

**DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK**  
**CITY OF PORTLAND**

Please Read  
Application And  
Notes, If Any,  
Attached

**BUILDING INSPECTION**

**PERMIT**

Permit Number: 061648

**PERMIT ISSUED**

This is to certify that WELCH FRANCIS J & WILLIAM P WELCH JTS/Marc M. Gnetto

has permission to Change of use service station Service station converted car sales no construction

AT 484 FOREST AVE.

116 E003001

NOV 27 2006

provided that the person or persons who accept this permit shall comply with all of the provisions of the Statutes of the State and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission procured before this building or part thereof is altered or closed-in. 4 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

**OTHER REQUIRED APPROVALS**

Fire Dept. Greg Carr 11-9-06

Health Dept. \_\_\_\_\_

Appeal Board \_\_\_\_\_

Other \_\_\_\_\_

Department Name

  
Director - Building & Inspection Services

**PENALTY FOR REMOVING THIS CARD**

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 06-1648	Issue Date: NOV 27 2006	CBL: 116 E003001
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<b>Location of Construction:</b> 484 FOREST AVE	<b>Owner Name:</b> WELCH FRANCIS J & WILLIAM	<b>Owner Address:</b> 31 FLORENCE ST	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Marc Moschetto	<b>Contractor Address:</b> 205 Payne Road Scarborough	<b>Phone:</b> 2078833315
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Commercial	<b>Zone:</b> B2b

<b>Past Use:</b> Commercial -Service Stations	<b>Proposed Use:</b> Service Stations- Use Cars - Change of use service station to Service Station w/ used car sales for ONE VEHICLE at a time no construction	<b>Permit Fee:</b> \$105.00	<b>Cost of Work:</b> \$105.00	<b>CEO District:</b> 3
<b>Proposed Project Description:</b> Change of use service station to Service Station w/ used car sales for one vehicle at a time - no construction		<b>FIRE DEPT:</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied TO NFPA 30A	<b>INSPECTION:</b> Use Group: S/B Type: 3B 11/17/06 Signature: [Signature]	
		<b>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</b> Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		

<b>Permit Taken By:</b> Idobson	<b>Date Applied For:</b> 11/08/2006	<b>Zoning Approval</b>		
<ol style="list-style-type: none"> <li>This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li> <li>Building permits do not include plumbing, septic or electrical work.</li> <li>Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</li> </ol>		<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland N/A <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan #2006-0199 Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM Date: 11/9/06	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved by PB <input type="checkbox"/> Denied Date: 10/24/06	<b>Historic Preservation</b> <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: [Signature]

**CERTIFICATION**

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

\_\_\_\_\_  
SIGNATURE OF APPLICANT ADDRESS DATE PHONE

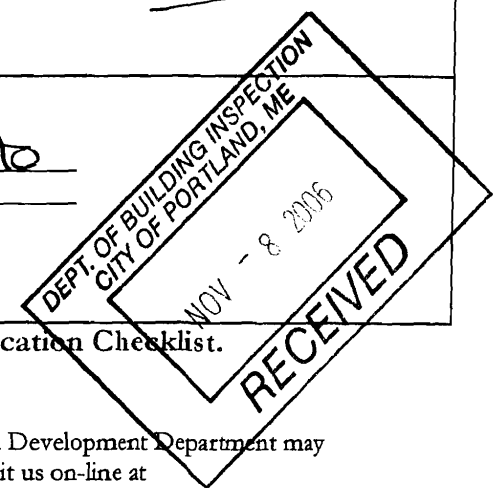
\_\_\_\_\_  
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE



# General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>486 Forest Ave.</u>		
Total Square Footage of Proposed Structure <u>No change in structure</u>		Square Footage of Lot <u>7157 sq. Ft.</u>
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot# <u>116      E      3</u>	Owner: <u>William Welch</u>	Telephone: <u>7739206</u>
Lessee/Buyer's Name (If Applicable) <u>Florida North Auto D.B.A Welch's Service Center 486 Forest Ave</u>	Applicant name, address & telephone: <u>Marcus Moschetto 205 Payne Rd Scarborough, Me 04074</u>	Cost Of Work: \$ _____ Fee: \$ <u>105<sup>00</sup></u> C of O Fee: \$ _____
Current Specific use: <u>SERVICE STATION</u> If vacant, what was the previous use? _____ Proposed Specific use: _____		
Project description: <u>Add used car sales to present use.</u>		<u>30 Build 75 c/o</u>
<u>N/A</u>		
Contractor's name, address & telephone:  Who should we contact when the permit is ready: <u>Marc Moschetto</u> Mailing address: _____ Phone: <u>883 3315</u> <u>205 Payne Rd</u> <u>Scarborough, Me 04074</u>		



Please submit all of the information outlined in the Commercial Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), stop by the Building Inspections office, room 315 City Hall or call 874-8703.

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: <u>Marcus Moschetto</u>	Date: <u>11/8/06</u>
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This is not a permit; you may not commence ANY work until the permit is issued.



## City of Portland Site Plan Application

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

Address of Proposed Development: <b>486 FOREST AVE</b>		Zone: <b>B-2b</b>
Existing Building Size: <b>1072<sup>+</sup></b> sq. ft.	Proposed Building Size: <b>SAME</b> sq. ft.	
Existing Acreage of Site: <b>7157</b> sq. ft.	Proposed Acreage of Site: <b>SAME</b> sq. ft.	
Tax Assessor's Chart, Block & Lot: Chart# <b>116</b> Block# <b>E</b> Lot# <b>3</b>	Property owner's mailing address: <b>486 Forest Ave Portland, Maine</b>	Telephone #: <b>777-39206</b>
Consultant/Agent, mailing address, phone # & contact person:	Applicant's name, mailing address, telephone #/Fax#/Pager#: <b>Marcus Moschetto 205 Payne Rd Scarborough <del>888</del> 3315</b>	Project name: <b>FLORIDA North Auto</b>

Fee For Service Deposit (all applications)  (\$200.00)

