

195 - 195 St. John Street, Portland, ME

068 - A - 1

Amendment to plan - Auto Storage

Alan Prosser

195 St. John Street, Portland ME 04102

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
DRC Copy**

2003-0218  
Application I. D. Number

10/16/2003  
Application Date

Alan Prosser  
Applicant  
195 St. John Street, Portland, ME 04102  
Applicant's Mailing Address

Amendment to Plan - Auto Storage  
Project Name/Description

Consultant/Agent  
Applicant Ph: (207) 775-0968    Agent Fax:  
Applicant or Agent Daytime Telephone, Fax

195 - 195 St. John Street, Portland, Maine  
Address of Proposed Site  
068 A001  
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) Amendment to Plan

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ Zoning \_\_\_\_\_

**Check Review Required:**

Site Plan (major/minor)  Subdivision # of lots \_\_\_\_\_  PAD Review  14-403 Streets Review  
 Flood Hazard  Shoreland  HistoricPreservation  DEP Local Certification  
 Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other \_\_\_\_\_

Fees Paid: Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date \_\_\_\_\_

**DRC Approval Status:**

Reviewer \_\_\_\_\_

Approved  Approved w/Conditions See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance \_\_\_\_\_  
signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	

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Fees Paid: Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date \_\_\_\_\_

**Planning Approval Status:**

Reviewer \_\_\_\_\_

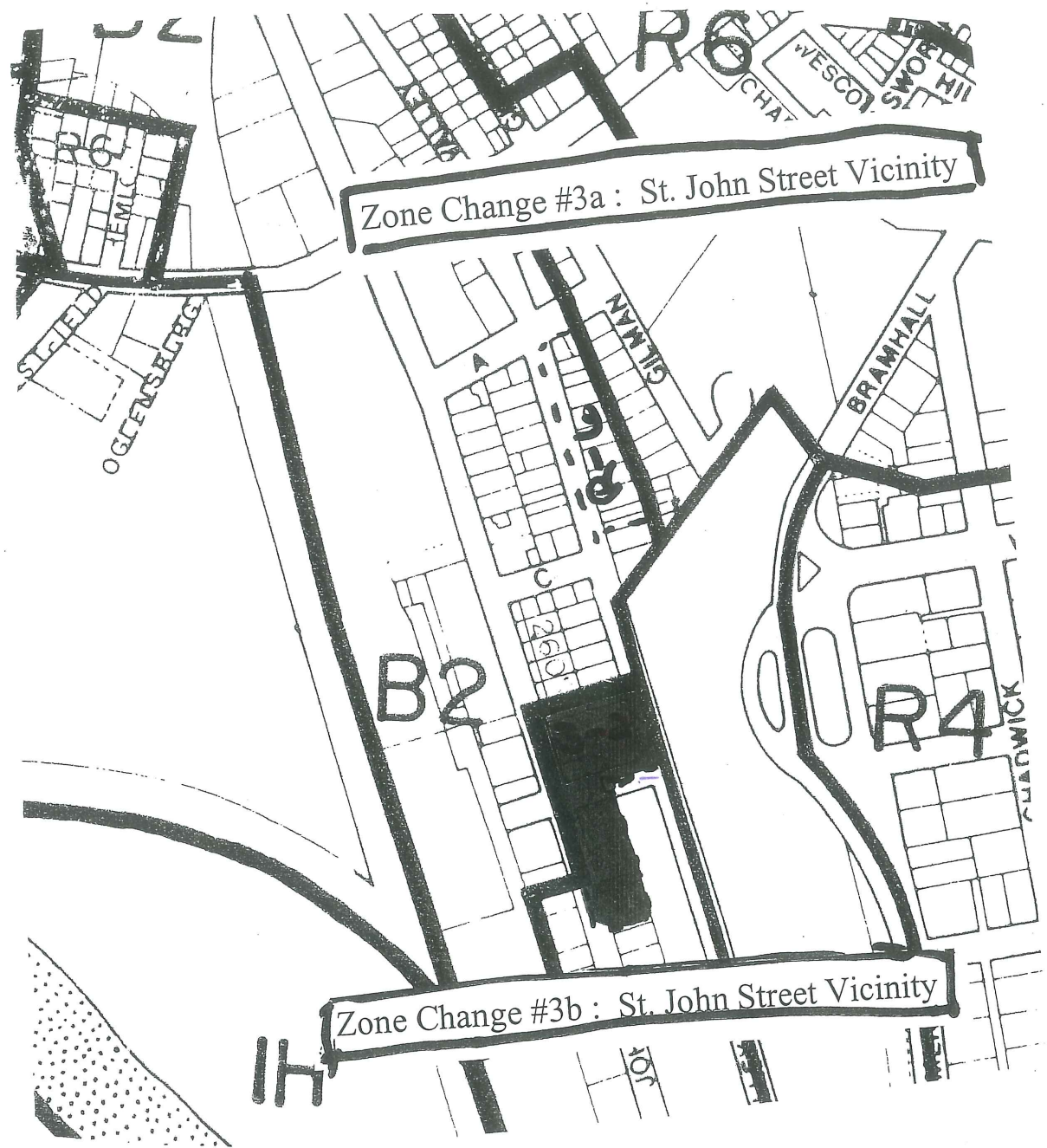
- Approved  Approved w/Conditions See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached  
 OK to Issue Building Permit \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

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- |   |                |  |                 |
|---|----------------|--|-----------------|
| <input type="checkbox"/> Performance Guarantee Accepted     | _____          | _____  | _____           |
|   | date           | amount   | expiration date |
| <input type="checkbox"/> Inspection Fee Paid                | _____          | _____  |                 |
|   | date           | amount   |                 |
| <input type="checkbox"/> Building Permit Issue              | _____          |  |                 |
|   | date           |  |                 |
| <input type="checkbox"/> Performance Guarantee Reduced      | _____          | _____  | _____           |
|   | date           | remaining balance                                  | signature       |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____          | <input type="checkbox"/> Conditions (See Attached) | _____           |
|   | date           |  | expiration date |
| <input type="checkbox"/> Final Inspection                   | _____          | _____  |                 |
|   | date           | signature  |                 |
| <input type="checkbox"/> Certificate Of Occupancy           | _____          |  |                 |
|   | date           |  |                 |
| <input type="checkbox"/> Performance Guarantee Released     | _____          | _____  |                 |
|   | date           | signature  |                 |
| <input type="checkbox"/> Defect Guarantee Submitted         | _____          | _____  | _____           |
|   | submitted date | amount   | expiration date |
| <input type="checkbox"/> Defect Guarantee Released          | _____          | _____  |                 |
|   | date           | signature  |                 |



Dec '95



The project must go to the Planning Board for a conditional use review. It is tentatively scheduled for the July 23<sup>rd</sup> workshop. The City of Portland's consulting engineer and the Public Works Department are currently reviewing the plans. If there are any additional comments, I will forward them to you.

If you have any questions, please do not hesitate to contact me at 756-8083.

Sincerely,

  
Jonathan C. Spence  
Planner

CC: Sarah Hopkins, Development Review Services Manager

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
Planning Copy**

2002-0126

Application I. D. Number

05/20/2002

Application Date

Addition to Auto Storage Facility

Project Name/Description

Prosser Alan

Applicant

195 St John St, Portland, ME 04102

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 775-0968 Agent Fax: 775-7186

Applicant or Agent Daytime Telephone, Fax

195 - 195 St John St, Portland, Maine

Address of Proposed Site

068 A010001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail

Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_

960 sq. Ft.

Proposed Building square Feet or # of Units

Acreage of Site

B2

Zoning

**Check Review Required:**

- |  |   |  |  |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan<br>(major/minor) | <input type="checkbox"/> Subdivision<br># of lots _____ | <input type="checkbox"/> PAD Review            | <input type="checkbox"/> 14-403 Streets Review   |
| <input type="checkbox"/> Flood Hazard                          | <input type="checkbox"/> Shoreland                      | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional<br>Use (ZBA/PB)    | <input type="checkbox"/> Zoning Variance                | <input type="checkbox"/> Other _____           |  |

Fees Paid: Site Plan \$400.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 05/22/2002

**Planning Approval Status:**

Reviewer \_\_\_\_\_

- Approved  Approved w/Conditions  
See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets  
Attached

OK to Issue Building Permit \_\_\_\_\_  
signature date

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|   | date           |  |                 |
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|   | submitted date | amount   | expiration date |
| <input type="checkbox"/> Defect Guarantee Released          | _____          | _____  |                 |
|   | date           | signature  |                 |

# City of Portland Site Plan Application

If you or the property owner owe real estate taxes, personal property taxes or user charges on any property within the City of Portland, payment arrangements must be made before permit applications can be received by the Inspections Dept.

Address of Construction: <u>195 ST JOHN ST.</u>		Zone: <u>B-2</u>
Total Square Footage of Proposed Structure <u>960 sq' Foot print x 2 Floors</u>		Square Footage of Lot <u>25,000</u>
Tax Assessor's Chart, Block & Lot Chart# <u>68</u> Block# <u>A</u> Lot# <u>10</u>	Property owner, mailing address: <u>ALAN AUTO / BAS INC.</u>	Telephone: <u>7750968</u>
Consultant/Agent, mailing address, phone & contact person <u>NONE</u>	Applicant name, mailing address, telephone #/Fax#/Pager#: <u>SIAM ALM PROSSER FOR ALM AUTO BAS INC</u>	Project name: <u>ADDITION TO AUTO STORAGE FACILITY</u>
Proposed Development (check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input checked="" type="checkbox"/> New Building <input checked="" type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Subdivision, amount of lots <u>\$25.00 per lot</u> <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot		
Site Location of Development \$3,000, except for residential lots which are then \$200 per lot		
<input type="checkbox"/> Traffic Movement \$1,000 <input type="checkbox"/> Stormwater Quality \$250.00 <input type="checkbox"/> Other		
<input type="checkbox"/> After the fact review - Major project \$1,500.00 <input checked="" type="checkbox"/> After the fact review - Minor project \$1,200.00		
Major Development <input type="checkbox"/> \$500.00 <input type="checkbox"/> Minor Development <input type="checkbox"/> \$400.00		
Plan Amendments: <input type="checkbox"/> Board review \$200.00 <input type="checkbox"/> Staff review \$100.00		
Who billing will be sent to: Mailing address: <u>ALAN AUTO/BAS Inc.</u> State and Zip: <u>195 St John St. Portland, Me. 04102</u> Contact person: <u>ALAN PROSSER</u> Phone: <u>7750968</u>		


Submittals shall include (9) separate folded packets of the following:

- copy of application
  - cover letter stating the nature of the project
  - site plan containing the information found in the attached sample plans check list
- Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, and c)

**ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM**

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x 11) you may also visit the web site: [cl.portland.me.us](http://cl.portland.me.us) chapter 14

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: 	Date: <u>5/20/02</u>
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This application is for site review ONLY, a building Permit application and associated fees will be required prior to construction.

2. (ITEM 30) NO ADDITIONAL SCREENING IS PROPOSED. THE BUILDING ITSELF IS DESIGNED TO BE FAR MORE ATTRACTIVE THAN PRE-EXISTING CONDITIONS ON SITE AND IN FACT WILL ENCLOSE SOME OF THE PREVIOUS ON SITE "EYE-SORES".

3. (ITEM 30) NO ADDITIONAL OUTDOOR LIGHTING IS PROPOSED.

4. (ITEM 34) PROPOSED USES ARE LISTED ON PLAN.

5. (ITEM 36-37) LISTED ON PLAN

6. (ITEM 38) THE 10 FOOT RIGHT OF WAY AT THE REAR (EAST) OF THE PROPERTY HAS BEEN REMOVED BY COURT ACTION. IF THIS HAS A BEARING ON YOUR PROCESS I WILL PROVIDE APPROPRIATE DOCUMENTATION.

7. (ITEM 39) NO ACTIVITY WHICH WILL GENERATE WASTE WILL OCCUR IN THE PROPOSED STRUCTURE. IF THIS SITUATION CHANGES WASTE RECEPTACLES WILL BE LOCATED APPROPRIATELY INSIDE THE BUILDING.

