

116-E-3

2006-0199

486 Forest Ave.

Florida North Auto

Marcus Moschetto

on Spreadsheet

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

2006-0199

Application I. D. Number

10/11/2006

Application Date

Florida North Auto

Project Name/Description

Marcus Moschetto

Applicant

205 Payne Road, Scarborough, ME 04074

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 883-3315 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

486 - 486 Forest Ave, Portland, Maine

Address of Proposed Site

116 E003001

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 Apt 0 Condo 0 Other (specify) _____

Proposed Building square Feet or # of Units _____ Acreage of Site _____ Zoning **B-2b**

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots _____
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other _____
- After the Fact - Minor PAD Review 14-403 Streets Review

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

* 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	



Conditional Use Application

Department of Planning and Development
Portland Planning Board

1. **Applicant Information:**

Marcus Moschetto

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

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- 183

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 Statue 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 Moschetto
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

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.

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 25 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.

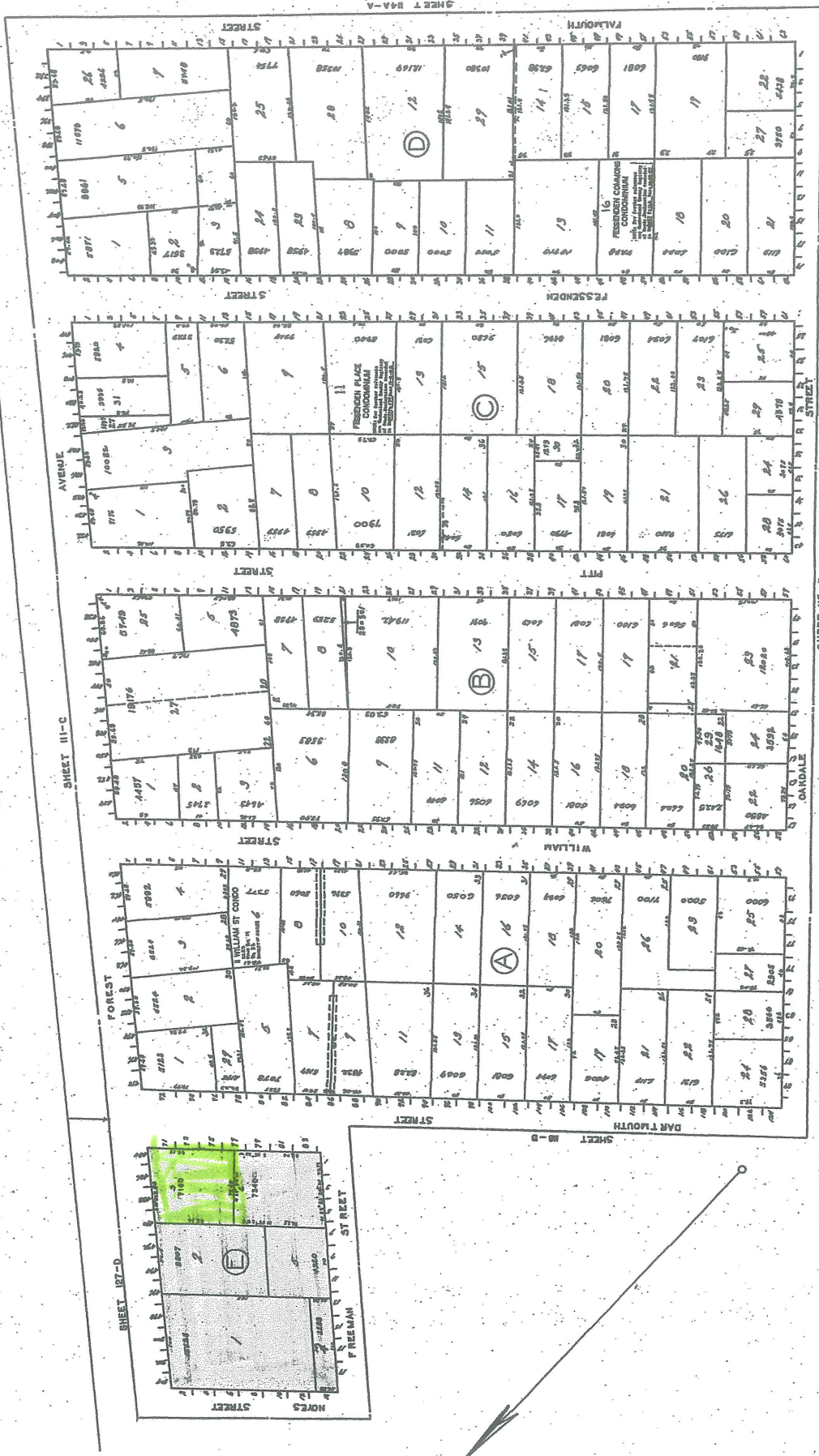
486 Forest Avenue is zoned B-2b which means a used car location would be considered a conditional use... under section 14-183 'Conditional Uses' it states, "the following are permitted in the B-2, B-2b and B-2c zone"... #5 lists "automobile dealerships". So a used car dealership at this location meets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

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.



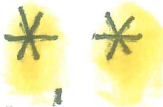
← 80 →

Drive

Owners Use

trees

2 PARKING SPOTS



22'

Storage & Furnace Rest Room

office

Cashier
diner

2 BAYS

26'

10'

