchaser, etc.):

Current Zoning Designation: R-3 residential

Existing Use of Property:
Single Family home

Conditional Use Authorized by Section 14 - 88(d)(3)

Type of Conditional Use Proposed:
family childcare
for 12 children

Standards:

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs substantially from the impact which would normally occur from such a use in that zone.

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 certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Patricia Meehan _____
 Signature of Applicant Date 7/20/09

(207) 878-5738

A Great Start Daycare

Patricia A. Meehan

1757 Forest Avenue
Portland, Maine
04103

I am writing this letter to ask for a city permit to run a home child care for twelve children. Ages will run between 6 weeks and 5 years of age. I will do this Mon- Fri. of each week in an addition added on to my home for the purposes of providing a loving and nurturing place for families to bring their children in a smaller setting than a center.

It is in my opinion that the daycare has met the conditions for 'R-3 zone'. I have taken the necessary precautions to protect the children whom enter my home. I have a fenced in yard surrounded by very large pine trees surrounding my fence providing a sound barrier and also minimizing visual impact. As far as solid waste goes it is stored in a covered container and then placed outside in an additional covered container ..It is put out on the side of street for weekly pick up.

I have resided in this home for nineteen years. It has a lot of nearly 15,000 square feet. I do not believe there are any unique characteristics or effects associated with the proposed conditional use nor will there be any health, safety or welfare of the public surrounding area. It is also my belief that there will not be any substantial impact that will occur by my running a home child care. I will always be mindful of my neighbors.

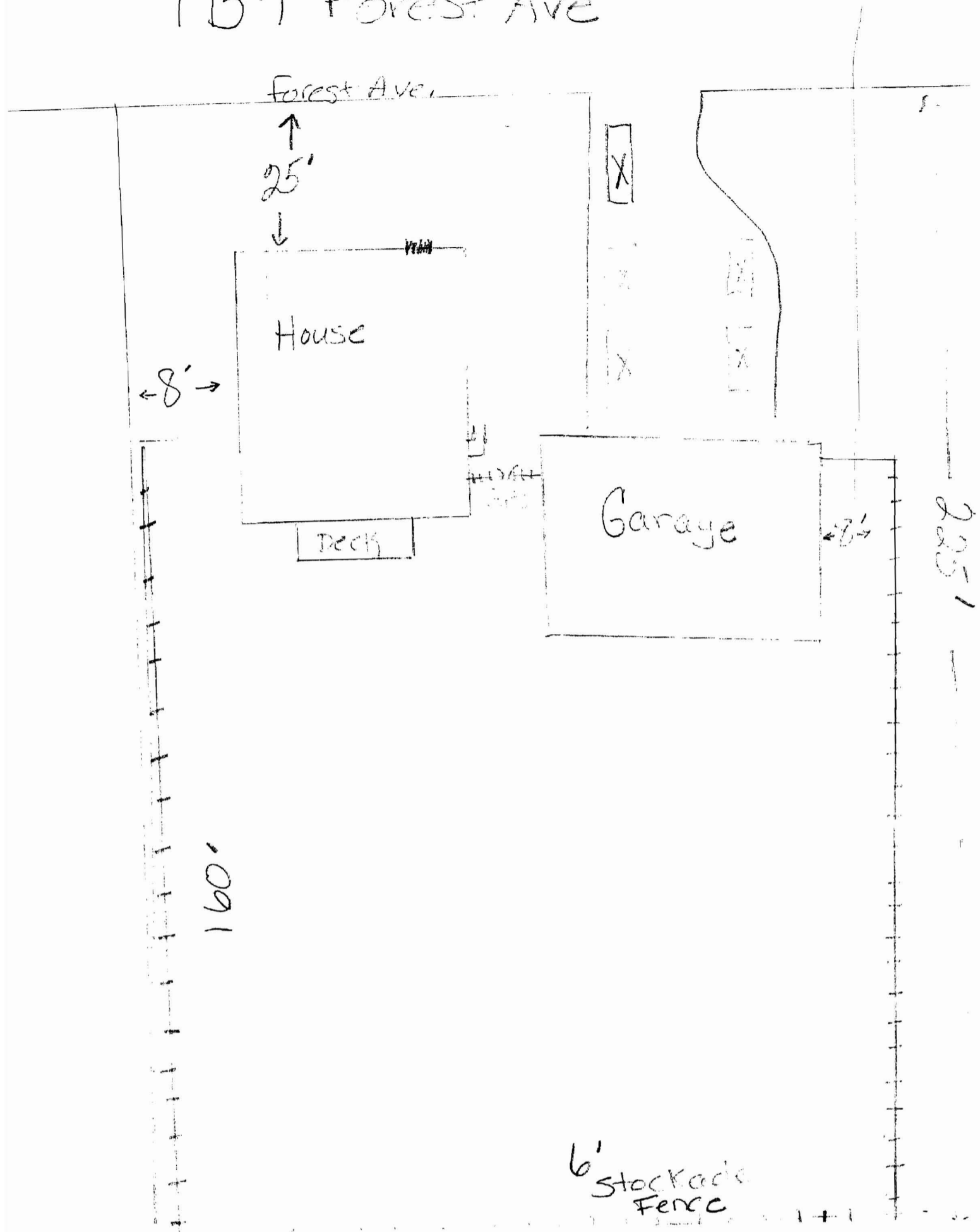
I believe I provide an important service to families that are looking for a smaller setting for their children to be cared for. I do not foresee any substantial negative impact (only positive) that this would cause my surrounding neighbors or community. With this said, please consider my application to run my home child care business.