8. (ITEM 40) THE PROPOSED ADDITION WILL LESSEN THE IMPACT ON DRIVEWAYS AND STREETS LEADING TO THE BUSINESS SINCE EQUIPMENT WHICH IS USED IN THE IMMEDIATE VICINITY OF THE PROPOSED ADDITION HAS HITHERTO BEEN STORED IN OTHER LOCATIONS AND HAS HAD TO BE BROUGHT TO THIS LOCATION EACH TIME IT WAS USED. THE BUILDING IS INTENDED TO STORE THIS EQUIPMENT CLOSE TO WHERE IT IS BEING USED. THERE WILL BE NO NEED FOR WATER AND SEWER IN THE PROPOSED BUILDING. IF THIS NEEDS CHANGES A SEPARATE PERMIT WILL BE APPLIED FOR.

9. (ITEM 41) DISCUSSED EARLIER IN THIS LETTER.

10. (ITEM 42) PROBABLY LESS TIME THAN THE PERMITTING PROCESS. (DID I SAY THAT?) 2-3 WEEKS.

11. (ITEMS 43-45) NONE THAT APPLY

12. (ITEM 46) DOES NOT APPLY.

13. (ITEM 47) ALL SUBCONTRACTORS WILL BE LICENCED OR EXPERIENCED PROFESSIONALS. I HAVE OVERSEEN THE CONSTRUCTION OF ALL PREVIOUS PROJECTS I'VE DONE IN THE CITY SINCE 1978. BAS, INC. BANKS WITH KEY AND MAINTAINS A BALANCE ADEQUATE TO COVER THE COST OF COMPLETING THIS PROJECT. DOCUMENTATION IS AVIALABLE UPON YOUR REQUEST.

14. (NO LIST SHOULD CONTAIN 13 ITEMS) THIS PROJECT IS AN ASSET TO MY BUSINESS AND TO THE COMMUNITY AND IN FACT IS LONG OVERDUE. MY ZEAL AT TRYING TO BE AN EXEMPLARY AUTO REPAIR BUSINESS HAS COMPELLED ME TO TRY TO RETHINK WHAT A REPAIR SHOP IS AND BUILD A HOPEFULLY BETTER MOUSE TRAP. WITH MY CURRENT LEVEL OF INVOLVEMENT WITH THE DEP AND OTHER DEPARTMENTS IN AUGUSTA THE "JUNK YARD" BADLY NEEDS TO BE BROUGHT UP TO DATE. MY GOAL IS TO ENCLOSE AND CONTAIN EVERY VEHICLE ON THE PREMESIS WHICH ISN'T A DAILY DRIVER. YOUR ASSISTANCE IN THIS MATTER WILL BE GREATLY APPRECIATED BY ME AND OTHERS.

THANK YOU

  
ALAN PROSSER/ALAN AUTO/BAS INC.

Alan Prosser

6/17/02

Jonathan Spence  
Planning Dept.  
City of Portland  
Portland, Me.

Dear Jonathan,

Here's some answers for you :

Total Site  
is 25,000 sq

1. Impervious area on entire lot equals 16,700 square feet approx. Proposed impervious area would be 17,400 square feet and would be only increased by the footprint of the building. Some other considerations along this line are a. the fact that most all the other buildings on this lot are guttered and plumbed into a dry well. This system connects to a catch basin which handles all the water falling on the front portion of the property. b. The rear portion of the lot (along Valley St.) is primarily unpaved and has 4700 square feet of pervious surface. The proposed building would only lessen that amount by 780 square feet.
- 2.
3. As this was a requirement for a used parts dealer license the area between Valley St. and my property is appropriately screened albeit the rosa rugosas planted there took a beating when the City installed sidewalks recently. I have enclosed picture (A) for your benefit.
4. My long-range plan is to put all vehicles located in the back yard (next to Valley St.) undercover. This would include two groups of vehicles 1) service vehicles (fork truck, tool van, dump truck, and the like) and 2) parts cars. The building under current consideration is designed to accommodate four service vehicles.
5. This question peeks my interest in Staff's concerns. As you may be able to see from the enclosed photos (B and C) what might be construed as a "pile" by a casual glance is in fact the last remnant of the original landscape in this area. To wit there are at least 20 varieties of trees growing on that site. As this space is also our snow dump detritus is added to and subtracted from it over time; but the net berm stays pretty much the same volume. It has been suggested by others that I have it leveled and gain more building space. I have resisted this as it and its indigenous vegetation offer added visual buffering to the rear of the property.

Sincerely,

  
Alan Prosser,  
Boss



CITY OF PORTLAND, MAINE  
MEMORANDUM

**TO:** Chair Caron and Members of the Portland Planning Board  
**FROM:** Jonathan Spence, Planner  
**DATE:** July 23, 2002  
**RE:** Alan Auto/BAS Inc., 195 St. John Street  
Conditional Use and Site Plan Review

S-Hered  
to drywell  
Dumpster  
Landscaping  
Stormwater - check  
w/ Jim

Introduction

Alan Prosser, owner of Alan Auto BAS Inc., has requested Site Plan and Conditional Use review for an addition to the auto repair, located at 195 St. John Street. The addition, to be used for the storage of vehicles on the property, has already been substantially completed and consequently the review is an "after the fact review." The proposed addition will be reviewed as a conditional use in the B-2 zone district and for compliance with the Site plan standards of the Land Use Ordinance.

This property was formerly located in an industrial zone. A rezoning in 1999 resulted in this property being located in the B-2 zone district. This rezoning was part an attempt to minimize conflicts resulting from businesses and residences located within the industrial zones. The applicant has expressed interest in possibly pursuing the rezoning of his property back to industrial.

Conditional Use Review

Major and minor service stations in the B-2 zone district are conditional uses. The following standards apply for review of a conditional use in the B-2 zone.

Section 14-183(a) 5

- a. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services of goods available on the premises.

The applicant is not proposing any new signage.

- b. Circulation: No ingress and egress driveways shall be located within thirty-feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

The applicant is not proposing any additional driveways as a result of the addition. Existing driveways are not located within 30' of an intersection nor pose any threat or potential danger to the safety of the public.

- c./vii. Conditions specific to major or minor auto service stations, car wash and automobile dealerships:  
(a) A landscape buffer, no less than five (5) feet wide shall be located along street frontages

(excluding driveways). The buffer shall consist of a variety of plantings in accordance with the Technical and Design Standards and Guidelines.

Jeff Tarling, City Arborist, is currently reviewing the existing landscape buffer located along Valley Street to determine if augmentation is necessary.

The following standards apply for all conditional uses:

Section 14-474(2)

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

Site Plan Standards

Mr. Prosser is proposing an addition to the rear of his property to house service vehicles, including forklifts and loaders, used in his auto repair business.

1. Access/Circulation

The proposed addition will not result in any changes in the existing access or vehicular circulation on the site.

2. Building Design

As illustrated in the photo included as attachment 4, the addition is a two-story structure with a pitched roof and numerous second floor window openings. The applicant proposes that the roof and sides be galvanized panels. The applicant has stated that he has no plans for the use of the second floor of the addition at this time but it has been referred to in the application as storage. Any use of the second floor must be permissible within the B-2 zone. Marge Schmuckal, Zoning Administrator, is currently reviewing the project. Her initial determination is that the addition meets the zoning requirements concerning, setbacks, height and impervious service.

3. Utilities

The applicant does not intend to have any utilities, including power, water or sewer in the addition.

4. Landscaping

The applicant proposes no new landscaping as a result of the addition nor anticipates any disturbance of existing vegetation. As previously discussed in the conditional use review, the City Arborist is currently reviewing the existing buffer along Valley Street to determine if additional plantings are necessary.

5. Drainage

No changes are to be made the grading or drainage on site. No drainage problems are known to currently exist.

6. Lighting

The applicant is proposing no new lighting as part of this project. Any new lighting must first be reviewed and approved by the Planning Authority for compliance with the Technical and Design Standards and Guidelines.

7. Fire Safety

The Fire Department has reviewed and approved the plan.

9. Financial Capability

The applicant has stated in his submittal documents that he maintains an adequate balance with Key Bank to cover the completion of the project.

Attachments:

1. Application
2. Letter to Applicant, 6-13-02
3. Applicants response
4. Photos of Addition.
5. Site Plan



**From:** Marge Schmuckal  
**To:** Jonathan Spence  
**Subject:** 193 St. John St. - Alan Prosser

This property is located within a B-2 zone. The rear and side setbacks as given are well under the requirements of 10 feet each.

The maximum height limit is 45 feet and I scaled the new building to be 36 feet high at the maximum.

The use is an expansion of the conditional use of auto service station which is reviewed by the Planning Board.

I have seen no figures submitted that discuss the impervious surface ratio. The B-2 zone has a maximum of 80% impervious surface. The applicant will need to submit the calculations for impervious surface so that compliance can be determined.

Marge Schmuckal  
Zoning Administrator  
6/10/02

→ I Need  
See 7/17/02  
letter from ALAN

**CC:** ALEX JAEGERMAN

**From:** Marge Schmuckal  
**To:** Jonathan Spence  
**Date:** Wed, Jul 24, 2002 11:25 AM  
**Subject:** 193 St. John Street - Alan Prosser Project

Jonathan,

This memo is to clarify the question of nonconformity. This proposed project is not creating an expansion of a nonconformity. The new addition is meeting all the required dimensionall standards within the existing B-2 zone. There is nothing in our current zoning ordinance that forbids an legal expansion of a building that has existing nonconformities (as long as the existing nonconformities themselves are NOT expanded) .

I hope this answers some of the questions concerning this project.

Marge Schmuckal  
Zoning Administrator

**From:** Marge Schmuckal  
**To:** Jonathan Spence  
**Date:** Thu, Aug 15, 2002 12:19 PM  
**Subject:** 193 St John St. - Alan Prosser

Jonathan,  
This memo is meant to clarify nonconforming structures and this project.

Presently, there is a structure on this property which is legally nonconforming as to the B-2 zone setbacks. The zoning ordinance does not preclude an owner from building a new addition as long as such does not increase any existing nonconformity.

If a proposed addition is meeting all the present zoning requirements, it is NOT increasing an existing nonconformity. The proposed addition is shown to meet all existing B-2 zone requirements. It is not increasing any existing nonconformities.

Please note that this area used to be an Industrial Zone (I-2b and then I-Mb) in the near past. However, during the rewriting and acceptance of the Business Zones in July, 1999, this side of "D" Street was changed to be a B-2 Business Zone.

I hope this is helpful to the Board.

Marge Schmuckal  
Zoning Administrator  
8/15/02

**CC:** Sarah Hopkins

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

**Division Directors**  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

August 21, 2002

Mr. Alan Prosser  
195 St. John Street  
Portland, ME 04102

RE: Addition for Auto Storage-195 St. John Street  
(ID# 2002-0126, CBL#68-A-1001)

Dear Mr. Prosser:

The conditional use and site plan application for the storage building addition at Alan Auto/BAS Inc. located at 195 St. Johns Street has been scheduled for a Public Hearing before the Planning Board on Tuesday, September 10, 2002. Please provide the following information prior to Tuesday, September 3, 2002:

1. Please provide a letter of financial capacity form Key Bank, as referenced to in your letter dated 5/20/2002.
2. Does the site currently contain an exterior dumpster and if so, what is its location and method of screening?
3. Please provide a narrative of the existing stormwater drainage system used on site. During the workshop session you alluded to a system consisting of gutters and a drywell.
4. Please provide a timetable for the completion of the project upon receipt of approval.
5. Please provide details concerning the existence or nonexistence of floor drains in the new structure. The application makes reference to the storage of vehicles which utilize hydraulic fluids. What is the method of disposal for leaked fluids?

If you have any questions, please do not hesitate to contact me at 756-8083.

Sincerely,

Jonathan C. Spence  
Planner

CC: Sarah Hopkins, Development Review Services Manager

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5/20/02  
ALAN AUTO/BAS INC.  
195 ST. JOHN ST.  
PORTLAND, ME.

PLANNING DEPARTMENT  
CITY HALL  
CITY OF PORTLAND  
PORTLAND, ME.