### Proposed Development (check all that apply)

- New Building  Building Addition  Change of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking lot  
 Subdivision (\$500.00) + amount of lots \_\_\_\_\_ (\$25.00 per lot) \$ \_\_\_\_\_ + major site plan fee if applicable  
 Site Location of Development (\$3,000.00)  
(except for residential projects which shall be \$200.00 per lot \_\_\_\_\_)  
 Traffic Movement (\$1,000.00)  Storm water Quality (\$250.00)  
 Section 14-403 Review (\$400.00 + \$25.00 per lot)  
 Other \_\_\_\_\_

### Major Development (more than 10,000 sq. ft.)

- Under 50,000 sq. ft. (\$500.00)  
 50,000 - 100,000 sq. ft. (\$1,000.00)  
 Parking Lots over 100 spaces (\$1,000.00)  
 100,000 - 200,000 sq. ft. (\$2,000.00)  
 200,000 - 300,000 sq. ft. (\$3,000.00)  
 Over 300,000 sq. ft. (\$5,000.00)  
 After-the-fact Review (\$1,000.00 + applicable application)

### Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)  
 After-the-fact Review (\$1,000.00 + applicable application)

### Plan Amendments

- Planning Staff Review (\$250.00)  
 Planning Board Review (\$500.00)

Marge,  
10/24/06  
This project was <sup>conditioned</sup> use approved  
approved on the condition that it will  
need final sign off  
from you. Could you  
please review.  
Thanks  
- Shukria

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

FLORIDA North Auto  
Marcus Moschetto  
205 Payne Rd  
Scarborough, Me 04074

883-3315

10/25/06

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

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11 x 17 plans

Amendment to Plans: **Amendment applications should include 9 separate packets of the above (a, b, & c)**

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: [portlandmaine.gov](http://portlandmaine.gov)

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:

*Marcus Moschetto*

Date:

10/2/06

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



# Conditional Use Application

Department of Planning and Development  
Portland Planning Board

Att. 2

1. **Applicant Information:**  
Marcus Maschetto  
Name  
205 Payne Rd  
Address  
Scarborough, ME, 04074  
207-883-3315 SAME  
Phone Fax  
Cell# 239-825-3458
2. **Subject Property:**  
486 Forest Ave  
Address  
Portland, ME  
Assessor's Reference (Chart-Block-Lot)
3. **Property Owner:**  Applicant  Other  
William Welch  
Name  
486 Forest Ave.  
Address  
Portland, Me.  
77 39206 -  
Phone Fax
4. **Current Zoning Designation(s):**  
B-2b  
10/25/02
5. **Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:  
Lessee  
Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)
6. **Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)
7. **Existing Use:**  
Describe the existing use of the subject property: Service Station
8. **Type of Conditional Use Proposed:**  
Additional Use - Used Auto Sales

9. **Sketch Plan:** On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100')

10. **Conditional Use Authorized by:** Section 14- 18.3

10/25/06

11. **Standards - Criteria for Conditional Use Appeal**

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

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

12. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

Fee for Service Deposit (\$200.00)  
(Required for all applications in addition to the applicable application fee listed below)

Conditional Use \$100.00

Legal Advertisements percent of total bill

Notices .55 cents each  
(workshop and public hearing)

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. The cost of any and all Newspaper advertisements, legal advertisements and Planning Board notices will be billed directly to the applicant.

13. **Signature:** The above information is true and accurate to the best of my knowledge.

7/8/06  
Date of Filing

Marcus Moschetti  
Signature of Applicant

**Further Information:** Please contact the Planning Division for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the conditional use application which can provide additional background or contextual information, and describe the proposed conditional use and reasons for the request in a manner that best suits the situation.

Portland Planning Board, Portland, Maine- Effective: July 6, 1998

10/25/06

This location has been in continual use as a service station since 1942. My uncle and cousin leased the location in 1974 and purchased it in 1978. As you can see from the plot plan, the location is well suited as a service station. It allows for a reasonable number of cars to park while waiting for bay work or for display to sell, and has easy access to and from the gas islands. Trying to create landscaping along the street sides of the property would create a hardship because the landscaping would extend into the outside gas island and prevent cars from accessing that island and would create a congested and dangerous yard. This station is a small operation and has been a good neighbor as long as my uncle and cousin have owned it. Again, by adding the sale of cars we are not changing the basic use of the location: that being automotive, or creating more traffic to the location.

As the only mechanic, Bill has cut back on the number of vehicles he services per day and uses only one bay for light service work. The other bay usually houses his plow truck. Bill has also cut back the hours of operation and the number of days he is open. He now operates Monday thru Friday, 7 AM until 6 PM. He is closed weekends and holidays. The sale of autos would operate within the same hours as the service station. Our method of selling cars relies mainly on internet and brokering autos, not drive-by customers. So there would be no increase in hours, night or weekend use.

There are four parts under section 14-340 that I wish to address to explain how we have met those requirements. James Carmody, the Transportation Engineer, has inspected the site and did not find any traffic problems as there are ample driveways, with curb cuts redone by the city about ten years ago, to enter and exit from and ample room to navigate. As noted, we are not making any changes in egress, entrance, or traffic flow. Concerning the surface of the driveways, the driveways and lot are paved with concrete and tar. In 1994 under the direction of the Department of Environmental Protection the tanks and piping to the islands were replaced according to their standards. There is up to a foot or more of compacted gravel and p-stone under the entire yard. The drainage was designed to flow to the catch basins along the edge of the property. There are three catch basins, two along Forest Avenue and one along Dartmouth Street. No surface water runs over the sidewalks or over the streets. We are not making any changes to the yard. The station is open Monday through Friday from 7 AM to closing at 6 PM. The only exterior lighting is on the islands and it illuminates only that area as the light is shaded and directed downward. The lighted Citgo sign is screened and does not give off white light.

The spaces provided for parking are not public parking but storage parking for cars that will be worked on in the service bay sometime during the day. Customers leave their cars and Welch's stores them in the parking spaces until the cars go into the shop. Thus Section 14-341 should not apply because this is not public parking and does not require aisles.