SIDE WALK

ENTRANCE

ENTRANCE

SIGNS

City

ENTRANCE

SIDEWALK

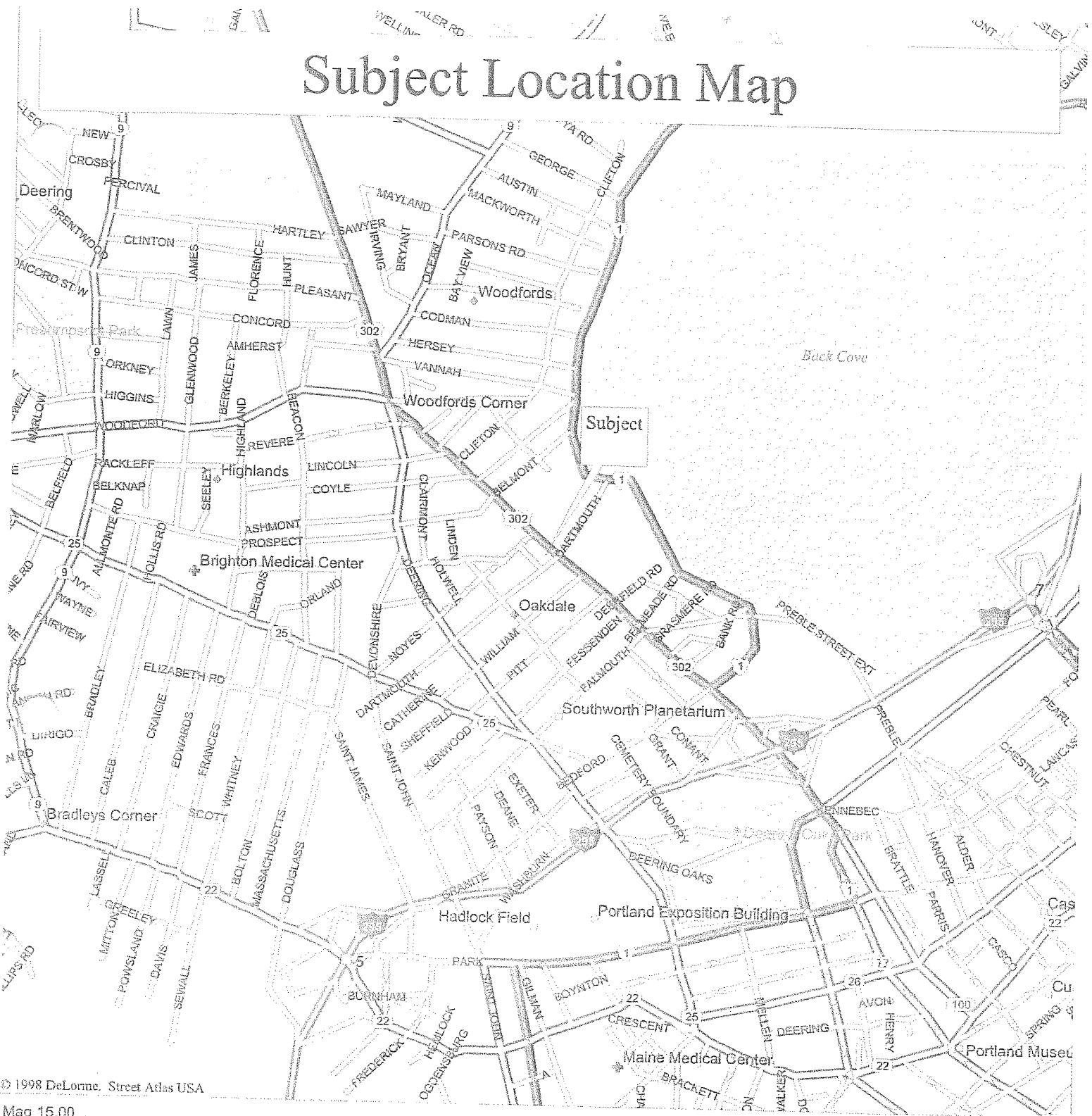
ENTRANCE

FOREST AVENUE

← 95' → chain link fence



Subject Location Map



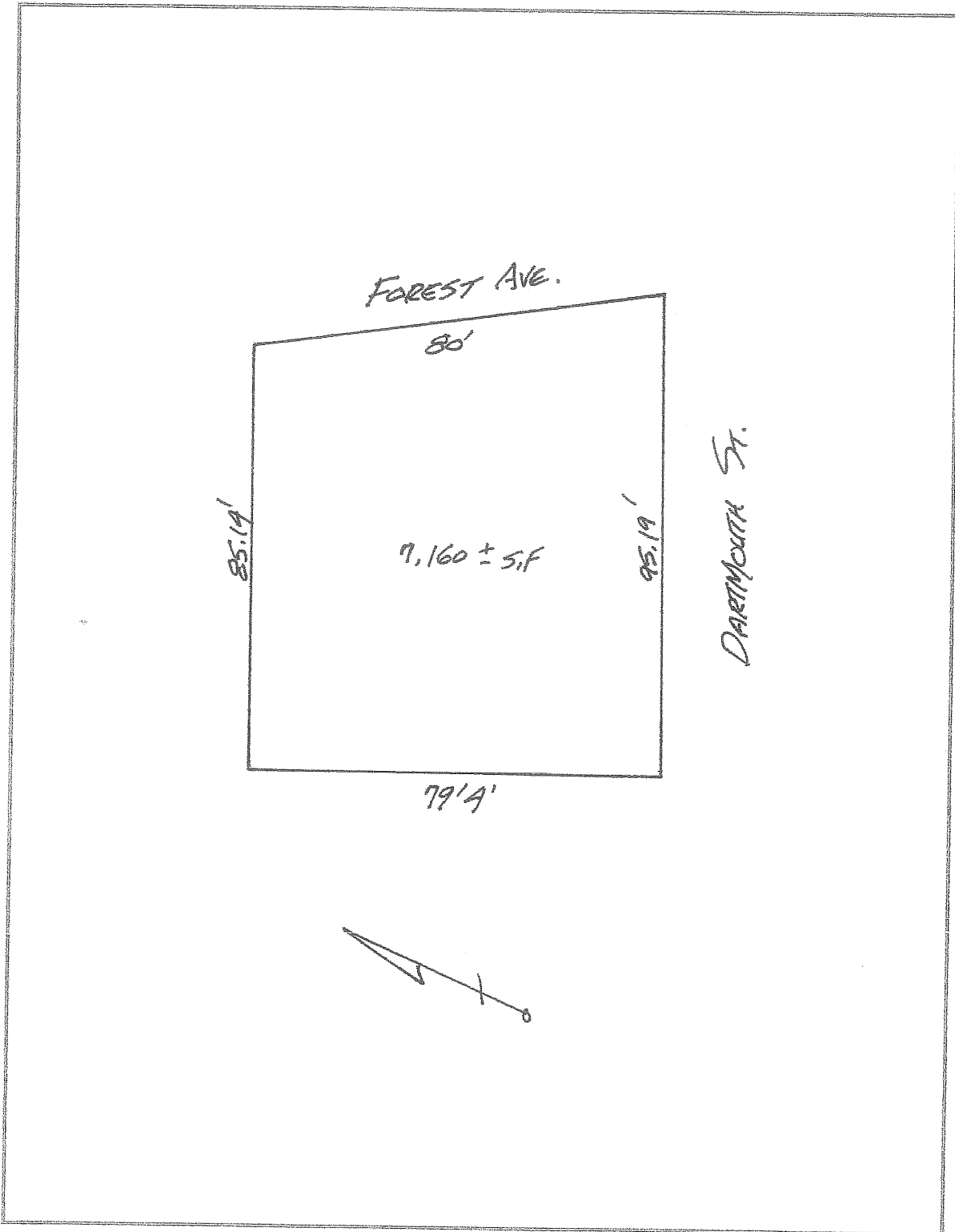
© 1998 DeLorme, Street Atlas USA

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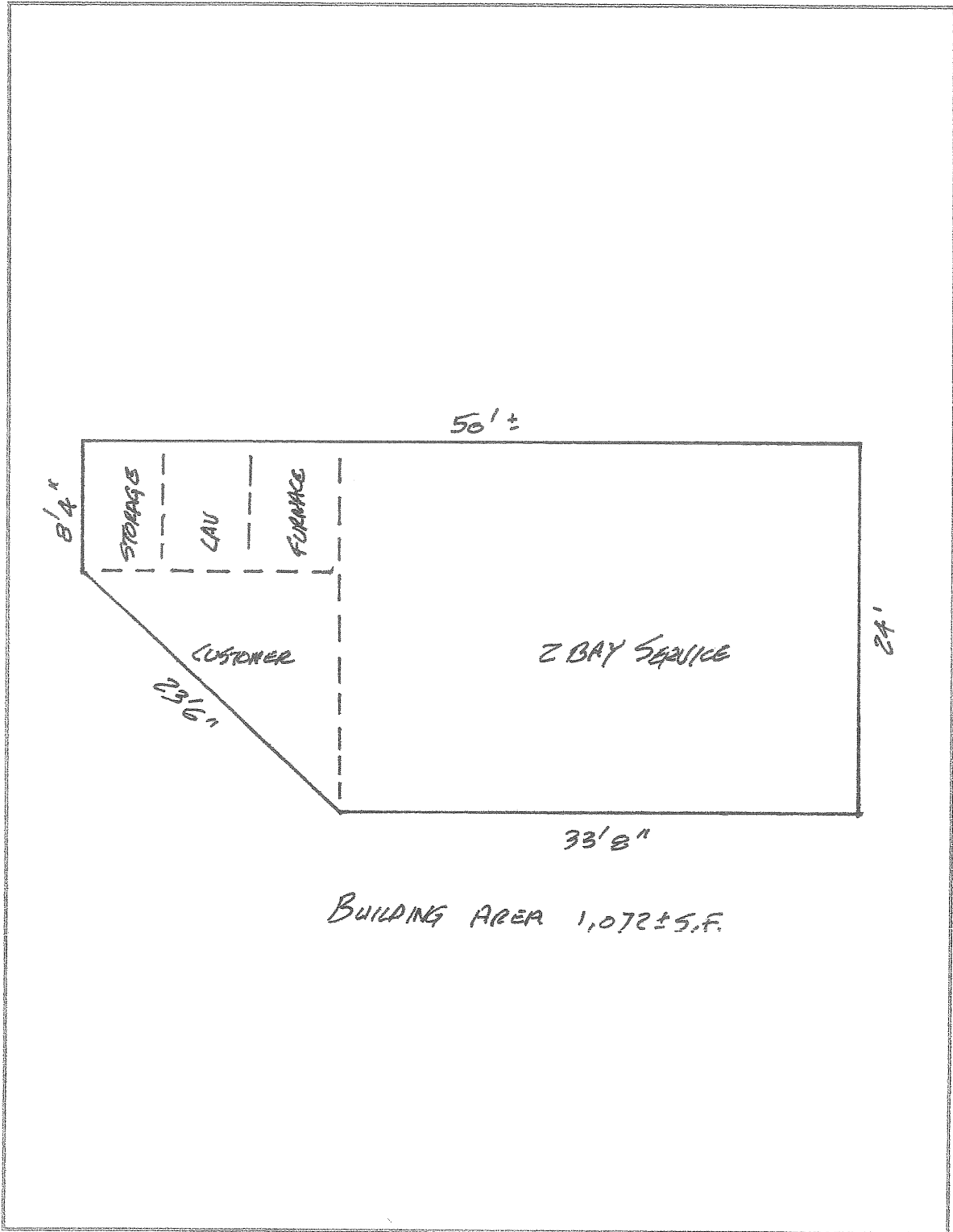
1000 Feet
 500 Meters

- | | | | |
|--|---------------------------|--|--------------------|
| | Local Road | | Point of Interest |
| | Major Connector | | Hospital |
| | State Route | | Park/Reservation |
| | Primary State Route | | Locale |
| | Interstate/Limited Access | | Water |
| | US Highway | | Woodland |
| | Exit | | Intermittent River |
| | Railroad | | City Park |

SITE SKETCH



BUILDING SKETCH





Requirements

Facilities and Personnel: Requirements are a display area for vehicles being handled, a repair department for the repair of two vehicles simultaneously, sufficient tools and equipment for servicing the vehicles, at least one mechanic and a suitable office in which business can be conducted.