RE: APPLICATION FOR A BUILDING PERMIT TO CONSTRUCT A STORAGE BUILDING  
ADDITION AT THE REAR OF 195 ST. JOHN ST.

THE NEED/INTENTION FOR THIS ADDITION IS TO STORE SERVICE VEHICLES USED IN MY  
AUTO REPAIR BUSINESS. SERVICE VEHICLES WITH HYDRAULIC SYSTEMS SUCH AS  
LOADERS AND FORK LIFTS TEND TO LEAK HYDRAULIC FLUID; SO THERE ARE  
ENVIRONMENTAL BENEFITS TO HAVING THEM IN ENCLOSED STORAGE. WHEN STORED  
OUTSIDE THESE TYPES OF VEHICLES REQUIRE MORE FREQUENT SERVICE AND OR  
REPLACEMENT. THESE VEHICLES ARE VERY EXPENSIVE; AND THIS POSES AN ECONOMIC  
HARDSHIP ON MY COMPANY. THERE ARE AESTHETIC BENEFITS TO THE COMMUNITY  
HAVING THIS EQUIPMENT STORED OUT OF SIGHT.

BECAUSE OF THE WEIGHT (OVER 10K LBS. NET) OF SOME OF THIS EQUIPMENT A VERY  
STRONG FLOOR WAS CHOSEN: MONOLITHIC DESIGN, 5000 LB. CONCRETE, STEEL  
REINFORCED.

GALVANIZED STEEL EXTERIOR PANELS WILL BE USED FOR WALLS AND ROOF. THIS IS IN  
KEEPING WITH THE EXISTING BUILDING AND IS LOW MAINTENANCE. ALSO THE ROOF  
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(EXCEPT THE LARGER MIDDLE WINDOW) OUTSWING THERMAL PANE VINYL. THE PASS  
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EITHER THE ENCLOSED SITE PLANS (ORIGINAL AND ABBRIDGED VERSION) OR THIS  
LETTER. THE FOLLOWING MAY NOT BE CLEAR FROM THE DRAWING:

1. (ITEMS 23-29) NO VEGETATION WILL BE DISTURBED BY THIS PROJECT.



B.

A.

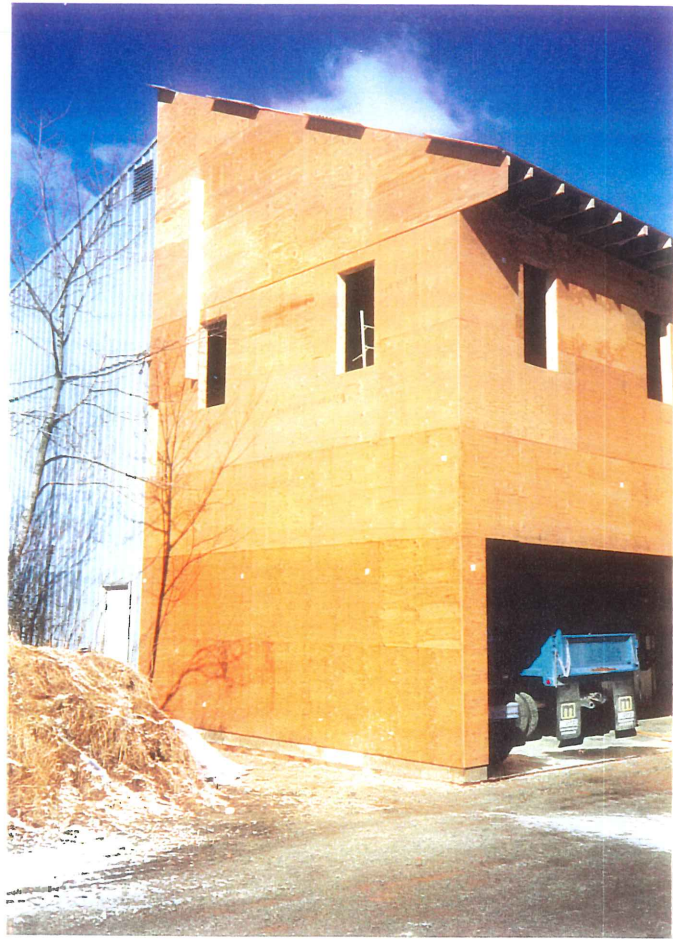


C.





BEFORE



AFTER



389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258

**City of Portland  
Planning and Development Department  
Planning Division**

# Fax

To: **Alan Prosser**                      Company: Alan's Auto  
-----  
Fax: **775-7186**                      Date: **8-28-2002**  
-----  
From: **Jonathan Spence**  
-----

**Good Afternoon Alan-**

**Attached please find a memo that I have placed in the mail today.**

**Please contact me if you have any questions.**

**Thank you.**

**Jonathan Spence**

**756-8083**

You should receive   2   page(s), including this cover sheet. If you do not receive all of the pages, please call (207)874-8721.



Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

**Division Directors**  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

June 13, 2002

Mr. Alan Prosser  
195 St. John Street  
Portland, ME 04102

RE: Addition for Auto Storage-195 St. John Street  
(ID# 2002-0126, CBL#68-A-1001)

Dear Mr. Prosser:

The Planning Department has received your application for the storage building addition at Alan Auto/BAS Inc. located at 195 St. Johns Street. After review of the submitted plans and materials, the following comments have been generated:

1. The zoning administrator requests calculations of existing and proposed impervious area on the site. Compliance with the height limitations and setback requirements has been confirmed.
2. The Fire Department has approved the addition with no conditions.
3. A condition specific to major and minor auto service stations as a conditional use in the B-2 zone district is "A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the Technical and Design Standards and Guidelines;" I have contacted Jeff Tarling, Arborist for the City of Portland, to discuss how this might be accomplished along your Valley Street frontage. I will keep you updated as to our discussions.
4. Staff requests clarification regarding the existing vehicles stored to the rear of the addition. Is the intent of the addition, as mentioned in the submission, to place all vehicles and vehicle parts, except those driven daily, within a structure?
5. Staff requests information concerning what is proposed for the 6-8' pile located to the D Street side of the addition. Will it be removed off site?

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

---

Jaimey Caron, Chair  
Deborah Krichels, Vice Chair  
Mark Malone  
Orlando E. Delogu  
Sarah Luck  
Kevin Beal  
Lee Lowry III

September 11, 2002

Mr. Alan Prosser  
195 St. John Street  
Portland, ME 04102

RE: Addition for Auto Storage-195 St. John Street

CBL: 68-A-1001

Dear Mr. Prosser:

On September 10, 2002, the Portland Planning Board voted 5-0, (Lowry abstaining, Malone absent) to approve the site plan for the addition to the rear of your business located in the vicinity of 195 St. John Street. The approval was granted for the project with the following condition(s):

- i. *That the site plan be revised to include two (2), 2.25" caliper 'Crusgali' Thornléss Hawthorns along the Valley Street frontage to be placed with the assistance of the City Arborist.*

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report # 54-02.

Please note the following provisions and requirements for all site plan approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount (but not less than \$300.00) and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. 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.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

**From:** Jeff Tarling  
**To:** Jonathan Spence  
**Date:** Tue, Sep 10, 2002 3:04 PM  
**Subject:** Re: Alan Prosser

We can switch species to 'Crusgali' Thornless Hawthorns from Red Maples, their roots zone is much smaller and would be unlikely to pose a problem.

Jeff tarling

50

**PLANNING BOARD REPORT #54-02**

**ADDITION FOR AUTO STORAGE**

**195 ST. JOHN STREET**

**SITE PLAN AND CONDITIONAL USE REVIEW**

**ALAN AUTO/BAS INC., APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

September 10, 2002

## **I. INTRODUCTION**

Alan Prosser, owner of Alan Auto BAS Inc., has requested Site Plan and Conditional Use review for an addition to the auto repair business, located at 195 St. John Street. The addition, to be used for the storage of vehicles on the property, has already been substantially completed and consequently the review is an "after the fact review." The proposed addition will be reviewed as a conditional use in the B-2 zone district and for compliance with the Site plan standards of the Land Use Ordinance.

This property was formerly located in an industrial zone. A rezoning in 1999 resulted in this property being located in the B-2 zone district. This rezoning was part an attempt to minimize conflicts resulting from businesses and residences located within the industrial zones. The applicant has expressed interest in possibly pursuing the rezoning of his property back to industrial.

A legal ad has appeared in the *Portland Press Herald* and 78 notices have been sent to area property owners in the vicinity of the project.

## **II. STAFF REVIEW**

The proposal has been reviewed for compliance with the B-2 Business Zone, Site Plan Ordinance, and Conditional Use Standards of the Land Use Code. The plan has been reviewed by the Inspections, Traffic, Fire, Public Works, and Planning Department.

## **III. SITE PLAN REVIEW**

### **1. Traffic/Circulation/Parking**

The proposed addition will not result in any changes in the existing access or vehicular circulation on the site. The primary ingress and egress to the site will continue to be from two curb cuts along St. John Street. Two secondary access points exists along D Street for the applicant and are not intended for use by the general public.

### **2. Bulk, Location, Height of Building and Uses Thereof**

As illustrated in the photo included as attachment 4, the addition is a two-story structure with a pitched roof and numerous second floor window openings. The applicant proposes that the roof and sides be galvanized panels. The applicant has stated that he has no plans for the use of the second floor of the addition at this time but it has been referred to in the application as storage. Any use of the second floor must be permissible within the B-2 zone. Zoning Administrator Marge Schmuckal has reviewed the location, use, impervious area and height of the new addition and found them to be in conformance with the B-2 zoning. A memo included as attachment 11 attests to this conformance and clarifies an earlier discussion at the Planning Board workshop concerning existing nonconforming structures.

The applicant should be aware that the B-2 zone district does not allow exterior storage. All unregistered vehicles must be removed within 30 days and no parts may be stored outside.

3. Utilities/Easements/Solid Wastes

The applicant does not intend to have any utilities, including power, water or sewer in the addition. Solid waste is currently handled within existing buildings and no dumpsters are in existence or proposed. The applicant does not use floor drains and disposes of all possible contaminants through a licensed waste vendor (Safety Kleen).

4. Landscaping

The site contains a variety of species that both enhance and buffer the property. This landscaping and the lack of bituminous pavement (concrete pavers have been used as an alternative) set this facility apart from other auto repair facilities. City Arborist Jeff Tarling has suggested the inclusion of two street trees along Valley Street. These trees are offered as a potential condition of approval in the conditional use portion of this report.

5. Drainage

The existing drainage system consists of roof gutters that connect to piping that leads to a drywell. After an onsite meeting with the applicant and Engineering Consultant Jim Seymour, it was agreed that the new building would also be guttered and direct to an existing dry well located beneath the addition's slab. In addition, the applicant will resurface the driveway to the rear of the building with a 2" depth of crushed stone (1/2" to 3/4") over crushed gravel. The applicant has added detail to the site plan included as attachment that show the direction of runoff as per guidelines established in Mr. Seymour's memo. Mr. Seymour's memo and the applicant's response are included as attachments 9 and 10.

6. Lighting

The applicant is proposing no new lighting as part of this project. Any new lighting must first be reviewed and approved by the Planning Authority for compliance with the Technical and Design Standards and Guidelines.

7. Fire Safety

The site plan has been reviewed and approved by the Fire Department. (see attachment 14)

8. Financial Capability

The applicant has provided a letter from Key Bank attesting to the financial capability of the applicant to complete this project. (see attachment 13)

**IV. CONDITIONAL USE REVIEW**

1. Major and minor service stations in the B-2 zone district are conditional uses. The following standards apply for conditional uses in the B-2 zone.

Section 14-183(a) 5

- a. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services of goods available on the premises.

The applicant is not proposing any new signage. Existing signage is in conformance with this standard

- b. Circulation: No ingress and egress driveways shall be located within thirty-feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

The applicant is not proposing any additional driveways as a result of the addition. Existing driveways are not located within 30' of an intersection nor pose any threat or potential danger to the safety of the public.

- c./vii. Conditions specific to major or minor auto service stations, car wash and automobile dealerships: (a) A landscape buffer, no less than five (5) feet wide shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the Technical and Design Standards and Guidelines.

