

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Bill Hall, Chair  
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AUGUST 9, 2010

**MUHKAR GEELE**  
**30 WELLESLEY ESTATE**  
**PORTLAND, ME 04103**

**NORTHEAST CIVIL SOLUTIONS**  
**ATTENTION: LEE ALLEN**  
**153 US ROUTE ONE**  
**SCARBOROUGH, ME 04074**

**Project Name:** St John Street; 235; Change Of Use Auto  
Mechanic Shop To Car Dealership  
**Project ID:** 10-99800001  
**CBL:** 064 - D-007-001  
**Project Address:** 235 ST JOHN ST  
**Planner** Shukria Wiar

Dear Mr. Geele:

On July 27, 2010, the Portland Planning Board considered your proposal for a used automobile dealership with a mechanic shop for the use specifically for the dealership. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review and Site Plan Ordinance. The Planning Board voted 4-0 (Hall, Lewis and Patterson absent) to approve the application with the following motions, waiver and conditions as presented below.

### CONDITIONAL USE

The Planning Board voted 4-0 (Hall, Lewis and Patterson absent) that the proposed plans are in conformance with the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone of the Land Use Code, subject to the following condition(s):

1. The applicant shall submit final site plans showing a bicycle rack installed three (3) feet from the building wall at the southwest corner of the building and shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit; and
2. A landscaping plan shall be submitted for review and approval by the City Arborist and/or the Planning Authority to enhance the buffering of abutters and to protect the landscaping in area labeled 'vegetated undergrowth to remain', prior to the issuance of a building permit; and
3. There shall be one additional planter for a total of four planters that are 60"x16" in size along the sidewalk border at the display area. These planters shall be maintained using seasonal planting; and
4. The owner of the property shall enter into a revocable license agreement with the City for the overhang of the free-standing sign on the site prior to the issuance of the final certificate of occupancy; and

5. The vegetative area at the rear of the property shall be maintained by the applicant.

#### **WAIVERS**

The Planning Board voted 4-0 (Hall, Lewis and Patterson absent) to waive the Technical Standard and Guidelines to maintain two driveway openings at the site, Section III (2) (f) (1).

#### **SITE PLAN REVIEW**

The Planning Board voted 4-0 (Hall, Lewis and Patterson absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. The applicant shall submit final site plans showing a bicycle rack installed three (3) feet from the building wall at the southwest corner of the building and shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit; and
2. A landscaping plan shall be submitted for review and approval by the City Arborist and/or the Planning Authority to enhance the buffering of abutters and to protect the landscaping in area labeled 'vegetated undergrowth to remain', prior to the issuance of a building permit; and
3. There shall be one additional planter for a total of four planters that are 60"x16" in size along the sidewalk border at the display area. These planters shall be maintained using seasonal planting; and
4. The owner of the property shall enter into a revocable license agreement with the City for the overhang of the free-standing sign on the site prior to the issuance of the final certificate of occupancy; and
5. The vegetative area at the rear of the property shall be maintained by the applicant.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #24-10 for application 10-99800001, which is attached.

#### **STANDARD CONDITIONS OF APPROVAL**

Please note the following standard conditions of approval and requirements for all approved site plans:

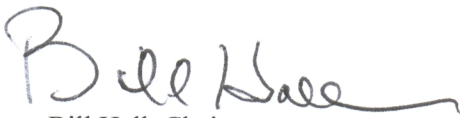
1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this Article V, Site Plan Ordinance of the Portland's Land Use Code.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Shukria Wiar at 756-8083 or shukriaw@portlandmaine.gov.

Sincerely,



Bill Hall, Chair  
Portland Planning Board

**Attachments:**

1. Performance Guarantee Packet

**Electronic Distribution:**

Penny St. Louis Littell, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Shukria Wiar, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Tammy Munson, Inspections Division Director  
Gayle Guertin, Inspections Division  
Lannie Dobson, Inspections Division  
Michael Bobinsky, Public Services Director  
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Jane Ward, Public Services  
Keith Gautreau, Fire  
Jeff Tarling, City Arborist  
Tom Errico, TY Lin  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File  
**Hard Copy:** Project File