*Don't delimit*

In summary, let me once again stress the fact that 'Florida North Auto' would have very little impact on the property and the area. My plan is to purchase cars in Florida to be mainly sold over the internet, at auctions, or brokered for specific customers so I will not have a large inventory. I will have only one car to sell on site at 486 Forest Avenue at any one time. I have owned businesses in Maine for over 15 years including service

↑



10/25/06

stations, C-stores, and construction and I've worked for a major oil company in operations. I've also taught school in Maine and Florida. So I bring to this small business; knowledge, experience and a unique approach. 486 Forest Avenue would be the ideal location for me because: 1) it fulfills all the state's needs, 2) requires no changes to property, and 3) has close family connections.

**From:** "Marc Moschetto" <mlmosch@hotmail.com>  
**To:** <mes@portlandmaine.gov>  
**Date:** 11/6/2006 7:35:33 AM  
**Subject:** 486 Forest Ave.

Dear Marge,

Attached is parts of my 'Narrative to the Planning Board' that deals specifically with the zoning concerns you wanted me to address.

We amended our original request of 2 parking spaces and asked for only 1 parking place which is over ten feet from the street line and we showed this on the revised survey. We agreed to a fence which we showed on our revised survey and ~~will have a planter as requested by the arborist.~~

I know how busy you and the zoning department are and I hope this information will answer the questions you had concerning the proposal for the parking space to display a car.

Thank you,

Marc Moschetto

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Use your PC to make calls at very low rates

<https://voiceoam.pcs.v2s.live.com/partnerredirect.aspx>

As the only mechanic, Bill has cut back on the number of vehicles he services per day and uses only one bay for light service work. The other bay usually houses his plow truck. Bill has also cut back the hours of operation and the number of days he is open. He now operates Monday thru Friday, 7 AM until 6 PM. He is closed weekends and holidays. The sale of autos would operate within the same hours as the service station. Our method of selling cars relies mainly on internet and brokering autos, not drive-by customers. So there would be no increase in hours, night or weekend use.

The spaces provided for parking are not public parking but storage parking for cars that will be worked on in the service bay sometime during the day. Customers leave their cars and Welch's stores them in the parking spaces until the cars go into the shop. Customers pick up their cars later in the day. Thus Section 14-341 should not apply because this is not public parking and does not require aisles. This is not a convenience store/gas with customers running in and out for food items.

There are four parts under section 14-340 that I wish to address to explain how we have met those requirements. James Carmody, the Transportation Engineer, has inspected the site and did not find any traffic problems as there are ample driveways, with curb cuts redone by the city about ten years ago, to enter and exit from and ample room to navigate. As noted, we are not making any changes in egress, entrance, or traffic flow. Concerning the surface of the driveways, the driveways and lot are paved with concrete and tar. In 1994 under the direction of the Department of Environmental Protection the tanks and piping to the islands were replaced according to their standards. There is up to a foot or more of compacted gravel and p-stone under the entire yard. The drainage was designed to flow to the catch basins along the edge of the property. There are three catch basins, two along Forest Avenue and one along Dartmouth Street. No surface water runs over the sidewalks or over the streets. We are not making any changes to the yard. The station is open Monday through Friday from 7 AM to closing at 6 PM. The only exterior lighting is on the islands and it illuminates only that area as the light is shaded and directed downward. The lighted Citgo sign is screened and does not give off white light.

line involved so that bumpers of vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface.

- (2) Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a residence zone, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(b) Notwithstanding the provisions of subsection (a) of this section, parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turnaround area.

(Code 1968, § 602.14.H; Ord. No. 231-90, § 2, 3-5-90)

**Sec. 14-339. When located adjacent to a street or a residential use.**

Where off-street parking for more than six (6) vehicles is required or provided on a lot in any business zone, the following requirements shall be met:

- (a) Where vehicles are to be or may be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that bumpers of vehicles cannot project beyond its face toward the street line involved either above or below the impact surface.

- (b) Where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained

between such off-street parking and that part of the lot line involved.

(Code 1968, § 602.14.1)

**Sec. 14-340. Construction requirements when more than six vehicles parked.**

Where off-street parking for more than six (6) vehicles is required or provided, the following construction requirements shall apply:

- (a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the traffic engineer. *gib 03/01*
- (b) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.
- (c) A system of surface drainage shall be provided in such a way that the waste run-off shall not run over or across any public sidewalk or street.
- (d) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

(Code 1968, § 602.14.J; Ord. No. 96-88, § 1, 7-19-88)

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**\*Editor's note--**Ord. No. 96-88, § 1, adopted July 19, 1988, amended subsection (a) of this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 96-88.  
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**Sec. 14-341. Aisles required for six or more spaces.**

In parking facilities containing six (6) or more parking spaces, there shall be provided vehicular access by one (1) or more aisles. Aisle widths shall be in conformance with the standards set

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forth in the City of Portland Technical and Design Standards and Guidelines, as hereafter amended.

(Code 1968, § 602.14.A; Ord. No. 272-77, 5-16-77; Ord. No. 389-89, § 2, 4-3-89)

**Sec. 14-342. Reserved.**

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**\*Editor's note**--Section 1 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-342, relative to a reduction of requirements by the board of appeals, which derived from Code 1965, § 602.14.K.  
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**Sec. 14-343. Either the Board of Appeals or the Planning Board may approve joint use.**

(a) Except as provided in subsection (b) below, the Board of Appeals may approve the joint use of a parking facility by two (2) or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments. This section shall apply to residential uses in the B-1, B-1b, B-2 and B-3 zone which propose joint use of a parking facility with another principal use in the B-1, B-1b, B-2 and B-3 zone. The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

Whenever any exception to the parking requirements under this section has been finally denied on its merits by either the Zoning Board of Appeals or the Planning Board, a second request for an exception seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought before either body within one (1) year of such denial unless, in the opinion of the board before which it was initially brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.

(b) Requests for joint use of parking in the B-2b zone shall be reviewed and approved by the Zoning Administrator only in the following circumstances:

1. Residential uses above the first (1st) floor in existing buildings in the B-2b zone shall be permitted to share

**From:** Marge Schmuckal  
**To:** Shukria Wiar  
**Date:** 10/27/2006 2:37:43 PM  
**Subject:** 486 Forest Avenue

Shukria,

I am going to make a site inspection. I'm not sure all the parking requirements have been met.