Jeff Tarling, City Arborist, has reviewed the existing landscape buffer and found that the existing shrubbery and vegetation is helping with buffering and erosion control and would be enhanced by the placement of two Red Maples, one at the corner of Valley and D Streets and one along the Valley Street frontage, to the right of the existing sign (see attachment 12). Staff offers this landscaping recommendation as a potential condition of approval.

*Condition of Approval*

*-That the site plan be revised to include two (2), 2.25" caliper Red Maples along the Valley Street frontage to be placed with the assistance of the City Arborist.*

2. The following standards apply for all conditional uses:

Section 14-474(2)

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

There are no known unique or distinctive characteristics associated with the

proposed use.

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

It does not appear that there will be any adverse impacts associated the proposed project.

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

The impacts of this site are similar as those normally expected from such a use in this zone.

#### V. STAFF RECOMMENDATION

Staff recommends approval of the project as proposed with the included condition.

#### VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #54-02 relevant to standards for site plan and conditional use review, the Board finds:

- i. That the plan is/is not in conformance with the Conditional Use Standards of the Land Use Code.

Potential Condition(s) of Approval:

- 1. *That the site plan be revised to include two (2), 2.25" caliper Red Maples along the Valley Street frontage to be placed with the assistance of the City Arborist.*

- ii. That the plan is/is not in conformance with the Site Plan Standards of the Land Use Code.

#### Attachments:

1. Application
2. Site Plan
3. Photo's of Addition by Applicant
4. Letter to Applicant, 6-13-2002
5. Applicants Response, 6-17-2002
6. Letter to Applicant, 8-21-2002
7. Applicant's Response and Editorial Comments, 8-26-2002



8. Letter to Applicant, 8-28-2002
9. Memo from Jim Seymour, 8-30-2002
10. Applicant's response to Mr. Seymour's memo, 9-04-2002
11. Memo from Marge Schmuckal, 8-15-2002
12. Memo from Jeff Tarling, 9-04-2002
13. Letter from Key Bank, 8-28-2002
14. Fire Department Approval
15. Public Works Approval

CITY OF PORTLAND, MAINE  
 DEVELOPMENT REVIEW APPLICATION  
 PLANNING DEPARTMENT PROCESSING FORM  
 Planning Copy

A# 1

Prosser Alan  
 Applicant  
 195 St John St, Portland, ME 04102  
 Applicant's Mailing Address

2002-0126  
 Application I. D. Number  
 05/20/2002  
 Application Date  
 Addition to Auto Storage Facility  
 Project Name/Description

Consultant/Agent  
 Applicant Ph: (207) 775-0968 Agent Fax: 775-7186  
 Applicant or Agent Daytime Telephone, Fax

195 - 195 St John St, Portland, Maine  
 Address of Proposed Site  
 068 A010001  
 Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_

360 sq. Ft.  
 Proposed Building square Feet or # of Units  
 Acreage of Site  
 B2  
 Zoning

Check Review Required:  
 Site Plan (major/minor)  Subdivision # of lots \_\_\_\_\_  PAD Review  14-403 Streets Review  
 Flood Hazard  Shoreland  Historic Preservation  DEP Local Certification  
 Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other \_\_\_\_\_

Fees Paid: Site Plan \$400.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 05/22/2002

Planning Approval Status:  
 Approved  Approved w/Conditions See Attached  Denied  
 Reviewer \_\_\_\_\_  
 Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached  
 OK to Issue Building Permit  
 signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required  
 No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted	date	amount	expiration date
Inspection Fee Paid	_____	_____	_____
Building Permit Issue	_____	_____	_____
Performance Guarantee Reduced	_____	_____	_____
Temporary Certificate of Occupancy	_____	remaining balance	signature
Final Inspection	_____	<input type="checkbox"/> Conditions (See Attached)	expiration date
Certificate Of Occupancy	_____	signature	_____
Performance Guarantee Released	_____	signature	_____
Effect Guarantee Submitted	date	amount	expiration date
Effect Guarantee Released	submitted date	amount	expiration date
	date	signature	_____

# CITY OF PORTLAND SITE PLAN APPLICATION

If you or the property owner owe real estate taxes, personal property taxes or user charges on any property within the City of Portland, payment arrangements must be made before permit applications can be received by the Inspections Dept.


Address of Construction: <b>195 ST JOHN ST.</b>		Zone: <b>B-2</b>
Total Square Footage of Proposed Structure <b>960 sq. foot print x 2 Floors</b>	Square Footage of Lot <b>25,000</b>	
Tax Assessor's Chart, Block & Lot Chart# <b>68</b> Block# <b>A</b> Lot# <b>10</b>	Property owner, mailing address: <b>ALAN AUTO / BAS INC.</b>	Telephone: <b>7750968</b>
Consultant/Agent, mailing address, phone & contact person <b>NONE</b>	Applicant name, mailing address, telephone #/Fax#/Pager#: <b>STAN ALAN PROSSER FOR ALAN AUTO BAS INC</b>	Project name: <b>ADDITION TO AUTO STORAGE FACILITY</b>
Proposed Development (check all that apply) <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input checked="" type="checkbox"/> New Building <input checked="" type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Subdivision, amount of lots \$25.00 per lot \$ _____ <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot		
Site Location of Development \$3,000, except for residential lots which are then \$200 per lot		
<input type="checkbox"/> Traffic Movement \$1,000 <input type="checkbox"/> Stormwater Quality \$250.00 <input type="checkbox"/> Other _____		
<input type="checkbox"/> After the fact review - Major project \$1,500.00 <input checked="" type="checkbox"/> After the fact review - Minor project \$1,200.00		
Major Development _____ \$500.00	Minor Development _____ \$400.00	
Plan Amendments: _____ Board review \$200.00	_____ Staff review \$100.00	
Who billing will be sent to: Mailing address: <b>ALAN AUTO / BAS INC.</b> State and Zip: <b>195 St John St. Portland, Me. 04102</b>		
Contact person: <b>ALAN PROSSER</b>	Phone: <b>7750968</b>	

- Submittals shall include (9) separate folded packets of the following:
- copy of application
  - cover letter stating the nature of the project
  - site plan containing the information found in the attached sample plans check list
- Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, and c)

**ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM**

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x 11) you may also visit the web site: [cl.portland.me.us](http://cl.portland.me.us) chapter 14

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: 	Date: <b>5/20/02</b>
---	----------------------

This application is for site review ONLY, a building Permit application and associated fees will be required prior to construction.

5/20/02  
ALAN AUTO/BAS INC.  
195 ST. JOHN ST.  
PORTLAND, ME.

PLANNING DEPARTMENT  
CITY HALL  
CITY OF PORTLAND  
PORTLAND, ME.

RE: APPLICATION FOR A BUILDING PERMIT TO CONSTRUCT A STORAGE BUILDING  
ADDITION AT THE REAR OF 195 ST. JOHN ST.

THE NEED/INTENTION FOR THIS ADDITION IS TO STORE SERVICE VEHICLES USED IN MY  
AUTO REPAIR BUSINESS. SERVICE VEHICLES WITH HYDRAULIC SYSTEMS SUCH AS  
LOADERS AND FORK LIFTS TEND TO LEAK HYDRAULIC FLUID; SO THERE ARE  
ENVIRONMENTAL BENEFITS TO HAVING THEM IN ENCLOSED STORAGE. WHEN STORED  
OUTSIDE THESE TYPES OF VEHICLES REQUIRE MORE FREQUENT SERVICE AND OR  
REPLACEMENT. THESE VEHICLES ARE VERY EXPENSIVE; AND THIS POSES AN ECONOMIC  
HARDSHIP ON MY COMPANY. THERE ARE AESTHETIC BENEFITS TO THE COMMUNITY  
HAVING THIS EQUIPMENT STORED OUT OF SIGHT.

BECAUSE OF THE WEIGHT (OVER 10K LBS. NET) OF SOME OF THIS EQUIPMENT A VERY  
STRONG FLOOR WAS CHOSEN: MONOLITHIC DESIGN, 5000 LB. CONCRETE, STEEL  
REINFORCED.

GALVANIZED STEEL EXTERIOR PANELS WILL BE USED FOR WALLS AND ROOF. THIS IS IN  
KEEPING WITH THE EXISTING BUILDING AND IS LOW MAINTENANCE. ALSO THE ROOF  
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EITHER THE ENCLOSED SITE PLANS (ORIGINAL AND ABBRIDGED VERSION) OR THIS  
LETTER. THE FOLLOWING MAY NOT BE CLEAR FROM THE DRAWING:  
1. (ITEMS 23-29) NO VEGETATION WILL BE DISTURBED BY THIS PROJECT.

2. (ITEM 30) NO ADDITIONAL SCREENING IS PROPOSED. THE BUILDING ITSELF IS DESIGNED TO BE FAR MORE ATTRACTIVE THAN PRE-EXISTING CONDITIONS ON SITE AND IN FACT WILL ENCLOSE SOME OF THE PREVIOUS ON SITE "EYE-SORES".

3. (ITEM 30) NO ADDITIONAL OUTDOOR LIGHTING IS PROPOSED.

4. (ITEM 34) PROPOSED USES ARE LISTED ON PLAN.

5. (ITEM 36-37) LISTED ON PLAN

6. (ITEM 38) THE 10 FOOT RIGHT OF WAY AT THE REAR (EAST) OF THE PROPERTY HAS BEEN REMOVED BY COURT ACTION. IF THIS HAS A BEARING ON YOUR PROCESS I WILL PROVIDE APPROPRIATE DOCUMENTATION.

7. (ITEM 39) NO ACTIVITY WHICH WILL GENERATE WASTE WILL OCCUR IN THE PROPOSED STRUCTURE. IF THIS SITUATION CHANGES WASTE RECEPTACLES WILL BE LOCATED APPROPRIATELY INSIDE THE BUILDING.

8. (ITEM 40) THE PROPOSED ADDITION WILL LESSEN THE IMPACT ON DRIVEWAYS AND STREETS LEADING TO THE BUSINESS SINCE EQUIPMENT WHICH IS USED IN THE IMMEDIATE VICINITY OF THE PROPOSED ADDITION HAS HITHERTO BEEN STORED IN OTHER LOCATIONS AND HAS HAD TO BE BROUGHT TO THIS LOCATION EACH TIME IT WAS USED. THE BUILDING IS INTENDED TO STORE THIS EQUIPMENT CLOSE TO WHERE IT IS BEING USED. THERE WILL BE NO NEED FOR WATER AND SEWER IN THE PROPOSED BUILDING. IF THIS NEEDS CHANGES A SEPARATE PERMIT WILL BE APPLIED FOR.

9. (ITEM 41) DISCUSSED EARLIER IN THIS LETTER.

10. (ITEM 42) PROBABLY LESS TIME THAN THE PERMITTING PROCESS. (DID I SAY THAT?) 2-3 WEEKS.

11. (ITEMS 43-45) NONE THAT APPLY

12. (ITEM 46) DOES NOT APPLY.

13. (ITEM 47) ALL SUBCONTRACTORS WILL BE LICENCED OR EXPERIENCED PROFESSIONALS. I HAVE OVERSEEN THE CONSTRUCTION OF ALL PREVIOUS PROJECTS I'VE DONE IN THE CITY SINCE 1978. BAS, INC. BANKS WITH KEY AND MAINTAINS A BALANCE ADEQUATE TO COVER THE COST OF COMPLETING THIS PROJECT. DOCUMENTATION IS AVIALABLE UPON YOUR REQUEST.

14. (NO LIST SHOULD CONTAIN 13 ITEMS) THIS PROJECT IS AN ASSET TO MY BUSINESS AND TO THE COMMUNITY AND IN FACT IS LONG OVERDUE. MY ZEAL AT TRYING TO BE AN EXEMPLARY AUTO REPAIR BUSINESS HAS COMPELLED ME TO TRY TO RETHINK WHAT A REPAIR SHOP IS AND BUILD A HOPEFULLY BETTER MOUSE TRAP. WITH MY CURRENT LEVEL OF INVOLVEMENT WITH THE DEED AND OTHER DEPARTMENTS IN AUGUSTA THE "JUNK YARD" BADLY NEEDS TO BE BROUGHT UP TO DATE. MY GOAL IS TO ENCLOSE AND CONTAIN EVERY VEHICLE ON THE PREMESIS WHICH ISN'T A DAILY DRIVER. YOUR ASSISTANCE IN THIS MATTER WILL BE GREATLY APPRECIATED BY ME AND OTHERS.