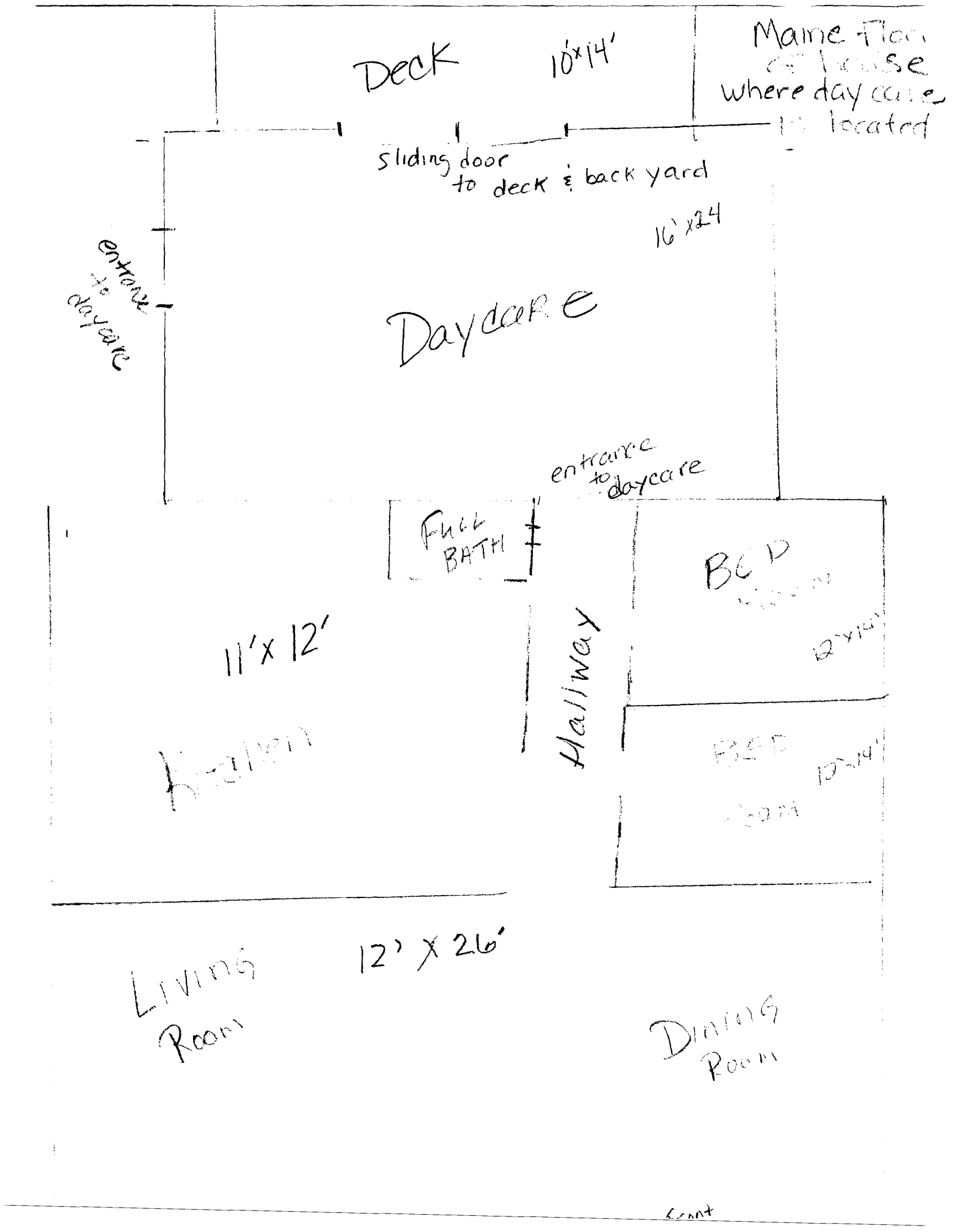
Patricia Meehan

Patricia Meehan



175th Forest Ave







79578

WARRANTY DEED

MAINE REAL ESTATE TAX PAID

Know all Men by these Presents that I, APRIL E. HELMKE, of South Portland, County of Cumberland, State of Maine, in consideration of one dollar and other valuable consideration paid by SEAN MEEHAN and PATRICIA A. FINNEMORE, whose mailing address is 5 Georgia Street, Portland, Maine 04103, the receipt whereof I do hereby acknowledge do hereby give, grant, bargain, sell and convey unto the said Sean Meehan and Patricia A. Finnemore, their heirs and assigns forever,

A certain lot or parcel of land, with the buildings thereon, situated on the northeasterly side of Forest Avenue, in the City of Portland, between Morrill's Corner and Riverton, bounded and described as follows:

Beginning at an iron in said northeasterly side of Forest Avenue at the most westerly corner of land conveyed by Michael Waters, et al., to Ervin D. McCluskey, et al., thence northwesterly by Forest Avenue sixty (60) feet to a stake, thence North 31 38' East parallel with the northwesterly line of said McCluskey land two hundred twenty five and thirty seven hundredths (225.37) feet to land formerly of Bradbury S. Hawkes; thence southeasterly by said Hawkes land sixty and forty three hundredths (60.43) feet to an iron in the most northerly corner of said McCluskey land; thence southwesterly by said McCluskey land two hundred eighteen and fifteen hundredths (218.15) feet to Forest Avenue at the point of beginning.

JUL 20 2009

Meaning and intending to convey and hereby conveying the same premises conveyed to April E. Helmke by Quitclaim Deed of Jon Helmke III dated November 16, 1989 and recorded November 20, 1989 in the Cumberland County Registry of Deeds in Book 8995, Page 98.

For further reference see Warranty Deed of Marcia L. Stults to Jon Helmke III and April E. Helmke dated October 8, 1986 and recorded October 17, 1986 in the Cumberland County Registry of Deeds in Book 7431, Page 203.

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Sean Meehan and Patricia A. Finnemore, their heirs and assigns,

to them and their use and behoof forever.

And I do covenant with the said Grantees, their heirs and assigns, that I am lawfully seized in fee of the premises, that they are free of all encumbrances, that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, the said April E. Helmke, have hereunto set my hand and seal this 17th day of the month of December, 1992