Marge

MEMORANDUM

To: FILE  
From: Marge Schmuckal  
Subject: Application ID: 2006-0199  
Date: 10/13/2006

486 Forest Ave - Florida North h Auto  
shows out side 10'  
B2b Zone

The submittal received on 10/11/06 is not meeting the other parking requirements under 14-339 which states that vehicles parked within 10 feet of any streetline, a continuous curb guard, rectangular in cross-section at least six inches in height and permanently anchored, shall be provided and maintained at least 5' from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided. This section goes on to say "where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, pickt or sapling fence, not less than forty-eight inches in height, shall be provided and maintained. Between such off-street parking and that part of the lot line involved". No such fence is being shown on the submittal.

plans oked

Section 14-340 requirements have not been addressed on all four items. The applicant should respond as to how these four requirements are being met.

Section 14-341 should also be addressed by the applicant before final zoning sign off.

Marge Schmuckal  
Zoning Administrator

PB & TRAFFIC ENGINEER APPROVED

It is on the new plan

Marge Schmuckal  
Zoning Administrator

Section 14-341 should also be addressed by the applicant before final zoning sign off.

Section 14-340 requirements have not been addressed on all four items. The applicant should respond as to how these four requirements are being met.

The submittal received on 10/11/06 is not meeting the other parking requirements under 14-339 which states that vehicles parked within 10 feet of any streetline, a continuous curb guard, rectangular in cross-section at least six inches in height and permanently anchored, shall be provided and maintained at least 5' from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided. This section goes on to say "where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, pickt or sapling fence, not less than forty-eight inches in height, shall be provided and maintained. Between such off-street parking and that part of the lot line involved".

Date: 10/13/2006  
Subject: Application ID: 2006-0199  
From: Marge Schmuckal

To: FILE

MEMORANDUM



**From:** Marge Schmuckal  
**To:** Shukria Wiar  
**Date:** 10/13/2006 3:36:39 PM  
**Subject:** 486 Forest Avenue - 2006-0199

Shukria,  
I have put comments in Urban Insight addressing this conditional use permit application.  
Marge

## Narrative

### Proposed Additional Use: Used Car Dealer

In order to obtain a used car license, the state of Maine, as one of its requirements, required the applicant to establish a place of business that has an office, a display area and a garage with space for two vehicles. The traditional car dealer approach is to display a yard full of cars to attract customers. My business plan centers primarily on internet sales of autos, selling at auctions and brokering to acquire specific cars for individual local customers. As a result I am not looking to display numerous cars in a yard for passing motorists. I will be purchasing quality cars exclusively in Florida and transporting them here...hence the business name 'Florida North Auto'. The used car dealer license which I am applying for is required in order to attend and purchase vehicles at all auto auctions. My experience with cars, having grown up in and owned service stations, is that cars from Florida are rust free on the undercarriage and throughout and so are a better value for the Maine customer as well as other buyers.

My cousin, William Welch, owns the perfect location for our needs; a service station located at 486 Forest Avenue. He has been at this location for over 30 years. He has agreed to a lease agreement where I can co-use his office, bays, and have two exterior parking spaces for used cars as a thus fulfilling the state requirements.

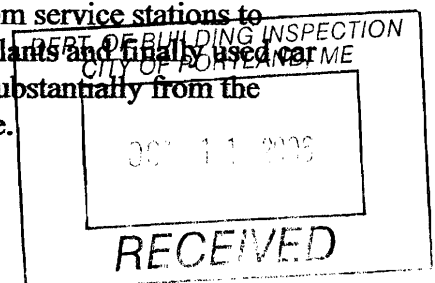
yes to  
Planning - BD

486 Forest Avenue is zoned B-2b which means a used car location would be considered a conditional use. under section 14-183 'Conditional Uses' it states, "the following are permitted in the B-2, B-2b and B-2c zone"... #5 lists "automobile dealerships". So a used car dealership at this location meets the above criteria.

The use which I am proposing is very similar to the existing use at the present location...a service station/repair shop is very close in nature to a small auto sales business. In fact the state requires bays, lifts, repair equipment, and an office to conduct the auto sales business. If a sign is required, I will use part of the already existing approved signage. Again, I want to reiterate that I will have only 2 cars on site at any one time thus not interfering on disrupting the existing business and creating very little, if any, impact on the location. There are no unique or distinctive characteristics or effects associated with the proposed conditional use that is not consistent with the area.

Because the existing business and the proposed additional business use are so similar and allowed in this zone, the additional use would not have an adverse impact upon the health, safety, or welfare of the public surrounding the area.

Forest Avenue is a street of many diverse businesses ranging from service stations to eateries, bars, offices, pharmacies, hair shops, milk processing plants and finally used car dealerships. The impact of this auto business would not differ substantially from the impact which would normally occur from such a use in this zone.



This location has been in continual use as a service station since 1942. My uncle and cousin leased the location in 1974 and purchased it in 1978. As you can see from the plot plan, the location is well suited as a service station. It allows for a reasonable number of cars to park while waiting for bay work or for display to sell, and has easy access to and from the gas islands. Trying to create landscaping along the street sides of the property would create a hardship because the landscaping would extend into the outside gas island and prevent cars from accessing that island and would create a congested and dangerous yard. To try and create a buffer to the rear would result in lost parking spaces and would never achieve the intended purpose. This station is a small operation and has been a good neighbor as long as my uncle and cousin have owned it. Again, by adding the sale of cars we are not changing the basic use of the location: that being automotive, or creating more traffic to the location.

As the only mechanic, Bill has cut back on the number of vehicles he services per day and uses only one bay for light service work. The other bay houses his plow truck. Bill has also cut back the hours of operation and the number of days he is open. He now operates Monday thru Friday, 7 AM until 6 PM. He is closed weekends and holidays. The sale of autos would operate within the same hours as the service station. Our method of selling cars relies mainly on internet and brokering autos, not drive by customers. So there would be no increase in hours, night or weekend use.