Record of Vehicles: A dealer shall complete and maintain, for a period of not less than five years after the date of transaction, a record of the purchase or sale of a vehicle. The record must describe the vehicle, year, make, model, VIN, new or used, the name and address of the purchaser and name and address from whom he obtained the vehicle, current mileage, and any warrant or disclosure statement. All records must be available for inspection during the dealer business hours by the Secretary of State, the Office of the Attorney General, or authorized members of law enforcement agencies. A dealer shall maintain a current record of all sales representatives and full-time employees. All vehicles offered for sale must display a written vehicle history statement.

Dealer Licenses: Must specify the business locations occupied by the licensee in conducting business. The license must be displayed at each location and expires on December 31st of the year it was issued.

Vehicle and Equipment Dealer Plates: May be used for the direct purposes of buying, selling, testing adjusting, servicing, demonstrating or exchanging the vehicle, including use by a full time employee to attend schools and seminars designed to assist the employee in the testing, adjusting or servicing of vehicle. There may be no more than one dealer plate for the personal use of the manufacturer or dealer and one dealer plate for the personal use of the immediate family of the dealer. Plates may be used on a vehicle in a funeral or public parade when no charge is made for that use. Any full time sales representative, general manager, sales manager or service manager who is on the dealer's payroll may have personal use of a plate. Customers' demonstration use cannot exceed seven days. These plates carry a 10,000 pound weight limitation unless the vehicle, by design, exceeds 10,000 pounds without a load. A service vehicle plates may be issued to a dealer to be used only in direct connection with the licensee's business. A dealer may attach a service vehicle plate to a vehicle used for the service or repair of vehicles sold or being repaired by the dealer. A service vehicle plate cannot be used on a vehicle used to deliver parts to individuals or businesses that are not owned by the licensee. A dealer is not entitled to more than three service vehicle plates at each established place of business.

[Return to the Vehicle Services Division home page.](#)

[Return to the Bureau of Motor Vehicles home page.](#)

[Return to the Department of the Secretary of State home page.](#)



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: 486 FOREST AVE		Zone: B-2b
Existing Building Size: 1072⁺ sq. ft.	Proposed Building Size: SAME sq. ft.	
Existing Acreage of Site: 7157 sq. ft.	Proposed Acreage of Site: SAME sq. ft.	
Tax Assessor's Chart, Block & Lot: Chart# Block# Lot# 114 E 3	Property owner's mailing address: 486 Forest Ave Portland, Maine	Telephone #: 77-39206
Consultant/Agent, mailing address, phone # & contact person:	Applicant's name, mailing address, telephone #/Fax#/Pager#: Marcus Moschetto 205 Payne Rd Scarborough 883 3315	Project name: FLORIDA North Auto

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 fee)

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

Plan Amendments
 Planning Staff Review (\$250.00)
 Planning Board Review (\$500.00)

~ Please see next page ~

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

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

883-3315

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

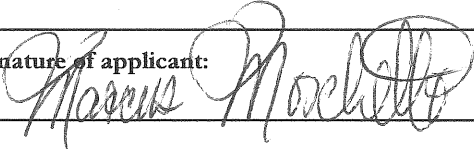
- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11 x 17 plans

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

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: 10/2/06
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This application is for site review ONLY; a building Permit application and associated fees will be required prior to construction.

Narrative

Proposed Additional Use: Used Car Dealer

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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.

LEASE AGREEMENT

I, William Welch agree to lease to Marcus Moschetto/Florida North Auto , the use of a parcel of land and building thereon located at 486 Forest Avenue, Portland. This parcel consists of a lot, 7,160 +or- S. F. , of which two (2) parking spaces are designated for Florida North Auto, and a building, 1,072 +or- S.F. . This building consists of an office, 120 +or- S. F. ,and a repair area, 816 +or- S. F. .

Lessee shall pay to Lessor during the initial term rent of six thousand dollars (\$6000.) per year, payable in installments of five hundred dollars (\$500.) per month.

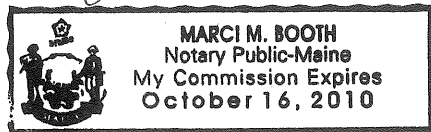
This lease will be valid for one (1) year from this date, July 15, 2006, and will be renewed yearly thereafter. This lease may not be terminated by either party without thirty (30) days written notice.

Marci M. Booth
Witness to Lessor

William B. Welch
Lessor

Marci M. Booth
Witness to Lessee

Marcus Moschetto
Lessee



Narrative

Proposed Additional Use: Used Car Dealer

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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 one car for sale 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.

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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.

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

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USED CAR SALES
VICINITY OF 486 FOREST AVENUE
CONDITIONAL USE AND SITE PLAN REVIEW

MARCUS MOSCHETTO, APPLICANT

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Shukria Wiar, Planner

October 18, 2006

I. INTRODUCTION

Marcus Moschetto has requested Site Plan and Conditional Use approval for a one (1) parking space for display of used cars at the property located at 486 Forest Avenue. This site is located at the corner of Forest Avenue and Darmouth Street and is currently occupied by Citgo Service Station. The applicant is proposing a car dealership that primarily focuses on Internet sales, selling at auctions and dealing with individual local customers. An aerial map of the site is included as Attachment 7.

The site is in the B-2 business zone. The site is completely paved with a single story building, which is presently being used for car servicing. The site has two (2) service bays and two gas pump islands. The site has frontage onto both Forest Avenue (80 feet) and Dartmouth Street (95.19 feet). The parcel size is approximately 7,157 sq. ft. The site is abutted on the west or rear of the property by a three-story multi-unit apartment building with a small yard to the rear and to the northeast by a retail building (Awards Plaque and Trophies), with an office building (Imageset) on the opposite corner across Dartmouth Street.

Since the use of a car dealership is a conditional use in the B-2 zone, the Planning Board substitutes for the Zoning Board in this matter.

Notices were sent to 236 area residents and interested citizens along with a notice in the *Portland Press Herald*.

II. FINDINGS

Applicant:	Marcus Moschetto
	CBL#: 116 E003001
Zoning:	B-2
Parcel Size:	7157 sq ft
Parking Spaces:	There are existing seven (7) parking spaces and one (1) for the proposed use

III. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the site plan ordinances. Staff comments are highlighted in this report.

IV. SITE PLAN REVIEW

1/2. Traffic

There would be virtually no increase in traffic because the type of sales being proposed would be engaged in would be different than the typical used car lot where a prospective buyer come and look at a wide selection of automobiles. The applicant's sales would be more of Internet sales.

The Jim Carmody, Traffic Engineer reviewed the proposed plan, see Attachment 8. All vehicles on the site must be entirely within the property line. No vehicles are to encroach on the public sidewalks at any time.

Stationary vehicles cannot block driveways to the property. This would restrict access/egress to the gas station impacting the adjacent streets, and could become a safety problem.

Parking

There are seven existing parking spaces on site. There will be one (1) parking bay added for the mere display of the automobiles for sale. Originally the applicant was proposing two (2) parking spaces but after staff review, he reduced it to only one parking space. This parking space is located between the sidewalks on Dartmouth Street and the building. Jim Carmody, the Traffic Engineer has review the site plan and has the following comment:

- 1. All vehicles on the site must be entirely within the property line. No vehicles are to encroach on the public sidewalks at any time.*

Marge Schmuckal, the Zoning Administrator reviewed the applicant requested that under Chap. 14-339:

where such off-street parking shall about a lot in a residence zone or a lot in residential use, a chain link, picket 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.