THANK YOU

  
ALAN PROSSER/ALAN AUTO/BAS INC.

AH 2



NOTES:

1. BOUNDARY TAKING FROM PLAN OF PROPERTY OF ALAN PROSSER BY GERALD M. BATES DATED SEPTEMBER, 1989 CONFORMING TO CATEGORY I, CONDITION III.
2. TOTAL AREA OF PROPERTY EQUALS 25,000 S.F.
3. THE LOCATION OF ALL UNDERGROUND UTILITIES AS SHOWN ARE APPROXIMATE.
4. ALL ELEVATIONS SHOWN ARE TOP OF PAVEMENT
5. A 1 IN. LIP IS SHOWN AT GARAGE DOOR ENTRY. THIS CAN BE RAISED TO LEVEL OR ABOVE IF SO DESIRED.
6. PAVING WILL CONSIST OF COBBLE STONES & CONCRETE.

PLAN APPROVED BY CITY OF PORTLAND PLANNING BOARD  
DATE \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

08

LEGEND	
CHAIN LINK FENCE	— — — — —
WOOD PLANK FENCE	— x — x — x —
BUILDINGS	//////
PROPERTY LINE	— — — — —
RIGHT OF WAY	— — — — —
PAVEMENT	— — — — —
COUNTOUR LINE	— — — — —
SEWER LINE	— — — — — S
WATER LINE	— — — — — W
GAS LINE	— — — — — G
DIRECTION OF DRAINAGE	— — — — —

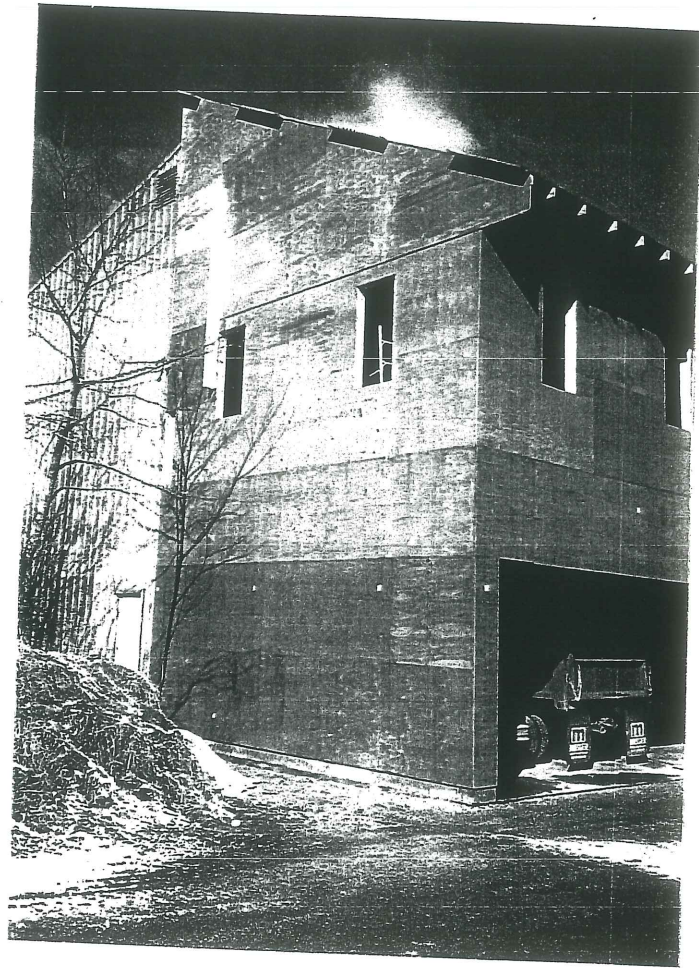
				SITE PLAN — ALAN AUTO ST. JOHN STREET PORTLAND, ME	
				FOR ALAN PROSSER ST. JOHN STREET PORTLAND, ME	
				SITE PLAN	
DR. BY	CKD. BY	APP. BY	DATE	SCALE: 1" = 20'	PROJECT NO. 979.06.08
A. MULLEN			16 JULY, 1993	DATE :	DRAWING NO.
VEYING				DES BY: J. MULLEN	SHEET OF
ORLAND, ME 04102 (207) 772-7657				DWN BY: J. RODGERS	S-1



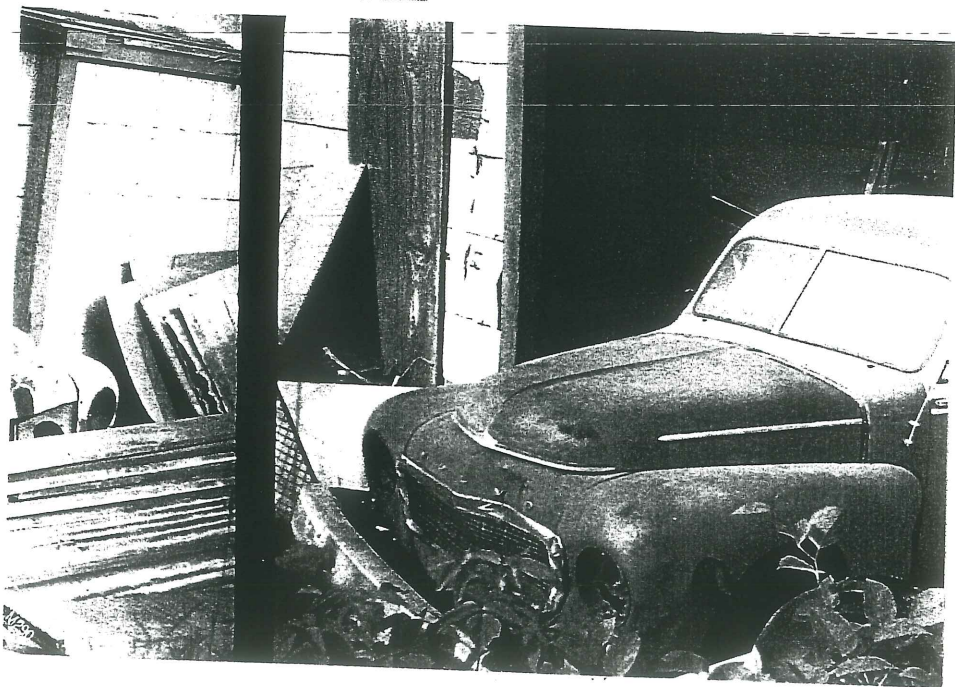
AA.3



BEFORE



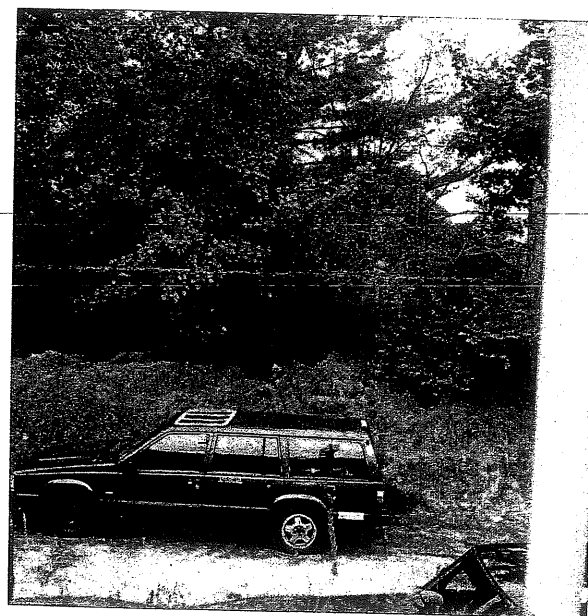
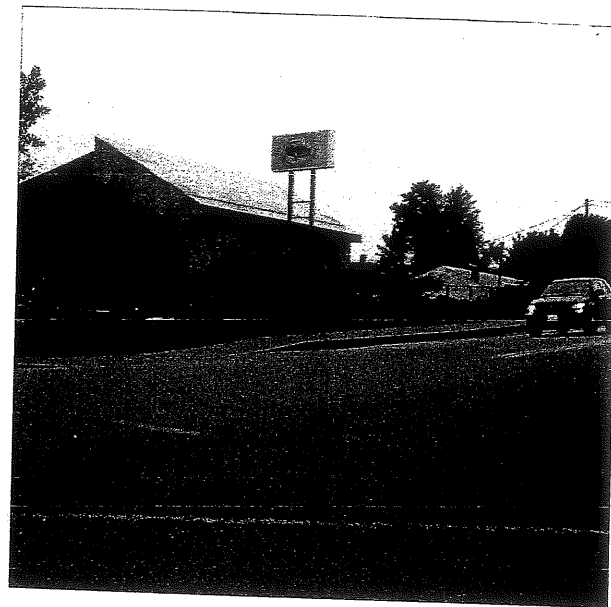
AFTER





B.

A.



C.



Department of Planning & Development  
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

AH. 4

June 13, 2002

Mr. Alan Prosser  
195 St. John Street  
Portland, ME 04102

RE: Addition for Auto Storage-195 St. John Street  
(ID# 2002-0126, CBL#68-A-1001)

Dear Mr. Prosser:

The Planning Department has received your application for the storage building addition at Alan Auto/BAS Inc. located at 195 St. Johns Street. After review of the submitted plans and materials, the following comments have been generated:

1. The zoning administrator requests calculations of existing and proposed impervious area on the site. Compliance with the height limitations and setback requirements has been confirmed.
2. The Fire Department has approved the addition with no conditions.
3. A condition specific to major and minor auto service stations as a conditional use in the B-2 zone district is "A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the Technical and Design Standards and Guidelines;" I have contacted Jeff Tarling, Arborist for the City of Portland, to discuss how this might be accomplished along your Valley Street frontage. I will keep you updated as to our discussions.
4. Staff requests clarification regarding the existing vehicles stored to the rear of the addition. Is the intent of the addition, as mentioned in the submission, to place all vehicles and vehicle parts, except those driven daily, within a structure?
5. Staff requests information concerning what is proposed for the 6-8' pile located to the D Street side of the addition. Will it be removed off site?

The project must go to the Planning Board for a conditional use review. It is tentatively scheduled for the July 23<sup>rd</sup> workshop. The City of Portland's consulting engineer and the Public Works Department are currently reviewing the plans. If there are any additional comments, I will forward them to you.

If you have any questions, please do not hesitate to contact me at 756-8083.

Sincerely,

  
Jonathan C. Spence  
Planner

CC: Sarah Hopkins, Development Review Services Manager

Alan Prosser AH.  
5

6/17/02

Jonathan Spence  
Planning Dept.  
City of Portland  
Portland, Me.

Dear Jonathan,

Here's some answers for you :

Total Site  
is 20,000 sq

1. Impervious area on entire lot equals 16,700 square feet approx. Proposed impervious area would be 17,400 square feet and would be only increased by the footprint of the building. Some other considerations along this line are a. the fact that most all the other buildings on this lot are guttered and plumbed into a dry well. This system connects to a catch basin which handles all the water falling on the front portion of the property. b. The rear portion of the lot (along Valley St.) is primarily unpaved and has 4700 square feet of pervious surface. The proposed building would only lessen that amount by 780 square feet.
- 2.
3. As this was a requirement for a used parts dealer license the area between Valley St. and my property is appropriately screened albeit the rosa rugosas planted there took a beating when the City installed sidewalks recently. I have enclosed picture (A) for your benefit.
4. My long-range plan is to put all vehicles located in the back yard (next to Valley St.) undercover. This would include two groups of vehicles 1) service vehicles (fork truck, tool van, dump truck, and the like) and 2) parts cars. The building under current consideration is designed to accommodate four service vehicles.
5. This question peaks my interest in Staff's concerns. As you may be able to see from the enclosed photos (B and C) what might be construed as a "pile" by a casual glance is in fact the last remnant of the original landscape in this area. To wit there are at least 20 varieties of trees growing on that site. As this space is also our snow dump detritus is added to and subtracted from it over time; but the net berm stays pretty much the same volume. It has been suggested by others that I have it leveled and gain more building space. I have resisted this as it and its indigenous vegetation offer added visual buffering to the rear of the property.