Signed, Sealed and Delivered in the presence of

Janet B. Byles

April E. Helmke
April E. Helmke

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

Dated: December 17, 1992

Personally appeared the above-named April E. Helmke and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Thomas E. Powers
Attorney at Law/Notary Public

Printed name: Thomas E. Powers

Recorded
Cumberland County
Registry of Deeds
12/21/92 11:09:03AM
Robert P. Titcomb
Register



City of Portland Zoning Board of Appeals

July 29, 2009

Sean & Patricia A. Finnemore Meehan
1757 Forest Avenue
Portland, Maine 04103

Dear Appellant,

Your Conditional Use Appeal has been scheduled to appear before the Zoning Board of Appeals on **Thursday, August 06, 2009 at 6:30 p.m.** located on the second floor room 209 of City Hall.

Please remember to bring a copy of the packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as the procedures of the meeting for you to familiarize yourself.

I have also included the bill for the legal ad and notices. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315
389 Congress Street
Portland, ME 04101

Please feel free to contact me at 207-874-8701 if you have any questions.

Sincerely,

Gayle Guertin
Office Assistant

Cc: File

**CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1537	Applicant: Meehan Sean &
Project Name: 1757 Forest Avenue	Location: 1757 FOREST AVE
CBL: 309 A018001	Application Type: Conditional Use Appeal
Invoice Date: 07/21/2009	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$0.00		\$100.00		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	59.81	\$59.81
Legal Ad Processing Fee	1	\$50.00
Appeal Fee	1	\$100.00
		<hr/> \$209.81
		Total Current Fees: + \$209.81
		Total Current Payments: - \$100.00
		Amount Due Now: \$109.81

Bill to: Meehan Sean &
1757 Forest Ave
Portland, ME 04103

CBL 309 A018001
Application No: 0000-1537
Invoice Date: 07/21/2009
Invoice No: 35052
Total Amt Due: \$0.00
Payment Amount: \$100.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, August 06, 2009 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1. New Business:

A. Disability Variance Appeal:

104 Front Street, Sadri Shir, owner, Tax Map 167, Block B, Lot 006, R-3 Residential Zone: The appellant is seeking a disability variance under section 14-473(c)(2) to install a handicap ramp. The appellant is requesting a front yard setback of zero feet instead of the maximum twenty-five foot setback as required under section 14-90(d)(1). Representing the appeal is Stevan Morrow, Sterling Builders, Inc.