The applicant is proposing a picket fence along the back of the property where it abuts a residential unit.

The applicant also has submitted a narrative that addresses the requirements of Section 14-340 and Section 14-341 as requested by Marge Schmuckal in her memorandum dated 10.13.2006 included as Attachment 10. There is not final zoning sign off since Marge Schmukal is on vacation and has not yet reviewed the narrative. A potential condition of approval could be:

The Zoning Administrator shall review and sign off on the project.

3. /4. Bulk, Location, Health, Safety Air, Height of Proposed buildings

The proposal does not include the construction of any new buildings and there are no known health or safety problems with the existing building

5. Sewers, Stormdrains, Water

There will be no adverse effect on these utilities. The applicant will be using the existing utilities.

6. Landscaping and Existing Vegetation

There is little room to add successful landscape plantings due to the existing curb cuts, utilities and existing pavement. Since the existing building is located in the corner of the lot with both overhead doors to service vehicles and pedestrian access door limiting the potential planting space, an option will be to add a small planter box near the building. See Attachment 9. A potential condition of approval:

A planter box shall be added near the building and shall be maintained using seasonal planting.

7. Soils and Drainage

The proposal is entirely within the envelope of an existing building and an existing paved area adjacent to the building, and therefore does not adversely affect the quality/quantity of groundwater.

8. Exterior Lighting

There are no proposals for exterior lighting.

9. Fire

The Fire Department has reviewed the submitted proposals had not issues. See Attachment 11.

10. City Infrastructure

The proposal does not involve any changes to the City infrastructure.

11. Easements

The proposal does not involve any easements.

V. **CONDITIONAL USE REVIEW**

Sec. 14-183. Conditional uses identifies auto dealership in the B-2 or B-2b zones which are adjacent to any residential use or zone as being a permitted conditional business use if they meet the following requirements, and *“the Planning Board shall be substituted for the board of appeals as the reviewing authority over conditional business uses”*.

The requirements taken from the Ordinance 14-183 are in italics below, together with an analysis of the proposals.

- 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 proposing to make use of the single existing sign structure located on Forest Avenue. It does not appear that the existing sign will adversely affect visibility at intersections or access drives.

- b. Circulation: No ingress and egress driveways shall be located within thirty (30) 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.*

Because the standard states that “no ingress and egress driveways shall be located within thirty (30) feet from and intersection,” the Planning Board would have to determine if the standard applies to existing curb cuts or to new driveways. In the past, if a site was already developed, driveways that have existed have been allowed, unless there was a potentially dangerous situation created by the locations of the driveways.

The following standards apply for all conditional uses:

Section 14-474(c)(2) *Standards: 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.*

There are no known unique or distinctive characteristics associated with the proposed use.

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

The use will remain an automobile shop, along with the sale of automobiles. It does not appear that there will be any adverse impacts with the proposed project.

- c. *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.

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 # 60-06 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.
- ii. That the plan is/is not in conformance with the Site Plan Standards of the Land Use Code.
 1. The Zoning Administrator shall review and sign off on the project.
 2. A planter box shall be added near the building and shall be maintained using seasonal planting.

Attachments:

- | | |
|---|----------------------|
| 1. Site Plan Application | |
| 2. Conditional Use Permit Application | |
| 3. Lease Agreement | |
| 4. Narrative by Applicant addressing staff comments | Submitted 10.19.2006 |
| 5. Revised Site Plan | Dated 10.19.2006 |
| 6. Shukria Wiar, Planner Letter to Applicant | Dated 08.10.2006 |
| 7. Aerial Map of the Site | |
| 8. James Carmody, City Transportation Engineer, e-mail | Dated 10.12.2006 |
| 9. Jeff Tarling, City Arborist, email | Dated 10.12.2006 |
| 10. Marge Schmuckal, memorandum | Dated 10.13.2006 |
| 11. Captain Greg Cass, Fire Department, Urban Insight extract | Dated 10.12.2006 |



**City of Portland, Maine
Department of Planning and Development
Conditional Use Application**

Application ID: 997 **Application Date:** 07/11/2006 **CBL:** 116 E003001 **Property Location:** 486 Forest Avenue

Applicant Information:

Marcus Moschetto
Name

Business Name
205 Payne Road
Address

Scarborough, ME 04074
City, State and Zip

207-883-3315
Telephone Fax

Applicant's Right, Title or Interest in Subject Property:

Current Zoning Designation: B2b

Existing Use of Property:

Service Station

Proposed Use of Property:

Additional Use - Used Auto Sales

Property Owner:

William Welch
Name

486 Forest Avenue
Address

Portland, ME 04101
City, State and Zip

207-773-9206
Telephone Fax

Amendment A _____

Amendment B _____

Amendment C

Section 14: _____

Planning Approval

REVIEW TYPE: Committee Review

RECOMMENDATION DATE: _____ **APPROVAL DATE:** _____ **ENACTMENT DATE:** _____

#997
486 Forest Avenue
Conditional Use
Notice Sent
500'





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: 486 FOREST AVE		Zone: B-2b
Existing Building Size: 1072[±] sq. ft.	Proposed Building Size: SAME sq. ft.	
Existing Acreage of Site: 7157 sq. ft.	Proposed Acreage of Site: SAME sq. ft.	
Tax Assessor's Chart, Block & Lot:		Property owner's mailing address:
Chart# 11e	Block# E	Lot# 3
		Telephone #: 77-39206
Consultant/Agent, mailing address, phone # & contact person:		Applicant's name, mailing address, telephone #/Fax#/Pager#:
		Marcus Moschetto 205 Payne Rd Scarborough 888 3315
		Project name: FLORIDA North Auto

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 fee)

Minor Site Plan Review

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

Plan Amendments

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

~ Please see next page ~

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

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

883-3315

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

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 Moschetti

Date:

10/2/06

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

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.

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.



Att. 2

Conditional Use Application

Department of Planning and Development
Portland Planning Board

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

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- 183

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 Moschetto
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

Department of Planning and Development -- Portland City Hall -- 389 Congress Street -- Portland, Maine 04101-- Ph (207)874-8720

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.

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 25 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.

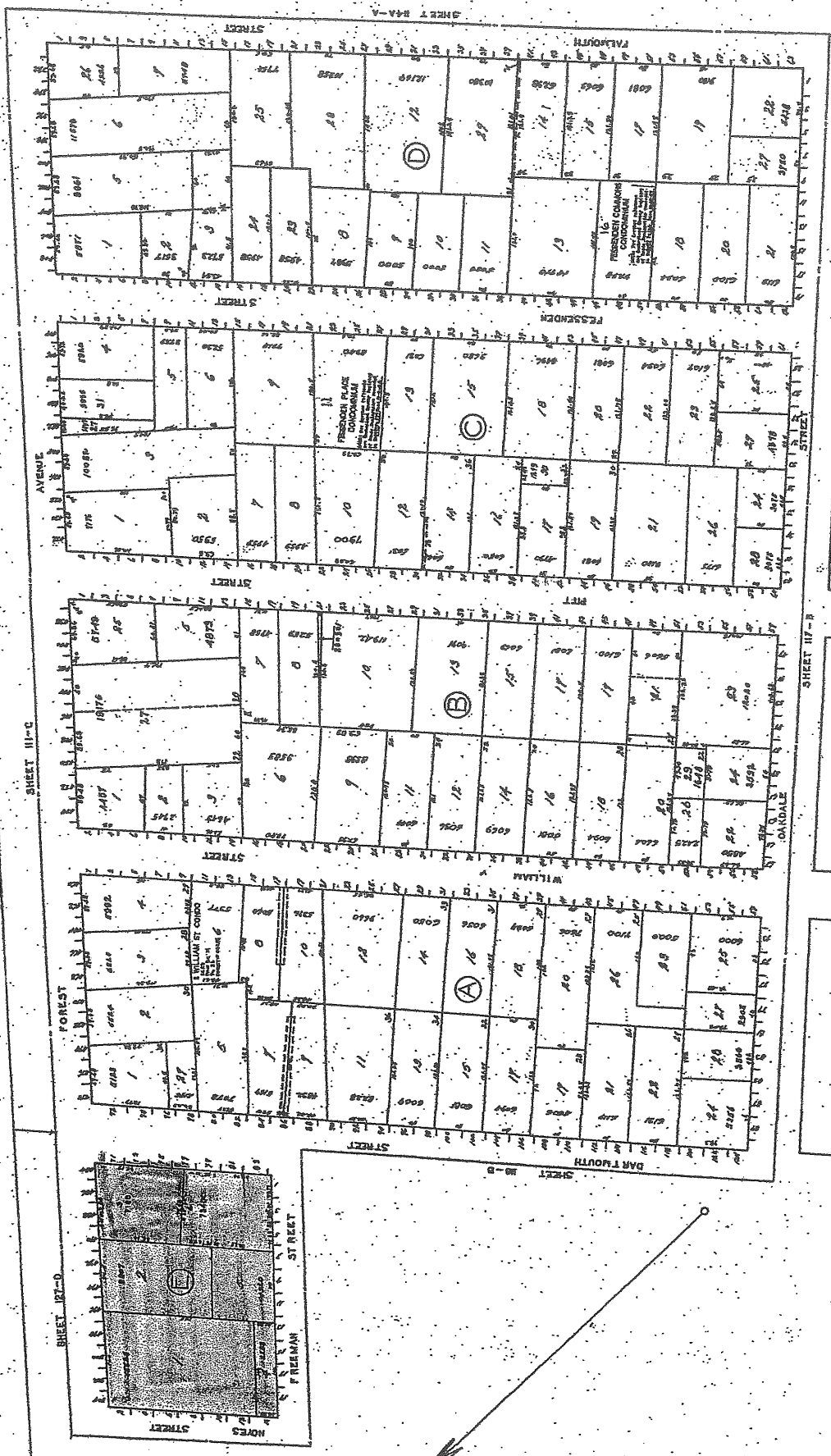
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The use which I am proposing is very similar to the existing use at the present location...a service station/repair shop is very close in nature to a small auto sales business. In fact the state requires bays, lifts, repair equipment, and an office 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.