Sincerely,



Alan Prosser,  
Boss

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

AA  
6

August 21, 2002

Mr. Alan Prosser  
195 St. John Street  
Portland, ME 04102

RE: Addition for Auto Storage-195 St. John Street  
(ID# 2002-0126, CBL#68-A-1001)

Dear Mr. Prosser:

The conditional use and site plan application for the storage building addition at Alan Auto/BAS Inc. located at 195 St. Johns Street has been scheduled for a Public Hearing before the Planning Board on Tuesday, September 10, 2002. Please provide the following information prior to Tuesday, September 3, 2002:

1. Please provide a letter of financial capacity form Key Bank, as referenced to in your letter dated 5/20/2002.
2. Does the site currently contain an exterior dumpster and if so, what is its location and method of screening?
3. Please provide a narrative of the existing stormwater drainage system used on site. During the workshop session you alluded to a system consisting of gutters and a drywell.
4. Please provide a timetable for the completion of the project upon receipt of approval.
5. Please provide details concerning the existence or nonexistence of floor drains in the new structure. The application makes reference to the storage of vehicles which utilize hydraulic fluids. What is the method of disposal for leaked fluids?

If you have any questions, please do not hesitate to contact me at 756-8083.

Sincerely,

Jonathan C. Spence  
Planner

CC: Sarah Hopkins, Development Review Services Manager



Att.  
7

8-26-02

ALAN AUTO  
195 ST JOHN ST  
PORTLAND, ME. 04102

DEPT OF PLANNING  
CITY OF PORTLAND  
PORTLAND, ME. 04101

JONATHAN SPENCE

DEAR MR. SPENCE,  
HERE ARE RESPONSES TO YOUR QUESTIONS (AND AN EDITORIAL OF SOME VALUE)

1. IF WHAT I HAVE INCLUDED IS NOT SUFFICIENT PLEASE ADVISE.
2. NO DUMPSTER.
3. ROOFS OF ALL PRESENT BUILDINGS ARE GUTTERED. THE GUTTERS CONNECT TO PIPING WHICH LEADS TO A STORM WATER DRY WELL. ALL IMPERVIOUS PAVED SURFACES ARE PITCHED TOWARD THIS SAME DRYWELL. THE UNPAVED AREA ADJACENT TO THE PROPOSED BUILDING HAS PROVEN TO BE SUFFICIENT TO HANDLE ALL RUNOFF NOT ENTERING THE ON-SITE STORM DRAIN SYSTEM.
4. AS SOON AS I CAN FIND A BUILDER TO COMPLETE THE PROJECT. THIS MAY BE DIFFICULT CURRENTLY.
5. THERE ARE NO FLOOR DRAINS. ALL VEHICLES LEAK FLUIDS TO SOME EXTENT. SO DRIP TRAYS ARE UTILIZED UNDER ALL STORED VEHICLES. PREVIOUS REFERENCE TO HYDRAULIC FLUID INFERRED THAT IT IS DIFFICULT TO CONTROL ANY LEAKAGE FROM VEHICLES STORED OUTSIDE EVEN WHEN DRIP TRAYS ARE USED THIS IS BECAUSE OIL FLOATS ON WATER; AND WHEN RAIN FALLS ON THE DRIP TRAYS IT WASHES THE OIL OUT OF THE TRAYS AND ONTO THE GROUND. THAT WAS THE PRIMARY REASON FOR MY WANTING TO CONSTRUCT A BUILDING IN WHICH TO STORE THESE VEHICLES. THE DRIP PANS USED ARE 2X4'. ANY OIL FOUND IN THE PANS IS SOAKED UP INTO RAGS AND PICKED UP BY A LICENCED WASTE VENDOR (SAFETY KLEEN) ONCE A WEEK WITH OUR OTHER SIMILAR WASTE. THE MAJOR HYDRAULIC SYSTEMS IN THE EQUIPMENT STORED IN THIS BUILDING HAVE ALL BEEN RECENTLY REBUILT. MY COMPANY HAS ALWAYS ATTEMPTED TO SET THE STANDARD (GO BEYOND COMPLIANCE) WHEN IT COMES TO ENVIRONMENTAL ISSUES SUCH AS THIS. THIS WAS MY MOTIVATION FOR WANTING TO CONSTRUCT THIS BUILDING AS SOON AS POSSIBLE. APPARENTLY THIS FACT, WHICH I DO BELIEVE I EXPRESSED QUITE CLEARLY IN MY INITIAL CORRESPONDANCE CONCERNING THIS BUILDING FELL UPON DEAF EARS; OR THE CITY OF PORTLAND AND OR ITS REPRESENTATIVES DO NOT SHARE MY CONCERNS FOR THE ENVIRONMENT. (THIS IN FACT IS VERIFIED BY MY CURSORY REVIEW OF CITY CODES). GOVERNOR KING AND DEP COMMISSIONER KIRKPATRICK WERE VERY PLEASED WITH MY COMPANYS PRO-ENVIRONMENTAL EFFORTS WHEN THEY DID A SITE VISIT HERE IN MAY. YET NO ONE FROM CITY HALL (PORTLAND) HAS EVEN RESPONDED TO INVITATIONS TO VISIT. FOR MY EFFORTS I GET FINES/PENALTIES/ UNREASONABLE DELAYS/ AND PETTY QUESTIONS SOME OF WHICH (#2) I'VE ALREADY ANSWERED. I CAN EASILY SEE WHY CITY OFFICIALS ARE TOO BUSY (BUSIER THAN THE HEAD OF THE STATE GOVERNMENT OR DEP) TO PAY ATTENTION TO SOMETHING POSITIVE (ALAN AUTO'S ENVIRONMENTAL EFFORTS) HAPPENING IN THEIR OWN BACK YARD. IT STRIKES ME AS PECULIAR THAT I GET ACCOLADES FROM STATE GOVERNMENT FOR DOING (AT LEAST IN SPIRIT) WHAT I GET FINED FROM THE CITY OF PORTLAND FOR DOING. PLEASE IF YOU HAVE ANY FURTHER QUESTIONS SET AN APPOINTMENT WITH ME FOR A SITE VISIT. NOW IT WOULD ADDRESS ANY QUESTIONS OR CONCERNS YOU MIGHT HAVE.

SINCERELY,  
ALAN PROSSER



Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

AH  
8

August 28, 2002

Mr. Alan Prosser  
195 St. John Street  
Portland, ME 04102

RE: Addition for Auto Storage-195 St. John Street  
(ID# 2002-0126, CBL#68-A-1001)

Dear Mr. Prosser:

I have received additional comments concerning the auto storage addition and wish to relay them immediately to you. The City's Engineering Consultant, James Seymour of Sebago Technics has reviewed the submitted materials in conjunction with a site visit to the property. Mr. Seymour feels that the drainage measures proposed at the rear of the addition are inadequate and the area will be prone to problems, especially in the winter months. As currently proposed, the roof will drain directly in front of the addition, where water will also collect from the immediate vicinity, resulting in ponding. Mr. Seymour's suggestion for a possible remedy for this condition is the installation of a drywell in this area with re-grading to direct flows in this direction. Other solutions may be available to you.

Please submit a grading/drainage plan no later than September 3, 2002 for review that adequately addresses this drainage concern.

If the materials requested in this memo and the memo dated August 28, 2002 are not received by September 3, 2002, this project will not be able to proceed to a Public Hearing on September 10, 2002.

If you have any questions, please do not hesitate to contact me at 756-8083.

Sincerely,

Jonathan C. Spence  
Planner

CC: Sarah Hopkins, Development Review Services Manager

A.H.  
9

**From:** James Seymour <jseymour@sebagotechnics.com>  
**To:** "Jonathan Spence (E-mail)" <jspence@ci.portland.me...>  
**Date:** Fri, Aug 30, 2002 5:04 PM  
**Subject:** Alan Auto - 195 St. John's Street Addition & Drainage

Jon,

I visited with Mr. Prosser from Alan Auto at his 195 St. John's Street site and reviewed my concerns regarding drainage with his building addition. After discussing various suggestions with Mr. Prosser, I basically have come to agree that if the following measures are completed that both the applicant and the City will be satisfied with the result. The following is the revisions that he has agreed to:

1.) The roof pitched to Valley Street will be constructed with a gutter to direct Runoff away from the proposed garage door openings. He can either install it into an existing feed which flows to an existing dry well/infiltration system under the slab or he can direct it on the ground with a splash guard away from the building to a location where it will positive drain to an existing channel or street gutter.

2.) The applicant will provide a plan showing how finish grades of the rear driveway and areas in front of the doors will drain runoff around the southeast side of the building and allow it to flow across an existing small brick plaza and into D Street gutter line. The applicant will need to show difference in elevations (assumed are acceptable) and show drainage flow lines. Also a note should be added or statement added to the file that the applicant will maintain the brick areas and is responsible for snow and ice removal to assure drainage is blocked during winter conditions.

3.) The rear driveway/ vehicle storage area will be surfaced with a 2 inch depth of 1/2 to 3/4 inch crushed stone. Mr. Prosser is very much opposed to bituminous pavement because of his concerns of its impact on the environment. I can appreciate his concerns and have offered the stone surface as a compromise. It will mean more maintenance for him, but will eliminate erosion, tracking of sediment, and will not be a susceptible to rutting or settling as will a gravel surface.

In fairness to Mr. Prosser he has not used bituminous pavement on his property and has found alternative ways to accomplish the function of pavement with brick and concrete. His property is generally kept neat and drainage is well maintained. Although this is not quite what the City has required in the past, I find that his request for an alternative driveway surface is reasonable and find that it will meet the intentions of the City's ordinances. Since this is a private issue the burden will fall on the owner and not the City to maintain. Please feel free to call if you have questions.

Jim Seymour P.E.



AA.  
10

9/4/02

ALAN AUTO  
195 ST JOHN ST  
PORTLAND, ME. 04102

JONATHAN SPENCE  
PLANNING DIVISION  
CITY OF PORTLAND  
PORTLAND, ME.

DEAR JONATHAN,  
IN LINE WITH MY DISCUSSION WITH JAMES SEYMOUR I PROPOSE THE FOLLOWING:

1. PRECIPITATION FALLING OFF THE ROOF OF THE ADDITION BE DIRECTED TO THE EXISTING DRY WELL VIA GUTTER AND DOWN-SPOUT. THE BUILDING HAS SUFFICIENT OVERHANG TO KEEP ANY WATER OVERFLOWING THE GUTTER AWAY FROM THE FOOT OF THE BUILDING (AS NOTED BY J. SEYMOUR).

2. AS SEEN IN THE PROVIDED PLAN GRADE FROM FINISHED FLOOR (AT 42.5) TO LOWEST POINT OF THE GRAVEL DRIVEWAY (APROX. 42) IS APPROX. 1 INCH/FOOT. GRADE FROM IN FRONT OF THE ADDITION TO HIGHEST POINT OF PAVED AREA (WHERE PAVED AREA MEETS EXISTING BUILDING) IS 2 FEET IN APPROX 70 FEET OR 1 INCH PER 3 FEET. RUN-OFF FLOW HAS NEVER BEEN A PROBLEM IN THIS AREA EVEN IN VERY HARD RAIN FALL; NOR HAS SILTATION EVER BEEN OBSERVED. THE PAVED AREA IS A VITAL ACCESS POINT TO MY BUSINESS AND IS ALWAYS KEPT CLEAR.