B. Conditional Use Appeal:

361 Ludlow Street, Clyde Blackwell & Jane McCarthy-Blackwell, owners, Tax Map 286, Block D, Lot 009, R-3 Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners.

C. Conditional Use Appeal:

1757 Forest Avenue, Sean & Patricia A. Finnemore Meehan, owners, Tax Map 309, Block A, Lot 018, R-3 Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-88(d)(3) to have a family daycare at her home for 12 children. Representing the appeal is the owner, Patricia Meehan.

2. Other Business:

3. Adjournment:

Conditional Use Appeal:

1757 Forest Avenue, Sean & Patricia A. Finnemore Meehan, owners, Tax Map 309, Block A, Lot 018, R-3 Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-88(d)(3) to have a family daycare at her home for 12 children. Representing the appeal is the owner, Patricia Meehan.

**CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1537	Applicant: Meehan Sean &
Project Name: 1757 Forest Avenue	Location: 1757 FOREST AVE
CBL: 309 A018001	Application Type: Conditional Use Appeal
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Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$209.81		\$209.81		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	59.81	\$59.81
Notices	61	\$45.75
Legal Ad Processing Fee	1	\$50.00
Appeal Fee	1	\$100.00
		\$255.56
Total Current Fees:		+ \$255.56
Total Current Payments:		- \$209.81
Amount Due Now:		\$45.75

Bill to: Meehan Sean &
1757 Forest Ave
Portland, ME 04103

CBL 309 A018001
Application No: 0000-1537
Invoice Date: 07/21/2009
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Total Amt Due: \$0.00
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Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.



Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

*Penny St. Louis Littell - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

June 18, 2009

Patricia Meehan
1757 Forest Avenue
Portland, ME 04103

Re: 1757 Forest Avenue – 309 A018 – R-3 – daycare

Dear Ms. Meehan,

This letter is just a follow up to the telephone conversation that we had earlier today about the daycare that you have at your residence for twelve children. Right now the legal use of your property is a single family home. You need to bring your property into compliance by taking the necessary steps to change the use of your property to a single family home with a daycare for up to twelve children.

Your residence, 1757 Forest Avenue, is located in the R-3 residential zone. Under section 14-88(d)(3) of the land use ordinance a daycare for up to twelve children is allowed as a conditional use. This section lists the conditions that are required to have a daycare. I have enclosed a copy of the section of the ordinance.

Since a daycare is listed as a conditional use, you need to go before the Zoning Board of Appeals to be approved for the conditional use. Section 14-474 of the ordinance explains the appeal process for conditional uses. I have enclosed a conditional use appeal application and a sheet that explains the application process for the Zoning Board of Appeals. Part of the application to the Board is to write a cover letter explaining what you want to do. In this cover letter address each of the conditions that have to be met for a daycare and address the three standards that are found at the bottom of the Conditional Use Appeal Application.

If the Zoning Board of Appeals approves your conditional use application then the next step is to file a change of use application with our office.

You have thirty days from the date of this letter to submit your conditional use appeal application to our office. Please feel free to call me if you have any questions.

Yours truly,

Ann B. Machado
Zoning Specialist
(207) 874-8709

Room 315 – 389 Congress Street – Portland, Maine 04101 (207) 874-8695 – FAX:(207) 874-8716 – TTY:(207) 874-3936

Gayle Guertin - ZBA legal ad for Friday ,07/30/09

From: Gayle Guertin
To: classified@pressherald.com
Date: 7/28/2009 9:41 AM
Subject: ZBA legal ad for Friday ,07/30/09
CC: Ann Machado; Gayle Guertin; Marge Schmuckal

Good Morning Joan,
Attached is the Zoning Board of Appeals agenda for the legal ad on Friday, July 30, 2009.

