

FRANCIS P. DRAKE

v.

CITY OF PORTLAND et al.

Submitted on Briefs June 28, 2006  
Decided August 22, 2006

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, CALKINS, LEVY, and  
SILVER, JJ.

## MEMORANDUM OF DECISION

Francis P. Drake appeals a judgment of the Superior Court (Cumberland County, *Cole, J.*), affirming a decision of the City of Portland's Zoning Board of Appeals that approved a permit issued to 142 Presumpscot, LLC, for the expansion of a warehouse. Contrary to Drake's contentions, the Zoning Board did not err in concluding that the Portland Land Use Ordinance (1) allows tractor-trailers to travel through an R-5 residential zone because such activity is not a "use"; (2) requires loading bay space only for tractor-trailer trucks and therefore not for 142 Presumpscot's Grafton Street door; and (3) does not require 142 Presumpscot

to make improvements to an unpaved street abutting the property. *See Brackett v. Town of Rangeley*, 2003 ME 109, ¶ 15, 831 A.2d 422, 427.

The entry is:

Judgment affirmed.

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