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.



SHEET 111-C

SHEET 117-D

SHEET 117-B

SHEET 117-A

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 60'

RETRACED 3-30-87

← 80 →

Drive

Owners use.

∞

trees

2 PARKING SPOTS

* *

22'

Storage & Rest
Furnace Room

office
Cashier
diner.

2
BAYS

50'

26'

10'

← 95 → chain link fence



City of
Nashville

ENTRANCE

SIDEWALK

FOREST AVENUE

ENTRANCE

Subject Location Map

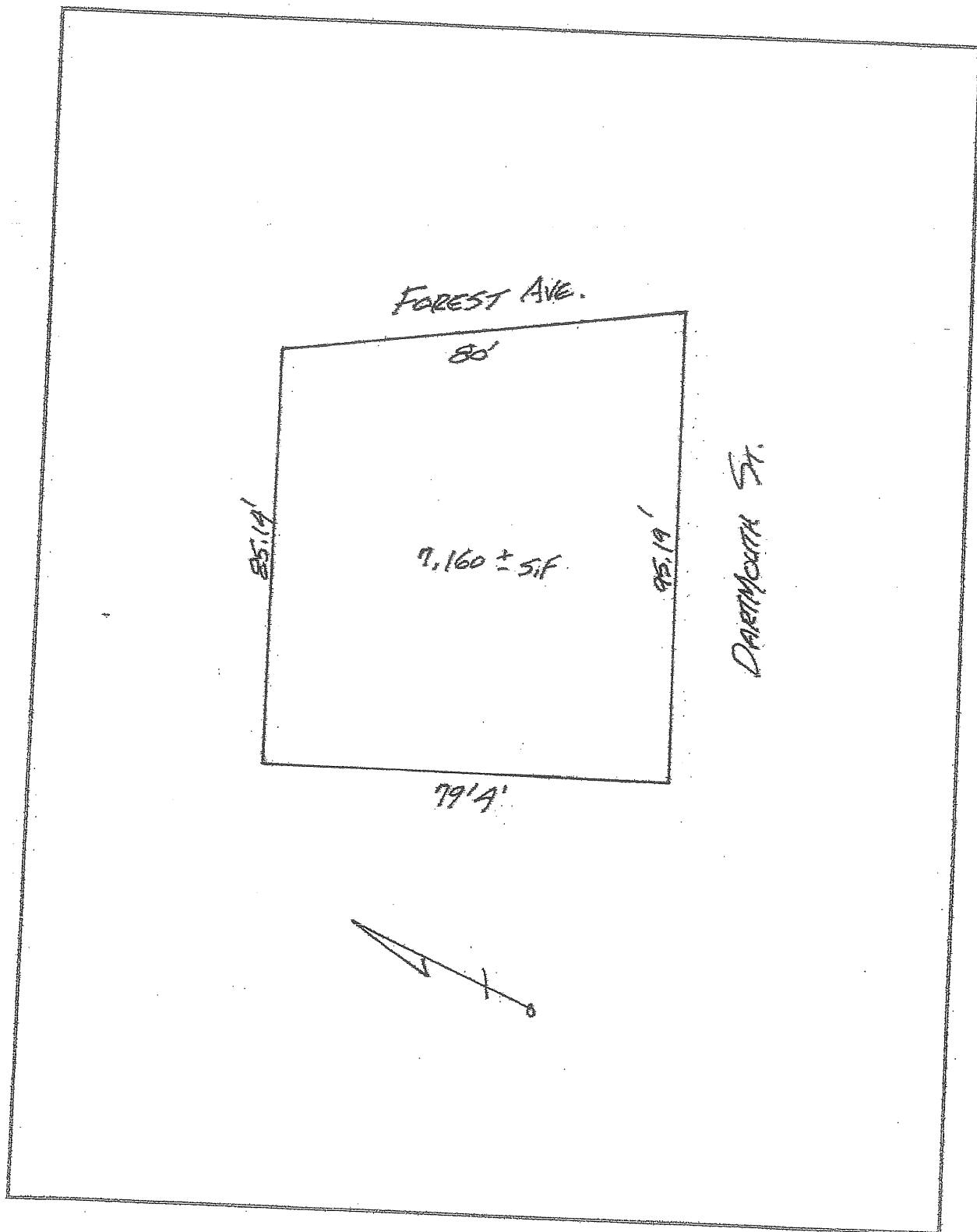


Forme Street Atlas USA

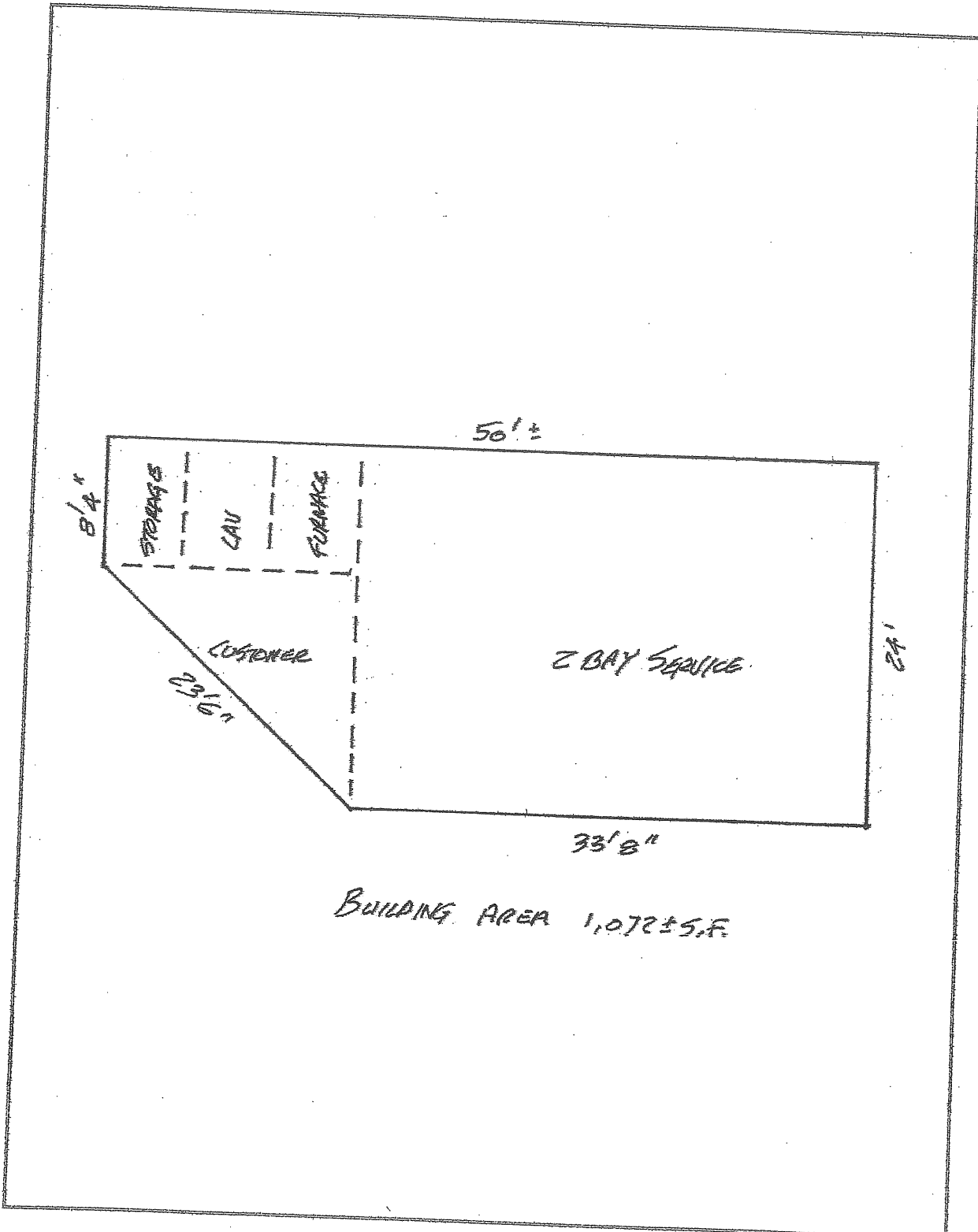
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5,625 (at center)
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ters