Thank You
Gayle Guertin @ 874-8701

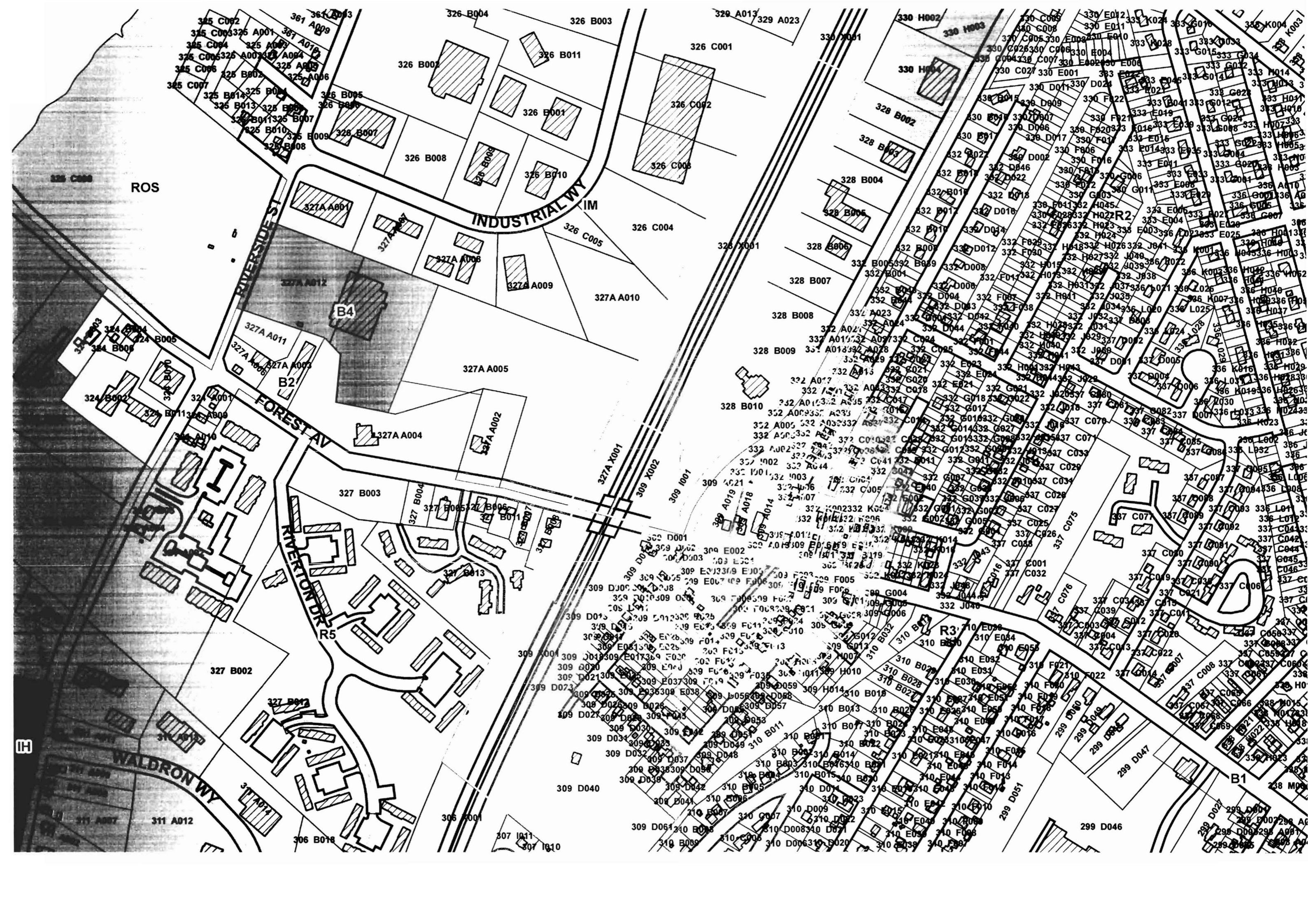
CITY OF PORTLAND, MAINE
Zoning Board of Appeals

Zoning Board of Appeals Committee

DATE: 8/6/2009
TIME: 6:30:00 PM
LOCATION: 389 Congress Street

AGENDA

- 1 A. Disability Variance Appeal: 104 Front Street, Sadri Shir, owner, Tax Map 167, Block B, Lot 006, R-3 Residential Zone: The appellant is seeking a disability variance under section 14-473 (c)(2) to install a handicap ramp. The appellant is requesting a front yard setback of zero feet instead of the maximum twenty-five foot setback as required under section 14-90(d)(1). Representing the appeal is Stevan Morrow, Sterling Builders, Inc.
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ROS

FOREST AV

WALDRON WY

INDUSTRIAL WY

RIVERFRONT R5

H