3. I WILL PAVE THE AREA AROUND THE ADDITION WITH CRUSHED GRAVEL TOPPED WITH CRUSHED STONE. THE GRAVEL FORMS A SOLID BASE AND IS STILL PERMIABLE. SINCE THERE HAS ALWAYS BEEN A STORM WATER RUNOFF PROBLEM FROM VALLEY STREET TO ST JOHN ST WHICH WAS IMPACTED LITTLE BY THE RECENT WORK DONE THERE.; AND EVEN IN MODERATE RAIN A TORRENT COMES BY THE DRIVE WAY TO THE EXISTING BUILDING ERODING THE ENTRANCE TO THE DRIVE WAY; IF THE AREA IN QUESTION WERE TO BE PAVED WITH AN IMPERVIOUS MATERIAL THERE WOULD ONLY BE AN INCREASED RUN-OFF BURDER TO AN ALLEADY OVERTAXED STORM DRAINAGE SYSTEM IN THE IMEDIATE AREA. NOTE : EVERY WINTER I MUST DIG OUT THE STORM DRAIN AT THE CORNER OF D STREET AND SAINT JOHN TO KEEP MY DRIVE WAY FROM BEING FLOODED.

RESPECTFULLY SUBMITTED,

ALAN PROSSER





**From:** Marge Schmuckal  
**To:** Jonathan Spence  
**Date:** Thu, Aug 15, 2002 12:19 PM  
**Subject:** 193 St John St. - Alan Prosser

AK  
LI

Jonathan,  
This memo is meant to clarify nonconforming structures and this project.

Presently, there is a structure on this property which is legally nonconforming as to the B-2 zone setbacks. The zoning ordinance does not preclude an owner from building a new addition as long as such does not increase any existing nonconformity.

If a proposed addition is meeting all the present zoning requirements, it is NOT increasing an existing nonconformity. The proposed addition is shown to meet all existing B-2 zone requirements. It is not increasing any existing nonconformities.

Please note that this area used to be an Industrial Zone (I-2b and then I-Mb) in the near past. However, during the rewriting and acceptance of the Business Zones in July, 1999, this side of "D" Street was changed to be a B-2 Business Zone.

I hope this is helpful to the Board.

Marge Schmuckal  
Zoning Administrator  
8/15/02

**CC:** Sarah Hopkins

**From:** Marge Schmuckal  
**To:** Jonathan Spence  
**Date:** Wed, Jul 24, 2002 9:13 AM  
**Subject:** 193 St John Street - Alan Proser Project

Jonathan,  
In addition to the previous memo concerning this project, I have received information from you concerning the impervious surface square footage. Based on that information, the was submitted, the proposed impervious surface ratio is approximately 70% which is under the 80% maximum.

Based on all the submittals, this proposal is meeting the B-2 regulations

Marge Schmuckal  
Zoning Administrator  
7/24/02

**From:** Jeff Tarling  
**To:** Jonathan Spence  
**Date:** Wed, Sep 4, 2002 4:02 PM  
**Subject:** Alans Auto

AH.  
12

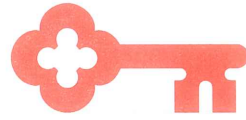
Jonathan,

The Alans Auto site plan would benefit from the installation of two street-trees, one planted near the corner of D Street and the second one to the right of the sign on Valley Street. I would recommend two Red Maple @ 2.5" caliper size.

At this time the shrubs and existing vegetation growing along Valley Street are in place helping with buffering and erosion control. If this material stays in place and is managed it should remain effective.

Jeff Tarling  
City Arborist

**CC:** Sarah Hopkins



Att.  
13

**KeyBank**  
400 Forest Avenue  
Portland, Maine 04101

Tel: 207 874-7322  
Fax: 207 874-7339

August 28, 2002

To: Jonathan Spence  
Dept. of Planning  
City of Portland

Fr: Tim Verreault  
KeyBank

Re: Alan Auto

Dear Mr. Spence:

The above referenced customer has had a banking relationship in good standing with KeyBank since May 1997. The company's average balances have been in excess of \$40,000 for the past 6 months.

Please feel free to contact my office should you have any additional questions.

Sincerely,

Tim Verreault  
Assistant Vice-President

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
Fire Copy**

*Att. 14*

2002-0126

Application I. D. Number

5/20/02

Application Date

**Addition to Auto Storage Facility**

Project Name/Description

**Prosser Alan**

Applicant

195 St John St, Portland, ME 04102

Applicant's Mailing Address

195 - 195 St John St, Portland, Maine

Address of Proposed Site

068 A010001

Assessor's Reference: Chart-Block-Lot

Consultant/Agent

Applicant Ph: (207) 775-0968 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail

Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_

960 sq. Ft. **B2**

Proposed Building square Feet or # of Units Acreage of Site Zoning

**Check Review Required:**

- |   |  |  |  |
|---|--|--|--|
| <input checked="" type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Subdivision # of lots _____ | <input type="checkbox"/> PAD Review            | <input type="checkbox"/> 14-403 Streets Review   |
| <input type="checkbox"/> Flood Hazard                       | <input type="checkbox"/> Shoreland                   | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional Use (ZBA/PB)    | <input type="checkbox"/> Zoning Variance             | <input type="checkbox"/> Other _____           |  |

Fees Paid: Site Plan \$400.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 5/22/02

**Fire Approval Status:**

Reviewer Lt. McDougall

- Approved**  **Approved w/Conditions** See Attached  **Denied**

Approval Date 5/23/02 Approval Expiration 5/23/03 Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance Lt. McDougall 5/23/02  Additional Sheets Attached  
signature date

**Performance Guarantee**  **Required\***  **Not Required**

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

- |   |                |  |                 |
|---|----------------|--|-----------------|
| <input type="checkbox"/> Performance Guarantee Accepted     | _____          | _____  | _____           |
|   | date           | amount   | expiration date |
| <input type="checkbox"/> Inspection Fee Paid                | _____          | _____  |                 |
|   | date           | amount   |                 |
| <input type="checkbox"/> Building Permit Issue              | _____          |  |                 |
|   | date           |  |                 |
| <input type="checkbox"/> Performance Guarantee Reduced      | _____          | _____  | _____           |
|   | date           | remaining balance                                  | signature       |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____          | <input type="checkbox"/> Conditions (See Attached) | _____           |
|   | date           |  | expiration date |
| <input type="checkbox"/> Final Inspection                   | _____          | _____  |                 |
|   | date           | signature  |                 |
| <input type="checkbox"/> Certificate Of Occupancy           | _____          |  |                 |
|   | date           |  |                 |
| <input type="checkbox"/> Performance Guarantee Released     | _____          | _____  |                 |
|   | date           | signature  |                 |
| <input type="checkbox"/> Defect Guarantee Submitted         | _____          | _____  | _____           |
|   | submitted date | amount   | expiration date |
| <input type="checkbox"/> Defect Guarantee Released          | _____          | _____  |                 |
|   | date           | signature  |                 |

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
Engineering Copy**

**2002-0126**  
Application I. D. Number AA  
15

**5/20/02**  
Application Date

**Addition to Auto Storage Facility**  
Project Name/Description

**Prosser Alan**  
Applicant  
**195 St John St, Portland, ME 04102**  
Applicant's Mailing Address

Consultant/Agent  
**Applicant Ph: (207) 775-0968 Agent Fax:**  
Applicant or Agent Daytime Telephone, Fax

**195 - 195 St John St, Portland, Maine**  
Address of Proposed Site  
**068 A010001**  
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_

**960 sq. Ft.** **B2**  
Proposed Building square Feet or # of Units Acreage of Site Zoning

**Check Review Required:**

Site Plan (major/minor)  Subdivision # of lots \_\_\_\_\_  PAD Review  14-403 Streets Review  
 Flood Hazard  Shoreland  Historic Preservation  DEP Local Certification  
 Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other \_\_\_\_\_

Fees Paid: Site Plan **\$400.00** Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date **5/22/02**

**Engineering Approval Status:**

Reviewer **Tony**

**Approved**  **Approved w/Conditions** See Attached  **Denied**

Approval Date **7/2/02** Approval Expiration **7/2/03** Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

**Performance Guarantee**  **Required\***  **Not Required**

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____ date _____	_____ amount _____	_____ expiration date _____
<input type="checkbox"/> Inspection Fee Paid	_____ date _____	_____ amount _____	
<input type="checkbox"/> Building Permit Issue	_____ date _____		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date _____	_____ remaining balance _____	_____ signature _____
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date _____	<input type="checkbox"/> Conditions (See Attached)	_____ expiration date _____
<input type="checkbox"/> Final Inspection	_____ date _____	_____ signature _____	
<input type="checkbox"/> Certificate Of Occupancy	_____ date _____		
<input type="checkbox"/> Performance Guarantee Released	_____ date _____	_____ signature _____	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date _____	_____ amount _____	_____ expiration date _____
<input type="checkbox"/> Defect Guarantee Released	_____ date _____	_____ signature _____	

389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258

**City of Portland  
Planning and Development Department  
Planning Division**

# Fax

To: **Alan Prosser**                      Company: Alan's Auto  
-----  
Fax: **775-7186**                      Date: **9-10-2002**  
-----  
From: **Jonathan Spence**  
-----

**Good Morning Alan-**

**Attached please find a copy of the Planning Board Report for tonight. We are first on the agenda at 6:30. I don't anticipate any problems.**

**Please contact me if you have any questions.**

**Thank you.**

**Jonathan Spence**

**756-8083**

You should receive   7   page(s), including the cover sheet. If you do not receive all of the pages, please call (207)874-8721.



**PLANNING BOARD REPORT #54-02**

**ADDITION FOR AUTO STORAGE**

**195 ST. JOHN STREET**

**SITE PLAN AND CONDITIONAL USE REVIEW**

**ALAN AUTO/BAS INC., APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

September 10, 2002

## **I. INTRODUCTION**

Alan Prosser, owner of Alan Auto BAS Inc., has requested Site Plan and Conditional Use review for an addition to the auto repair business, located at 195 St. John Street. The addition, to be used for the storage of vehicles on the property, has already been substantially completed and consequently the review is an “after the fact review.” The proposed addition will be reviewed as a conditional use in the B-2 zone district and for compliance with the Site plan standards of the Land Use Ordinance.

This property was formerly located in an industrial zone. A rezoning in 1999 resulted in this property being located in the B-2 zone district. This rezoning was part an attempt to minimize conflicts resulting from businesses and residences located within the industrial zones. The applicant has expressed interest in possibly pursuing the rezoning of his property back to industrial.

A legal ad has appeared in the *Portland Press Herald* and 78 notices have been sent to area property owners in the vicinity of the project.

## **II. STAFF REVIEW**

The proposal has been reviewed for compliance with the B-2 Business Zone, Site Plan Ordinance, and Conditional Use Standards of the Land Use Code. The plan has been reviewed by the Inspections, Traffic, Fire, Public Works, and Planning Department.

## **III. SITE PLAN REVIEW**

### 1. Traffic/Circulation/Parking

The proposed addition will not result in any changes in the existing access or vehicular circulation on the site. The primary ingress and egress to the site will continue to be from two curb cuts along St. John Street. Two secondary access points exist along D Street for the applicant and are not intended for use by the general public.

### 2. Bulk, Location, Height of Building and Uses Thereof

As illustrated in the photo included as attachment 4, the addition is a two-story structure with a pitched roof and numerous second floor window openings. The applicant proposes that the roof and sides be galvanized panels. The applicant has stated that he has no plans for the use of the second floor of the addition at this time but it has been referred to in the application as storage. Any use of the second floor must be permissible within the B-2 zone. Zoning Administrator Marge Schmuckal has reviewed the location, use, impervious area and height of the new addition and found them to be in conformance with the B-2 zoning. A memo included as attachment 11 attests to this conformance and clarifies an earlier discussion at the Planning Board workshop concerning existing nonconforming structures.

The applicant should be aware that the B-2 zone district does not allow exterior storage. All unregistered vehicles must be removed within 30 days and no parts may be stored outside.

3. Utilities/Easements/Solid Wastes

The applicant does not intend to have any utilities, including power, water or sewer in the addition. Solid waste is currently handled within existing buildings and no dumpsters are in existence or proposed. The applicant does not use floor drains and disposes of all possible contaminants through a licensed waste vendor (Safety Kleen).

4. Landscaping

The site contains a variety of species that both enhance and buffer the property. This landscaping and the lack of bituminous pavement (concrete pavers have been used as an alternative) set this facility apart from other auto repair facilities. City Arborist Jeff Tarling has suggested the inclusion of two street trees along Valley Street. These trees are offered as a potential condition of approval in the conditional use portion of this report.