- | | | | |
|--|---------------------------|--|--------------------|
| | Local Road | | Point of Interest |
| | Major Connector | | Hospital |
| | State Route | | Park/Reservation |
| | Primary State Route | | Locale |
| | Interstate/Limited Access | | Water |
| | US Highway | | Woodland |
| | Exit | | Intermittent River |
| | Railroad | | City Park |

SITE SKETCH



BUILDING SKETCH



BUILDING AREA 1,072± S.F.

Maine.gov

Agencies | Online Services | Web Policies | Help

State Search:

Requirements

Facilities and Personnel: Requirements are a display area for vehicles being handled, a repair department for the repair of two vehicles simultaneously, sufficient tools and equipment for servicing the vehicles, at least one mechanic and a suitable office in which business can be conducted.

Record of Vehicles: A dealer shall complete and maintain, for a period of not less than five years after the date of transaction, a record of the purchase or sale of a vehicle. The record must describe the vehicle, year, make, model, VIN, new or used, the name and address of the purchaser and name and address from whom he obtained the vehicle, current mileage, and any warrant or disclosure statement. All records must be available for inspection during the dealer business hours by the Secretary of State, the Office of the Attorney General, or authorized members of law enforcement agencies. A dealer shall maintain a current record of all sales representatives and full-time employees. All vehicles offered for sale must display a written vehicle history statement.

Dealer Licenses: Must specify the business locations occupied by the licensee in conducting business. The license must be displayed at each location and expires on December 31st of the year it was issued.

Vehicle and Equipment Dealer Plates: May be used for the direct purposes of buying, selling, testing adjusting, servicing, demonstrating or exchanging the vehicle, including use by a full time employee to attend schools and seminars designed to assist the employee in the testing, adjusting or servicing of vehicle. There may be no more than one dealer plate for the personal use of the manufacturer or dealer and one dealer plate for the personal use of the immediate family of the dealer. Plates may be used on a vehicle in a funeral or public parade when no charge is made for that use. Any full time sales representative, general manager, sales manager or service manager who is on the dealer's payroll may have personal use of a plate. Customers' demonstration use cannot exceed seven days. These plates carry a 10,000 pound weight limitation unless the vehicle, by design, exceeds 10,000 pounds without a load. A service vehicle plates may be issued to a dealer to be used only in direct connection with the licensee's business. A dealer may attach a service vehicle plate to a vehicle used for the service or repair of vehicles sold or being repaired by the dealer. A service vehicle plate cannot be used on a vehicle used to deliver parts to individuals or businesses that are not owned by the licensee. A dealer is not entitled to more than three service vehicle plates at each established place of business.

[Return to the Vehicle Services Division home page.](#)

[Return to the Bureau of Motor Vehicles home page.](#)

[Return to the Department of the Secretary of State home page.](#) □

LEASE AGREEMENT

I, William Welch agree to lease to Marcus Moschetto/Florida North Auto , the use of a parcel of land and building thereon located at 486 Forest Avenue, Portland. This parcel consists of a lot, 7,160 +or- S. F. , of which two (2) parking spaces are designated for Florida North Auto, and a building, 1,072 +or- S.F. . This building consists of an office, 120 +or- S. F. , and a repair area, 816 +or- S. F. .

Lessee shall pay to Lessor during the initial term rent of six thousand dollars (\$6000.) per year, payable in installments of five hundred dollars (\$500.) per month.

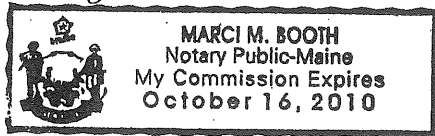
This lease will be valid for one (1) year from this date, July 15, 2006, and will be renewed yearly thereafter. This lease may not be terminated by either party without thirty (30) days written notice.

Marcus M. Booth
Witness to Lessor

William P. Welch
Lessor

Marcus M. Booth
Witness to Lessee

Marcus Moschetto
Lessee



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 an arrangement where we will use his office, bays, and have one exterior parking space for used cars, thus fulfilling the state requirements.

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 one car for sale 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. 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.

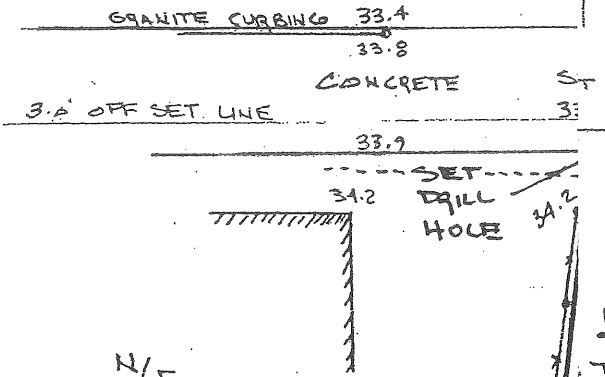
As the only mechanic, Bill has cut back on the number of vehicles he services per day and uses only one bay for light service work. The other bay usually houses his plow truck. Bill has also cut back the hours of operation and the number of days he is open. He now operates Monday thru Friday, 7 AM until 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.

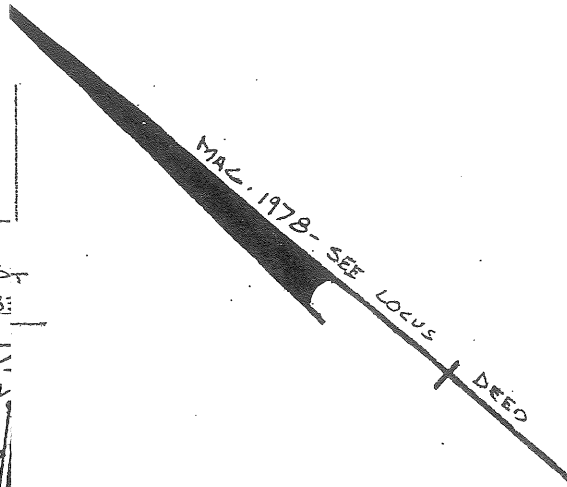
The spaces provided for parking are not public parking but storage parking for cars that will be worked on in the service bay sometime during the day. Customers leave their cars and Welch's stores them in the parking spaces until the cars go into the shop. Thus Section 14-341 should not apply because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

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

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.