In summary, let me once again stress the fact that 'Florida North Auto' would have very little impact on the property and the area. My plan is to purchase cars in Florida to be mainly sold over the internet, at auctions, or brokered for specific customers so I will not have a large standing inventory. I will have two cars or less on site at 486 Forest Avenue at any one time. I have owned businesses in Maine including service stations, C-stores, a health club, and worked for a major oil company in operations. I've also taught school in Maine and Florida. So I bring to this business; knowledge, experience and a unique approach. 486 Forest Avenue would be the ideal location for me because: 1) it fulfills all the state's needs, 2) requires no changes to property, and 3) has close family connections.

**From:** "Marc Moschetto" <mlmosch@hotmail.com>  
**To:** <mes@portlandmaine.gov>  
**Date:** 10/31/2006 3:47:51 PM  
**Subject:** 486 Forest Avenue

Marge Schmuckal  
Zoning Administrator

Dear Marge:

I just wanted to give you a little more information that wasn't in my narrative concerning the additional use application for 486 Forest Avenue that may be helpful to you. Welch's Service Center is strictly a repair and gas facility without any 'convenience store' or 'self service pumps'. There is only full service at the islands which means the customer does not pump his/her own gas so he/she doesn't have to get out of the car. Customers don't usually get out of their vehicles as the transaction is done at the island. No one is parking and running into the station for milk, coffee, food etc. as there is no food or drink items. The only cars that are at the station are those vehicles stored that will be worked on that day. Customers usually drop them off and pick them up later in the day. We move them around and store them as needed. Welch's is one of only a few true service stations that has not changed to a convenience store with gas in Portland. Selling cars has always been a part of business in service stations. Having one parking space over ten feet from the street line is all we need to sell the cars we want to sell. We don't want a yard full of cars for sale or people. We are more selective and prefer to utilize internet sales as well as bringing up specific cars from Florida for specific customers. There may be times we don't have any cars there because we haven't found any at the Florida auctions that we like. My background is in service stations as well as teaching. I'm finishing up teaching in Florida and returning home. Bill and I want to do something in automotive together that we can do as we get older and this would work.

If you need to see the location and want to chat about it, I'd love to meet you in your office or down at the station any time, just let me know, I'll be there... We're all set with Planning and all the other departments so we're anxious to take care of any questions you may have...

Looking forward to hearing from you...

Thank you,

Marc Moschetto

Tel #883-3315 or 239-825-3458-cell

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**From:** Marge Schmuckal  
**To:** Marc Moschetto  
**Date:** 11/14/2006 4:35:36 PM  
**Subject:** Re: Permits

The front desk should call you when your permit is ready. However, we can not do a final sign off until you are finished with planning. Please call Shukria Wiar. She still needs some items from you.

Marge

>>> "Marc Moschetto" <mlmosch@hotmail.com> 11/14/2006 4:30:22 PM >>>

Marge,

When I filled out the applications for a 'change of use' permit and dropped off the zoning form for the state to be signed, I forgot to check to see if I was suppose to come back in to pick these up or if they would be sent to me when ready. Could you let me know which is the correct procedure so I'm not standing in front of my mail box when I should be going in....or visa-versa....

Thank you

Marc Moschetto

883-3315

[mlmosch@hotmail.com](mailto:mlmosch@hotmail.com)

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Use your PC to make calls at very low rates  
<https://voiceoam.pcs.v2s.live.com/partnerredirect.aspx>

**CC:** Shukria Wiar

**From:** Shukria Wiar  
**To:** Marge Schmuckal  
**Date:** 11/9/2006 3:31:03 PM  
**Subject:** Re: 484 Forest Ave

I have not received the copies as of yet. I will call him to reminds him of it again.

-Shukria

>>> Marge Schmuckal 11/9/2006 3:10:48 PM >>>

Shukria,

Can I get a stamped approved site plan for this car sales approval? Marc Moschetto has applied for a building permit to change the use to add the car sales. Thank you,  
Marge

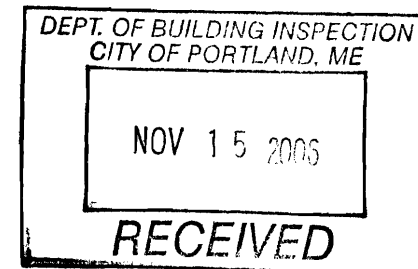
**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

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Kevin Beal, Chair  
Michael Patterson, Vice Chair  
Bill Hall  
Lee Lowry III  
Shalom Odokara  
David Silk  
Janice E. Tevanian

October 26, 2006

Marcus Moschetto  
205 Payne Road  
Scarborough, ME 04074



**RE: 486 Forest Avenue; Car Used Dealership**  
**Application ID Number: 2006-0199 and Conditional Use Application ID: 997**  
**Chart 116, Block E00, Lot 3001**

Dear Mr. Moschetto,

On October 24, 2006 the Portland Planning Board considered the proposal to add one parking space for the sale of used cars at 486 Forest Avenue. Approval was granted for the project by the following motions:

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report # 60-06 relevant to standards for site plan and conditional use review for one care space located on the revise site land dated 10.19.2006, and other findings as follows:

1. The Planning Board voted 7-0 that the plan is in conformance with the Conditional Use Standards of the Land Use Code.
2. The Planning Board voted 6-1 (Lowery opposed) that the plan is in conformance with the Site Plan Standards of the Land Use Code.
  - a The Zoning Administrator shall review in conformance with Section 14-340 and 14-341 of the Land Use Code and shall sign off on the project.
  - b A planter box shall be added near the building and shall be maintained using seasonal planting.

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.

3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount 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.
3. 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.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

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

If there are any questions, please contact Shukria Wiar at 756-8083 or [shukriaw@portlandmaine.gov](mailto:shukriaw@portlandmaine.gov).

