

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Donna Katsiaficas, Chair
Joseph Zamboni, Secretary
Kent Avery
Jared Falcon
Eric Larsson
Benjamin McCall

ZONING BOARD OF APPEALS DECISION FROM JANUARY 7, 2021

To: City Clerk
From: Ann Machado, Zoning Administrator
Date: January 11, 2021
RE: Actions taken by the Zoning Board of Appeals on January 7, 2021 at a remote Zoom Webinar meeting

Attendance: Donna Katsiaficas (Chair), Joseph Zamboni (Secretary), Jared Falcon, Eric Larsson, Kent Avery and Benjamin McCall present.

1. New Business

A. Conditional Use Appeal (CU-001397-2020):

36 Luther Street, Peaks Island, Jose Morales, owner, Tax Map 087, Block Z, Lots 012, 013, 014, and 029, IR-2 Island Zone: The applicant is seeking a Conditional Use approval under Section 6.6.2.F of Chapter 14, to operate a landscaping business as a home occupation. The home occupation would be located in an addition that would be constructed onto the existing single-family dwelling. Representing the appeal is Brenda Buchanan of Buchanan Currier, on behalf of the owner. **The Board voted 6-0 to table the appeal until the February 4, 2021 meeting at the request of the applicant's attorney.**

B. Conditional Use Appeal (CU-001413-2020):

178 Washington Avenue, Evergreen Cannabis Company, LLC, lessee, No Place LLC, owner, Tax Map 010, Block F, Lots 004 and 005, B-2b Community Business Zone: The applicant is seeking a Conditional Use approval to operate a marijuana retail store within a leased unit in this existing building, as authorized in Table 6-C of Chapter 14. The approved use of the unit is currently offices. Representing the appeal is Kristin and Andrew Pettingill, principals of Evergreen Cannabis Company, LLC, and Sergio Hernandez, the general manager. **The Board voted 6-0 to grant the Conditional Use Appeal for a period of two years.**

C. Interpretation Appeal (ZBA-001439-2020):

135 Walton Street, Pamolab, LLC, lessee, 135 Walton Street LLC, owner, Tax Map 142, Block I, Lot 001; I-M Industrial Zone: The applicant is appealing the Building Authority's denial of a permit to establish a marijuana manufacturing facility in Unit J. The current legal use of the unit is storage. The permit was denied on the basis that the property does not meet the required minimum distance from a public school under Section 14-411(a)(1) [reference Section 6.4.10.B.1 in the current version of Chapter 14]. The applicant believes that the Building Authority's interpretation of this section was incorrect and requests that the board overturn the

permit denial. Representing the appeal is Jill Polster of Cohen Law Maine as well as Randy Rhodes, COO and Joseph Albert, CEO of Pamolab, LLC. **The Board voted 6-0 to deny the Interpretation Appeal and uphold the Building Authority's denial of the permit to establish a marijuana manufacturing facility at 135 Walton Street.**

2. Adjournment (meeting started at 6:00 PM, adjourned at 7:25 PM)

Archived audio of meetings can be heard at http://townhallstreams.com/towns/portland_maine

cc: Jon Jennings, City Manager
Christine Grimando, Director Planning & Urban Development
Mary Davis, Housing and Neighborhood Services Division
Victoria Volent, Housing and Neighborhood Services Division
City Councilors
Planning Board Members