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



NOTES:

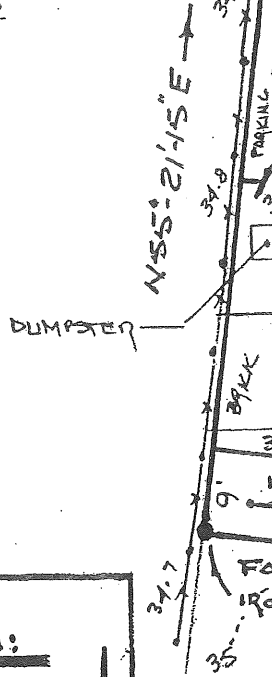
- TOTAL AREA: 71577 SQ. FT.
- TAX MAP 116 BLOCK E LOT 3
- LOCUS DEED REFERENCE: BOOK 15085 PAGE 310
- ZONE: B2B; COMMUNITY BUSINESS

RECORD OWNER:

WILLIAM P. WELCH PER DEED BOOK 15085
 PAGE 310 07-31-99

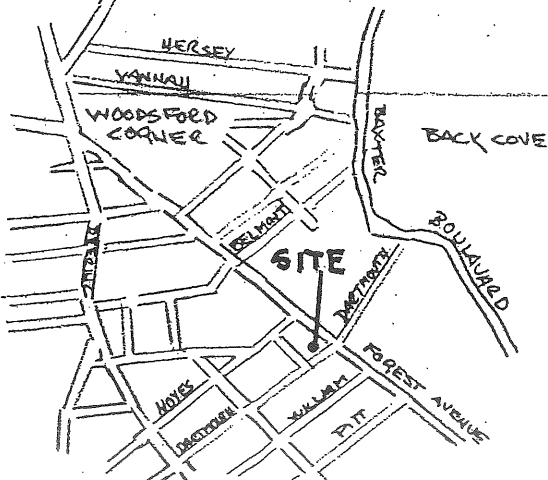
LEGEND:

- CATCH BASIN
- WATER SHUTOFF
- FIRE CALL BOX
- TRAFFIC LIGHT POLE
- CONCRETE PAD - RAISED 0.4'
- SPOT ELEVATION (EXISTING)
- EXISTING CONTOUR LINE
- EXISTING GRANITE CURB



LOCATION PLAN:

NOT TO SCALE



2D BOUNDARY SURVEY AND SITE SURVEY MADE FOR
 NETTO OF PROPERTY LOCATED AT
 PORTLAND MAINE

DESIGNED BY:

DRAWN BY

REVISED 10-19-06

BY: 10 LLC

SUITE 202
 PHONE 04106

207-799-0398

DRAWING NUMBER

04074

1141-A



PORTLAND MAINE

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Planning and Development Department
Richard D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Marcus Moschetto
205 Payne Road
Scarborough, ME 04074

August 10, 2006

Dear Mr. Moschetto,

Re: Site Plan Review: 486 Forest Avenue; Existing Building with additional proposed use of automobile dealership. Conditional Use Application # 997; CBL 116 E003001

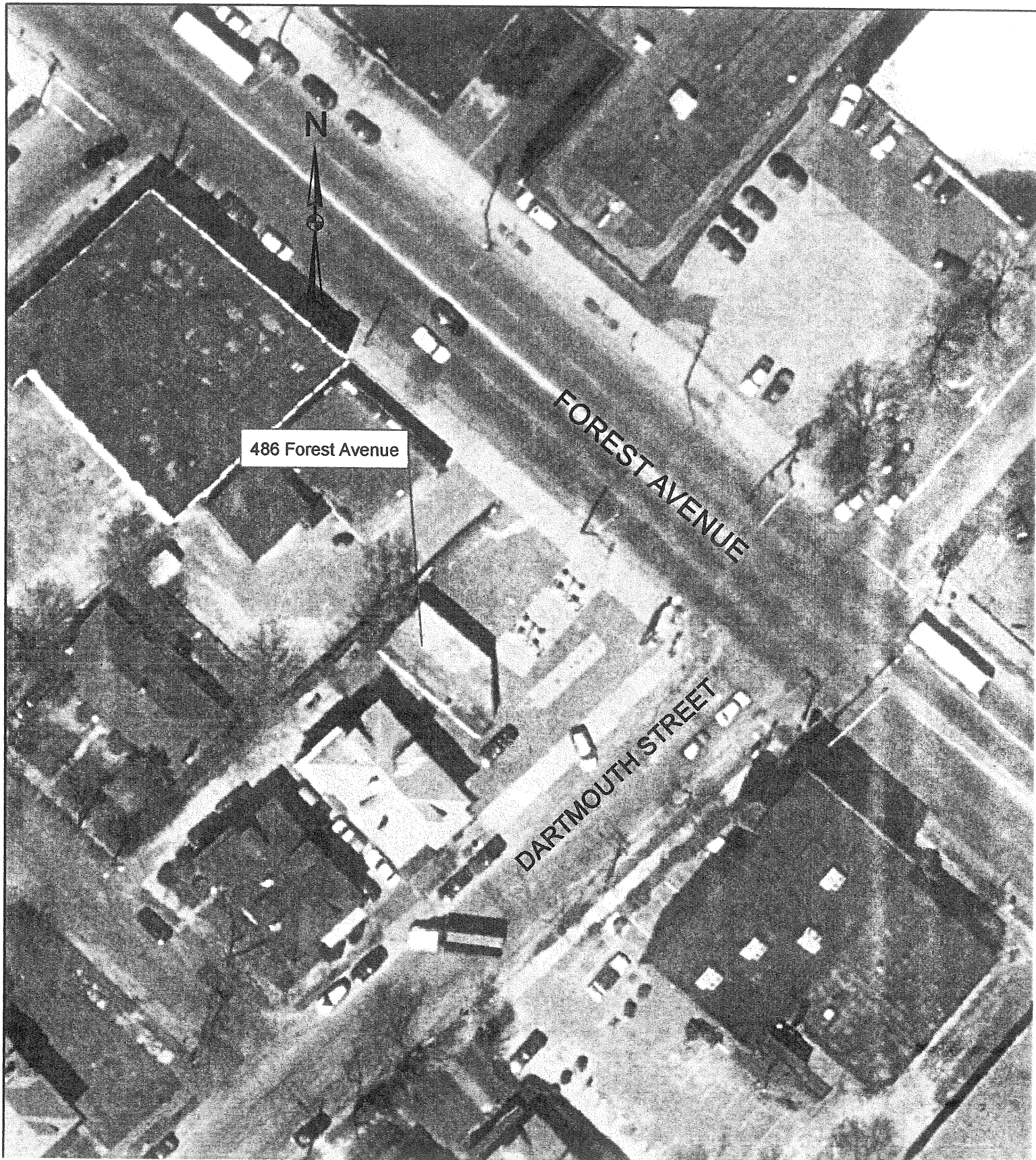
As you have indicated, this property is located within a B-2b Business Zone which would require a conditional use and a site plan approval for an automobile dealership. The Planning Board substitutes for the Zoning Board in this matter but a Planning Board Workshop has not yet been scheduled.

There is a concern by staff that this site is currently tightly packed and to add an additional use of used automobile will be difficult. The various departments have reviewed the proposal and there are a number of issues that need to be addressed prior to consideration for a Planning Board Workshop:

1. Submit application for a site plan review.
2. Scale drawing of the property. The site plan needs to show the following:
 - i. Proposed and/or existing curb cuts
 - ii. Granite curbs are required
 - iii. Proposed and/or existing drives and walks (indicate materials)
 - iv. Proposed and/or existing grade
 - v. Proposed and/or existing off-site parking
 1. The applicant needs to show all dedicated parking spaces; how many of these spaces will be dedicated for the display cars and how many spaces will be used for customer parking. You will also need to show the designated parking spaces for the service bay (where do people leave cars to be maintenance?).

Att. '7

Proposed Additional Use: Used Car Dealership
"Florida North Auto"
486 Forest Avenue



Att. 8.

From: James Carmody
To: Wiar, Shukria
Date: 10/12/2006 3:54:51 PM
Subject: 486 Forest Avenue - Used Car Dealership

From a traffic perspective, 2 comments:

1. All vehicles on the site must be entirely within the property line. No vehicles are to encroach on the public sidewalks at any time.
2. Driveways to the property cannot be blocked by stationary vehicles. This would restrict access/egress to the the gas station impacting the adjacent streets, and could become a safety problem.

James Carmody
Transportation Engineer
City of Portland
207-874-8894
JPC@portlandmaine.gov

Att. 4

From: Jeff Tarling
To: Shukria Wiar
Date: 10/12/2006 4:16:49 PM
Subject: Re: 486 Forest Ave Used Car Dealership

Shulria -

I inspected the proposed 486 Forest Avenue project and found little room to add successful landscape plantings due to the existing curb cuts, utilities and existing pavement. The existing building is located in the corner of the lot with both overhead doors to service vehicles and pedestrian access door limiting potential planting space. One option might be to add a small planter box near the building.

I would be willing to work with the applicant to explore landscape options if needed.