Sincerely,



Kevin Beal, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Shukria Wiar, Planner  
Jay Reynolds, Development Review Coordinator  
— Marge Schmuckal, Zoning Administrator  
~~Mike Nugent~~, Director of Inspections  
Inspections Division



Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jim Carmody, City Transportation Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Captain Greg Cass, Fire Prevention, Fire Department  
Assessor's Office  
Approval Letter File

Attachment: Planning Board Report #56-06

# BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

- Footing/Building Location Inspection: Prior to pouring concrete
- Re-Bar Schedule Inspection: Prior to pouring concrete
- Foundation Inspection: Prior to placing ANY backfill
- Framing/Rough Plumbing/Electrical: Prior to any insulating or drywalling
- Final/Certificate of Occupancy: Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects **DO** require a final inspection

If any of the inspections do not occur, the project cannot go on to the next phase, **REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

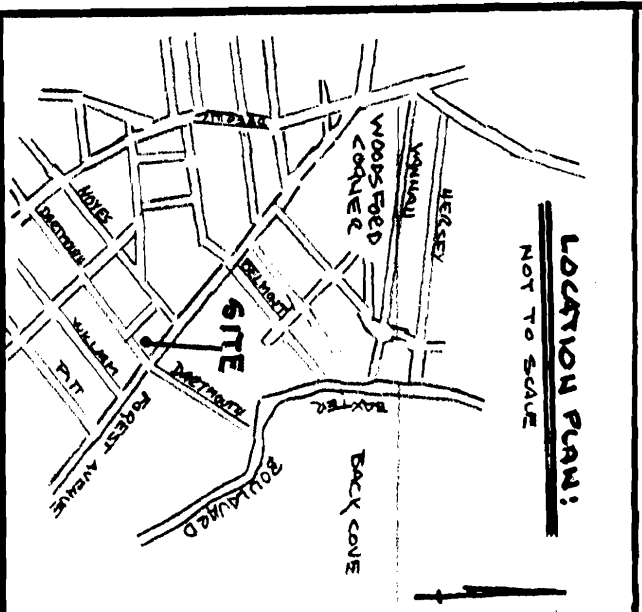
**CERTIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED**

Marcus Moschillo 11-27-06  
Signature of Applicant/Designee Date

Conna Martin Admin 11-27-06  
Signature of Inspections Official Date

CBL: 484 Building Permit #: 061648  
116 E 3

# FOREST AVENUE



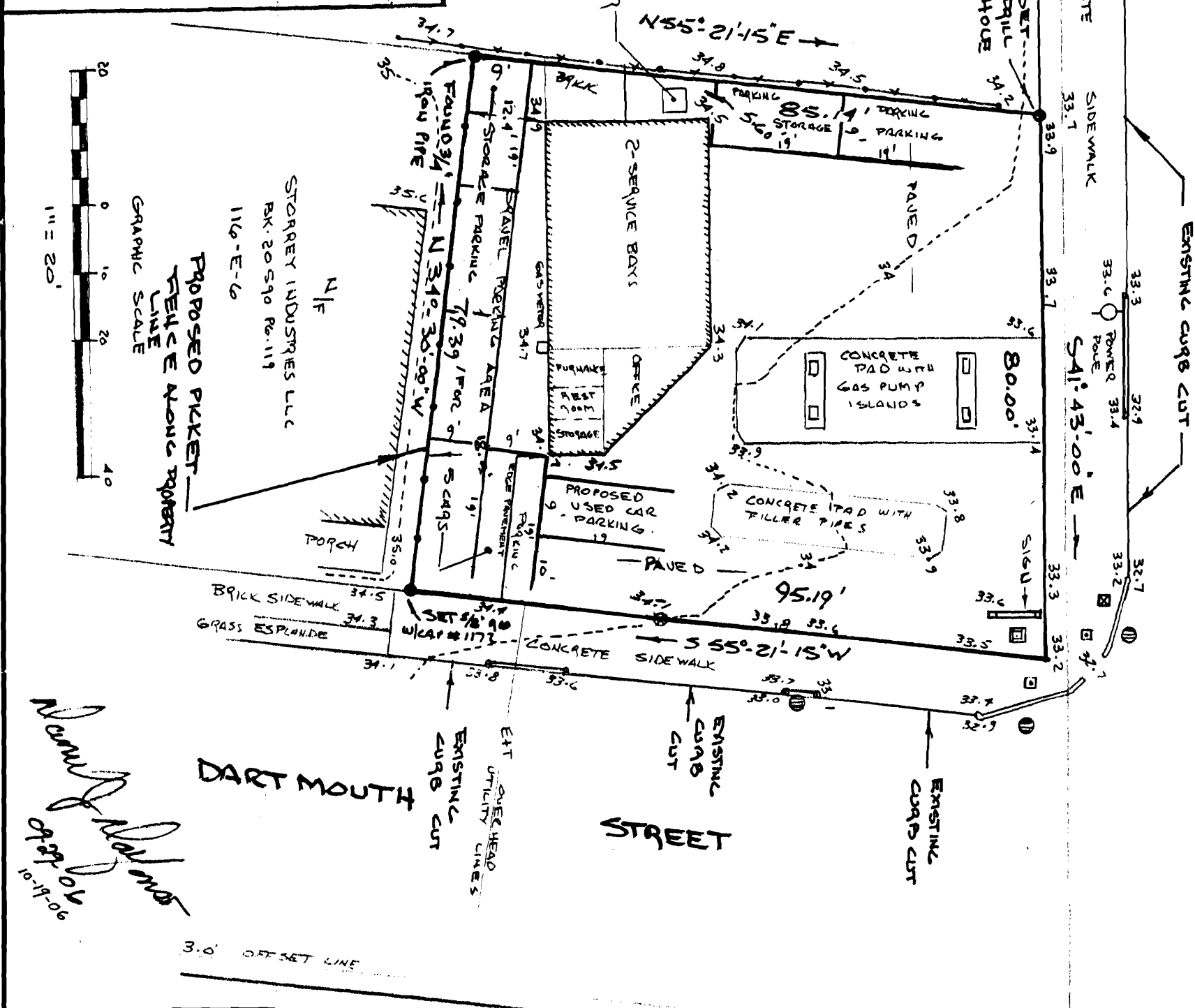
N/F  
PAUL WALTON  
BK. 11438 RG. 062  
116-E-2