5. Drainage

The existing drainage system consists of roof gutters that connect to piping that leads to a drywell. After an onsite meeting with the applicant and Engineering Consultant Jim Seymour, it was agreed that the new building would also be guttered and direct to an existing dry well located beneath the addition's slab. In addition, the applicant will resurface the driveway to the rear of the building with a 2" depth of crushed stone (1/2" to 3/4") over crushed gravel. The applicant has added detail to the site plan included as attachment that show the direction of runoff as per guidelines established in Mr. Seymour's memo. Mr. Seymour's memo and the applicant's response are included as attachments 9 and 10.

6. Lighting

The applicant is proposing no new lighting as part of this project. Any new lighting must first be reviewed and approved by the Planning Authority for compliance with the Technical and Design Standards and Guidelines.

7. Fire Safety

The site plan has been reviewed and approved by the Fire Department. (see attachment 14)

8. Financial Capability

The applicant has provided a letter from Key Bank attesting to the financial capability of the applicant to complete this project. (see attachment 13)

**IV. CONDITIONAL USE REVIEW**

1. Major and minor service stations in the B-2 zone district are conditional uses. The following standards apply for conditional uses in the B-2 zone.

Section 14-183(a) 5

- a. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services of goods available on the premises.

The applicant is not proposing any new signage. Existing signage is in conformance with this standard

- b. Circulation: No ingress and egress driveways shall be located within thirty-feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

The applicant is not proposing any additional driveways as a result of the addition. Existing driveways are not located within 30' of an intersection nor pose any threat or potential danger to the safety of the public.

- c./vii. Conditions specific to major or minor auto service stations, car wash and automobile dealerships: (a) A landscape buffer, no less than five (5) feet wide shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the Technical and Design Standards and Guidelines.

Jeff Tarling, City Arborist, has reviewed the existing landscape buffer and found that the existing shrubbery and vegetation is helping with buffering and erosion control and would be enhanced by the placement of two Red Maples, one at the corner of Valley and D Streets and one along the Valley Street frontage, to the right of the existing sign (see attachment 12). Staff offers this landscaping recommendation as a potential condition of approval.

*Condition of Approval*

*-That the site plan be revised to include two (2), 2.25" caliper Red Maples along the Valley Street frontage to be placed with the assistance of the City Arborist.*

2. The following standards apply for all conditional uses:

Section 14-474(2)

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

There are no known unique or distinctive characteristics associated with the

proposed use.

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

It does not appear that there will be any adverse impacts associated the proposed project.

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

The impacts of this site are similar as those normally expected from such a use in this zone.

#### V. STAFF RECOMMENDATION

Staff recommends approval of the project as proposed with the included condition.

#### VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #54-02 relevant to standards for site plan and conditional use review, the Board finds:

- i. That the plan is/is not in conformance with the Conditional Use Standards of the Land Use Code.

Potential Condition(s) of Approval:

- 1. *That the site plan be revised to include two (2), 2.25" caliper Red Maples along the Valley Street frontage to be placed with the assistance of the City Arborist.*

- ii. That the plan is/is not in conformance with the Site Plan Standards of the Land Use Code.

#### Attachments:

1. Application
2. Site Plan
3. Photo's of Addition by Applicant
4. Letter to Applicant, 6-13-2002
5. Applicants Response, 6-17-2002
6. Letter to Applicant, 8-21-2002
7. Applicant's Response and Editorial Comments, 8-26-2002

8. Letter to Applicant, 8-28-2002
9. Memo from Jim Seymour, 8-30-2002
10. Applicant's response to Mr. Seymour's memo, 9-04-2002
11. Memo from Marge Schmuckal, 8-15-2002
12. Memo from Jeff Tarling, 9-04-2002
13. Letter from Key Bank, 8-28-2002
14. Fire Department Approval
15. Public Works Approval

389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258

**City of Portland  
Planning and Development Department  
Planning Division**

# Fax

To: Alan Prosser                      Company: Alan's Auto  
-----  
Fax: 775-7186                      Date: 9-03-2002  
-----  
From: Jonathan Spence  
-----

**Good Morning Alan-**

**It was good to hear that your on-site meeting with Jim Seymour went well. Attached please find a summary of the revisions agreed to. Please call me to indicate when you will be able to supply the revised drawings/details. As I indicated in an earlier conversation, Friday at noon is the absolute latest however earlier would be greatly appreciated.**

**I look forward to hearing from you.**

**Thank you.**

**Jonathan Spence**

**756-8083**

You should receive 2 page(s), including ths cover sheet. If you do not receive all of the pages, please call (207)874-8721.



DANIEL S. CHASE, P. E.  
Structural and Construction Engineering  
210 St. John St.  
Portland, ME 04102  
(207) 799-9087 / Fax: 799-0325

October 16, 2003

Mr. Alan Prosser  
Alan Auto  
195 St. John St.  
Portland, ME 04102

Re: Auto storage racks.

Dear Alan,

I have received the faxes showing the steel members and connections proposed by Foss Welding to construct auto storage racks behind your building. These faxes include a top view and front view of a typical bay, and connection details "A", "B", and "C".

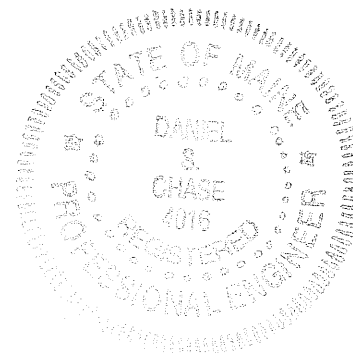
Based on my calculations, the W5X16 and W10X12 beams, and the ST4X4 tube columns, are adequate to support the loads imposed by a single car stored on each bay. The proposed connection details, including the epoxy anchors to attach to the existing concrete wall, are also adequate to support the loads. Based on our discussion of the soil conditions you have found on the site in the past, the 12 inch diameter concrete tubes will provide an adequate foundation when bearing on undisturbed native soil.

Should you have questions, or require additional information, please contact me.

Yours truly,



Daniel Chase, P. E.



Alan Auto  
195 St John St  
Portland, Me. 04102

City of Portland  
Portland, Me.  
Planning Department

I propose to build a series of six temporary structures to support cars. The purpose of building these structures is to keep cars off the ground while they are being stored waiting to be dismantled. These structures combined with the second phase of this project, paving under the car storage area, will permit better control over potential fluid leakage from these vehicles. This compliments the first phase of this project, constructing a storage building for service equipment. The intention of the first phase was similar, to better control the inevitable fluid leakage from vehicles.

No changes will be made to grade or permeable surfaces at this time. These structures will not be visible from the street. They will be attached to their footings by threaded fasteners and will be able to be put up and taken down easily. The footings will be flush with ground surface at existing grade and will not show when the structures are not installed.

Included are drawings which detail the design of these temporary stands. These will likely be painted a neutral color to blend with the concrete retaining wall behind them.

Please call with any questions,  
Alan Prosser / Alan Auto / 7750968

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

**Division Directors**  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

December 23, 2003

Mr. Alan Prosser  
195 St. John Street  
Portland, ME 04102

RE: Amendment to Auto Storage-195 St. John Street  
(ID# 2003-0218, CBL#68-A-001)

Dear Mr. Prosser:

As requested, I am forwarding the City arborist's recommendation with regards to providing adequate screening for your amended site plan:  
This is to fulfill review comment #3 of 4 in the November 5, 2003 review correspondence.

1. It is recommended that vinyl slats be inserted in the existing fence in the area of the proposed car storage racks.
2. In addition to #1, the following plant species has been recommended:
  - a. 2" caliper or 6'-8' Clump size.
    - i. Crusgali Thornless Hawthorn
    - ii. Winter King Hawthorn
    - iii. Japanese Tree Lilac
    - iv. Amur Maple
    - v. Amelanchier or Shadbush, single-stem or clump form.
    - vi. Flowering Crabapple

If you have any questions, please do not hesitate to contact me at 874-8632.

Sincerely,

Jay Reynolds  
Development Review Coordinator

CC: Sarah Hopkins, Development Review Services Manager  
Jeff Tarling, City Arborist

**From:** Jeff Tarling  
**To:** Jay Reynolds  
**Date:** Fri, Dec 19, 2003 3:26 PM  
**Subject:** Re: Alan Auto

Jay,

Recommendations include: 2" caliper or 6'-8' Clump size.

Crusgali Thornless Hawthorn  
Winter King Hawthorn  
Japanese Tree Lilac  
Amur Maple  
Amelanchier or Shadbush, single-stem or clump form.  
Flowering Crabapple

Jeff

>>> Jay Reynolds 12/19 1:29 PM >>>  
your recommendation?

>>> Jeff Tarling 12/05/2003 4:43:02 PM >>>

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

**Division Directors**  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

November 5, 2003

Mr. Alan Prosser  
195 St. John Street  
Portland, ME 04102

RE: Amendment to Auto Storage-195 St. John Street  
(ID# 2003-0218, CBL#68-A-001)

Dear Mr. Prosser:

Thank you for your application for an amendment to your site plan. Upon review, the City has the following comments:

1. The location of the storage area does not appear to meet the zoning requirement with regards to setbacks (10' rear).
2. The inspections department has stated that the proposal would require a building permit.
3. It appears that the height of the vehicle storage would make these vehicles visible from Valley Street. Please provide adequate landscaping along the Valley Street right-of-way to ensure proper screening.
4. The narrative provided in your application refers to fluid leakage from these vehicles. Are there any on-site collection system(s) in place to properly manage this? Also, will the proposed pavement direct these spills to a containment system?

If you have any questions, please do not hesitate to contact me at 874-8632.

Sincerely,

Jay Reynolds  
Development Review Coordinator

CC: Sarah Hopkins, Development Review Services Manager  
Michael Nugent, Inspection Services Manager  
Marge Schmuckal, Zoning Administrator

Alan Auto  
195 St John St  
Portland, Me. 04102

City of Portland  
Portland, Me.  
Planning Department

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Please call with any questions,  
Alan Prosser / Alan Auto / 7750968

DANIEL S. CHASE, P. E.  
Structural and Construction Engineering  
210 St. John St.  
Portland, ME 04102  
(207) 799-9087 / Fax: 799-0325

October 16, 2003

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Alan Auto  
195 St. John St.  
Portland, ME 04102

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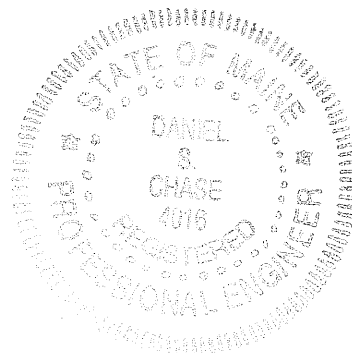
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Should you have questions, or require additional information, please contact me.

Yours truly,



Daniel Chase, P. E.





Development Review Agenda

Wednesday, November 5, 2003 from 10:00am to 11:30am.

Please call Sarah if you are unable to attend.

Exemptions

oh, yes.

137 Middle St -Collette Howell - PAD?...mes

New Projects

1. Tucker Ave. single fam., Marge, Eric.....jjr
2. Alan Auto Amendment.....Marge.....jjr
3. 15 Daggett St., 14-40\_? .....jjr
4. Sherwood St., duplex.....jjr
5. hollywood video, preble st....rk
6. Saniclean?...sh
7. Ocean Gateway..coming soon to a theater near you.....bn
8. Bioscience..sh

Wrap-up/Final Memos

1. Oakhurst Dairy, Tom Errico...kt

Ongoing

1. Packard..sh
2. gorham savings bank...rk
3. riverwalk...rk
4. Carriage Lane...jim...kt
5. Grant/Mellen...new plans...kt
6. City Lube...marge...kt
7. Holiday Inn Parking lot...revised PW comments?...jjr
8. 901 Washington Avenue...enforcement or approval?
9. Custom House Wharf...contract on its way...bn
10. YMCA, required parking, demolition of High Street houses... bb

Revisions/Post Approval

1. Stroudwater Church...jim...kt
2. Hannaford Bros...final plans...kt
3. Yale Court Amendment.....jjr
4. Maine Mall Motors....bn
5. 280 Fore Street....bn
6. C of O's for PRP III ?? Alex/Charlie/Eric.....jjr