3.0' OFFSET LINE  
GRAVITE CURBING 33.4  
13.8  
CONCRETE

SIDEWALK 33.1

33.3  
33.4  
POWER POLE  
S41°43'00"E  
33.2  
32.7

EXISTING CURB CUT



N/F  
STOREY INDUSTRIES LLC  
BK. 20590 Re-119  
116-E-6

PROPOSED PICKET  
LINE  
FRONT ALONG PROPERTY

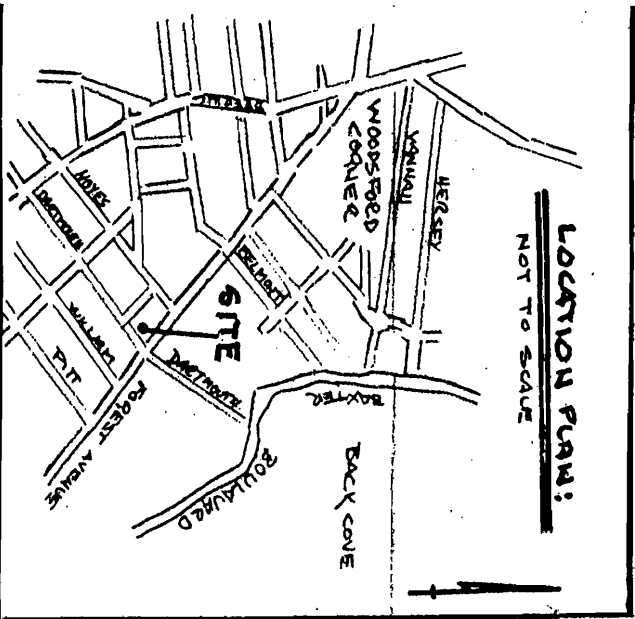


DART MOUTH

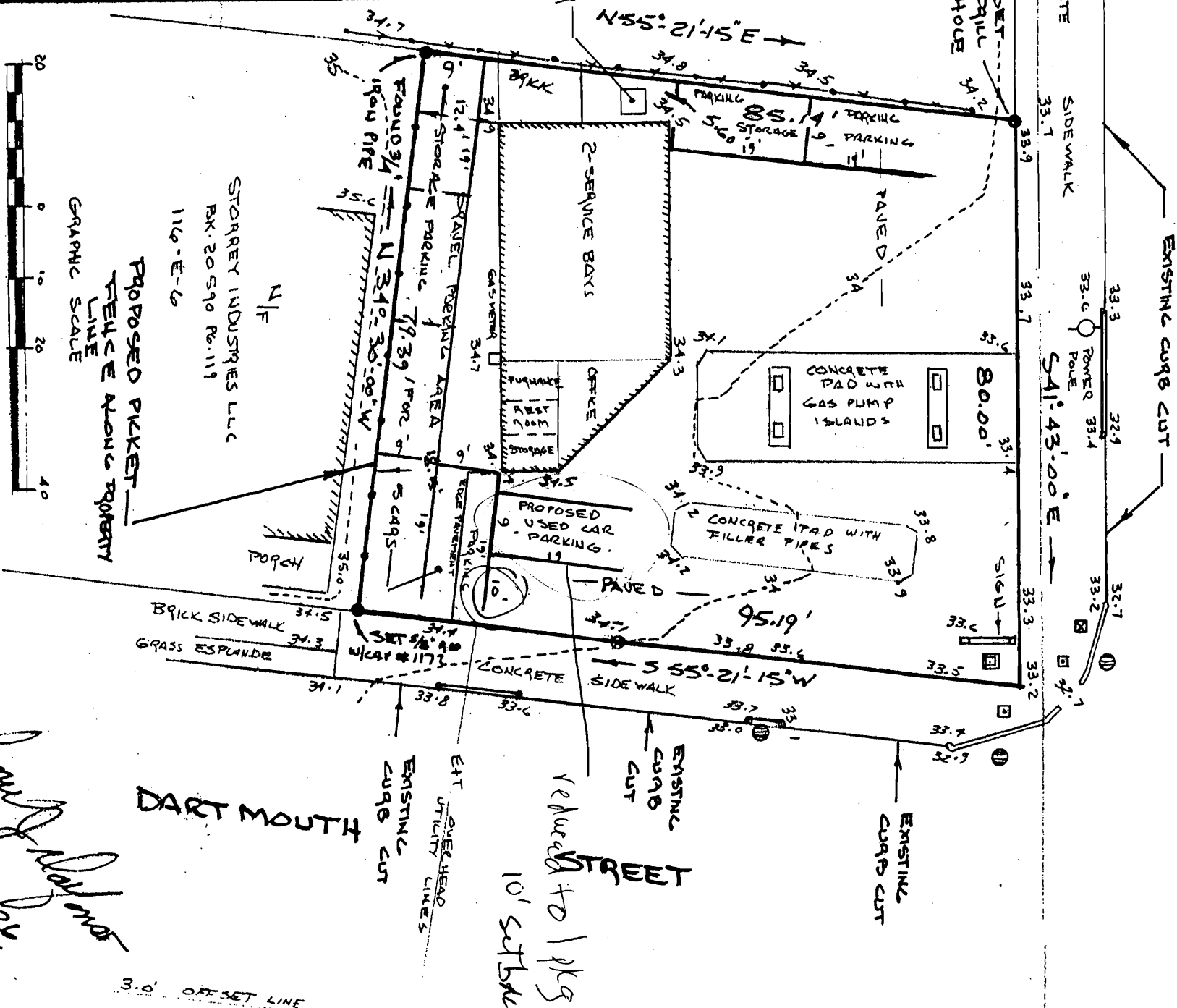
STREET

*Michael J. Malone*  
09-29-06  
10-19-06

3.0' OFFSET LINE



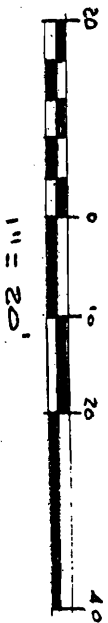
N/F  
PAUL WALTON  
BK. 11438 PG. 062  
116-E-2



FOREST AVENUE

STOREY INDUSTRIES LLC  
BK. 20590 PG. 119  
116-E-6

PROPOSED PICKET  
FENCE ALONG PROPERTY  
LINE



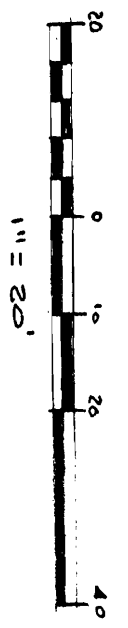
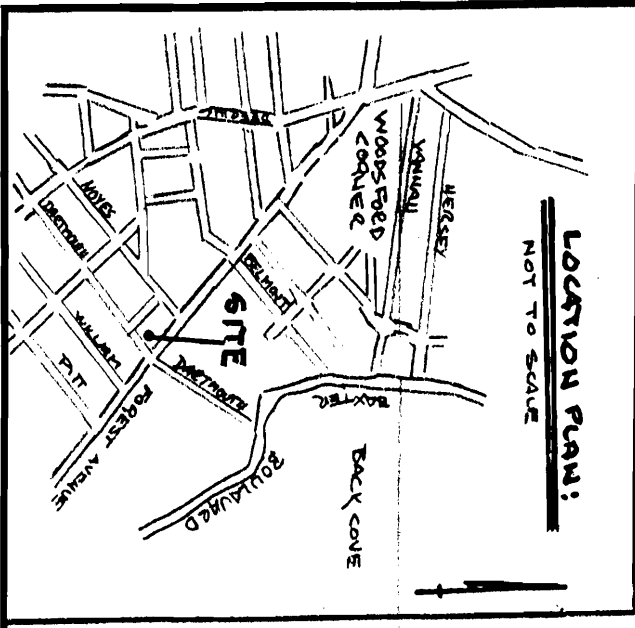
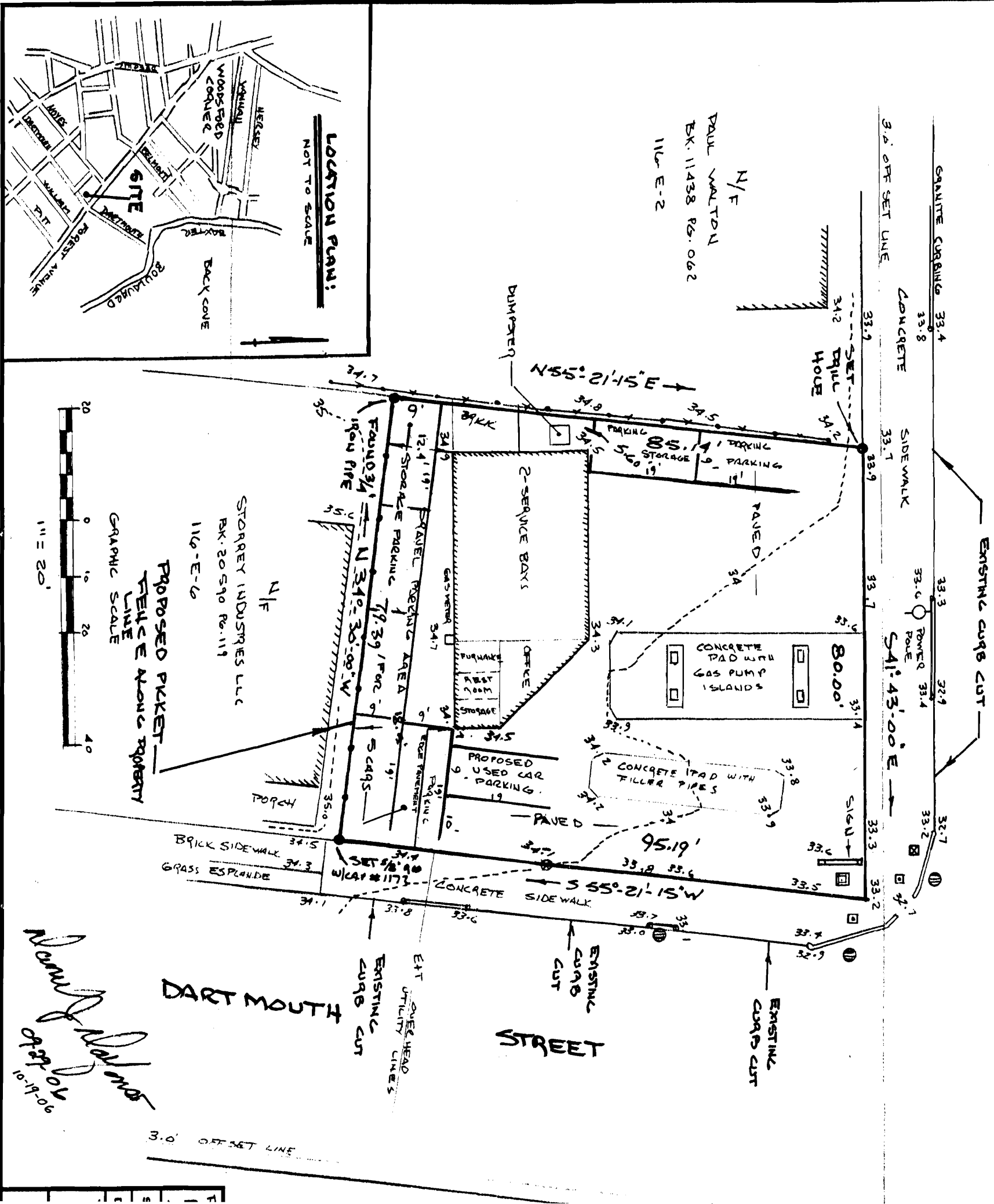
DART MOUTH STREET

returned to 1 pkgs  
10' setback

*Handwritten signature*  
10-19-06

3.0' OFFSET LINE

# FOREST AVENUE



STORNEY INDUSTRIES LLC  
BK. 20590 Re. 119  
114-E-6

**PROPOSED PKET FENCE ALONG PROPERTY LINE**

*Handwritten signature*  
10-19-06

**DART MOUTH STREET**

**STREET**

3.0' OFFSET LINE