Jeff Tarling
City Arborist

MEMORANDUM

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

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.

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

1111

Appl. ID 2006-0199

- Find
- Property Lookup
- Notices
- Print Application
- Charges
- Invoicing
- Taxes Due
- Close

Appl. Date 10/11/2006 CBL 116 E003001

Appl. Status Received

Project Florida North Auto

Lot Nbr

Site Address 486 to 486 Forest Ave

Subdivision

Address 2 Portland, Maine

Department	Status	Distribution Date	OK'd	Status	Approved Date	
Planning	Pending		<input type="checkbox"/>	Pending		View/Add Info
DRC	Pending		<input type="checkbox"/>	Pending		View/Add Info
Public Works	Pending		<input type="checkbox"/>	Pending		View/Add Info
Fire	Not Applicable		<input type="checkbox"/>	Not Applicable	10/12/2006	View/Add Info
Zoning	Comments Submitted	10/11/2006	<input type="checkbox"/>	Comments Submitted		View/Add Info
Parks	Pending		<input type="checkbox"/>	Pending		View/Add Info

Create Date 10/11/2006 Created By jmy Last Updated 10/11/2006 Updated By jmy

CITY OF PORTLAND, MAINE

PLANNING BOARD

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.

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



PORTLAND MAINE

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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Marcus Moschetto
205 Payne Road
Scarborough, ME 04074

August 10, 2006

Dear Mr. Moschetto,

Re: Site Plan Review: 486 Forest Avenue; Existing Building with additional proposed use of automobile dealership. Conditional Use Application # 997; CBL 116 E003001

As you have indicated, this property is located within a B-2b Business Zone which would require a conditional use **and** a site plan approval for an automobile dealership. The Planning Board substitutes for the Zoning Board in this matter but a Planning Board Workshop has not yet been scheduled.

There is a concern by staff that this site is currently tightly packed and to add an additional use of used automobile will be difficult. The various departments have reviewed the proposal and there are a number of issues that need to be addressed prior to consideration for a Planning Board Workshop:

1. Submit application for a site plan review.
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 - v. Proposed and/or existing off-site parking
 1. The applicant needs to show all dedicated parking spaces; how many of these spaces will be dedicated for the display cars and how many spaces will be used for customer parking. You will also need to show the designated parking spaces for the service bay (where do people leave cars to be maintenance?).

From: "Marc Moschetto" <mimosch@hotmail.com>
To: <SHUKRIAW@portlandmaine.gov>
Date: 10/15/2006 8:30:57 PM
Subject: RE: Forest Ave

Hi Shukria,

Well let's see...

Answer to the first question is no, we are not adding or changing any lighting...

Concerning the parking issue,,, whatever is the best and easiest way to get this approved is fine with me...If the traffic engineer will support a waiver and that will work, it's fine by me...if I need to have the surveyor redraw the plan, I'll do that...whatever you think is best...

Concerning landscaping, I'm not sure what Mr. Tarling has in mind...anything of size will inhibit traffic flow to the inside island and would cause problems plowing...having said that, I'll do whatever is necessary to make this happen...his email didn't sound to adamant about having something...Should I talk to him and clarify?

I'm in your capable hands...what next?

Marc

I think I'll follow this up with a phone call just to make sure of everything...thanks

>From: "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>

>To: <mimosch@hotmail.com>

>Subject: Forest Ave

>Date: Fri, 13 Oct 2006 11:09:38 -0400

>

>Hello,

>

>I got a couple of questions for you. Are you proposing any new
>lighting? And the parking spaces do not meet the City' standards of 9
>x19 feet. The exciting ones should be okay but the two that are being
>proposed need to meet the standards. You have two choices, either show
>the two parking spaces to meet the 9 x 19 feet or you can as for a
>waiver of the standard, which the Traffic Engineer will support a
>waiver.

>

>Let me know.

>

>FYI- Also I forwarded emails from the City Arborist requesting a
>planter near the building....

>

>Shukria

Express yourself - download free Windows Live Messenger themes!

<http://clk.atdmt.com/MSN/go/msnkwme0020000001msn/direct/01/?href=http://imagine-msn.com/themes/vibe/default.aspx?locale=en-us&source=hmtagline>

From: Marge Schmuckal
To: Shukria Wiar
Date: 11/7/2006 4:52:07 PM
Subject: 486 Forest Ave

Shukria,

I have had a chance to review the final changes for this project. The reduction to only one car for the sales and the new fence being installed and Jim Carmody, the Transportation Engineer, approving section 14-340 and 14-341, allow me to do a final sign off on this site plan/ conditional use application.

I have already spoken with the applicant and advised him to apply for his change of use application in the Inspectionsl Office.

Marge

MEMORANDUM

To: FILE

From: Marge Schmuckal

Subject: Application ID: 2006-0199 -486 Forest Ave - 'Florida North Auto'

Date: 11/7/2006

I have reviewed the revised plans and found the application to meet the zoning ordinance. It is understood that this approval is now for only one car to be sold at any one time. This car space is over 10' from the side street. An appropriate fence at least 4' high is to be installed along the residential property at the rear of this property. It is also understood that James Carmody, the Transportation Engineer and the Planning Board agreed that sections 14-340 and 14-341 have been met.

From: James Carmody
To: Wiar, Shukria
Date: 10/12/2006 3:54:51 PM
Subject: 486 Forest Avenue - Used Car Dealership

From a traffic perspective, 2 comments:

1. All vehicles on the site must be entirely within the property line. No vehicles are to encroach on the public sidewalks at any time.
2. Driveways to the property cannot be blocked by stationary vehicles. This would restrict access/egress to the the gas station impacting the adjacent streets, and could become a safety problem.

James Carmody
Transportation Engineer
City of Portland
207-874-8894
JPC@portlandmaine.gov

From: Jeff Tarling
To: Shukria Wiar
Date: 10/12/2006 4:16:49 PM
Subject: Re: 486 Forest Ave Used Car Dealership

Shulria -

I inspected the proposed 486 Forest Avenue project and found little room to add successful landscape plantings due to the existing curb cuts, utilities and existing pavement. The existing building is located in the corner of the lot with both overhead doors to service vehicles and pedestrian access door limiting potential planting space. One option might be to add a small planter box near the building.

I would be willing to work with the applicant to explore landscape options if needed.

Jeff Tarling
City Arborist

MEMORANDUM

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

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, picket 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.

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

Appl. ID 2006-0199

Find

Property Lookup

Notices

Print Application

Charges

Invoicing

Taxes Due

Close

#Name?

#Name?

#Name?

16358

Appl. Date 10/11/2006

CBL 116 E003001

Appl. Status Received

Project Florida North Auto

Lot Mbr

Site Address 486 to 486 Forest Ave

Subdivision

Address 2 Portland, Maine



Department	Status	Distribution Date	OK'd	Status	Approved Date	
Planning	Pending		<input type="checkbox"/>	Pending		View/Add Info
DRC	Pending		<input type="checkbox"/>	Pending		View/Add Info
Public Works	Pending		<input type="checkbox"/>	Pending		View/Add Info
Fire	Not Applicable		<input type="checkbox"/>	Not Applicable	10/12/2006	View/Add Info
Zoning	Comments Submitted	10/11/2006	<input type="checkbox"/>	Comments Submitted		View/Add Info
Parks	Pending		<input type="checkbox"/>	Pending		View/Add Info



Create Date

10/11/2006

Created By

jmy

Last Updated

10/11/2006

Updated By

jmy



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

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 fee)

Minor Site Plan Review

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

Plan Amendments

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

~ Please see next page ~

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

FLORIDA North Auto
Marcus Moschetti
205 Rayne Rd
Scarborough, ME 04074

883-3315

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

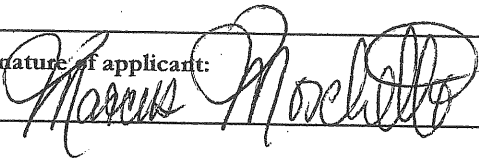
Amendment to Plans: **Amendment applications should include 9 separate packets of the above (a, b, & c)**

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

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:

10/2/06

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

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.

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.

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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.

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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.



Conditional Use Application

Department of Planning and Development
Portland Planning Board

1. Applicant Information:

Marcus Moschetto
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

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- 183

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)

<input checked="" type="checkbox"/> Conditional Use	\$100.00
Legal Advertisements	percent of total bill
Notices (workshop and public hearing)	.55 cents each

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statue 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 Moschella
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

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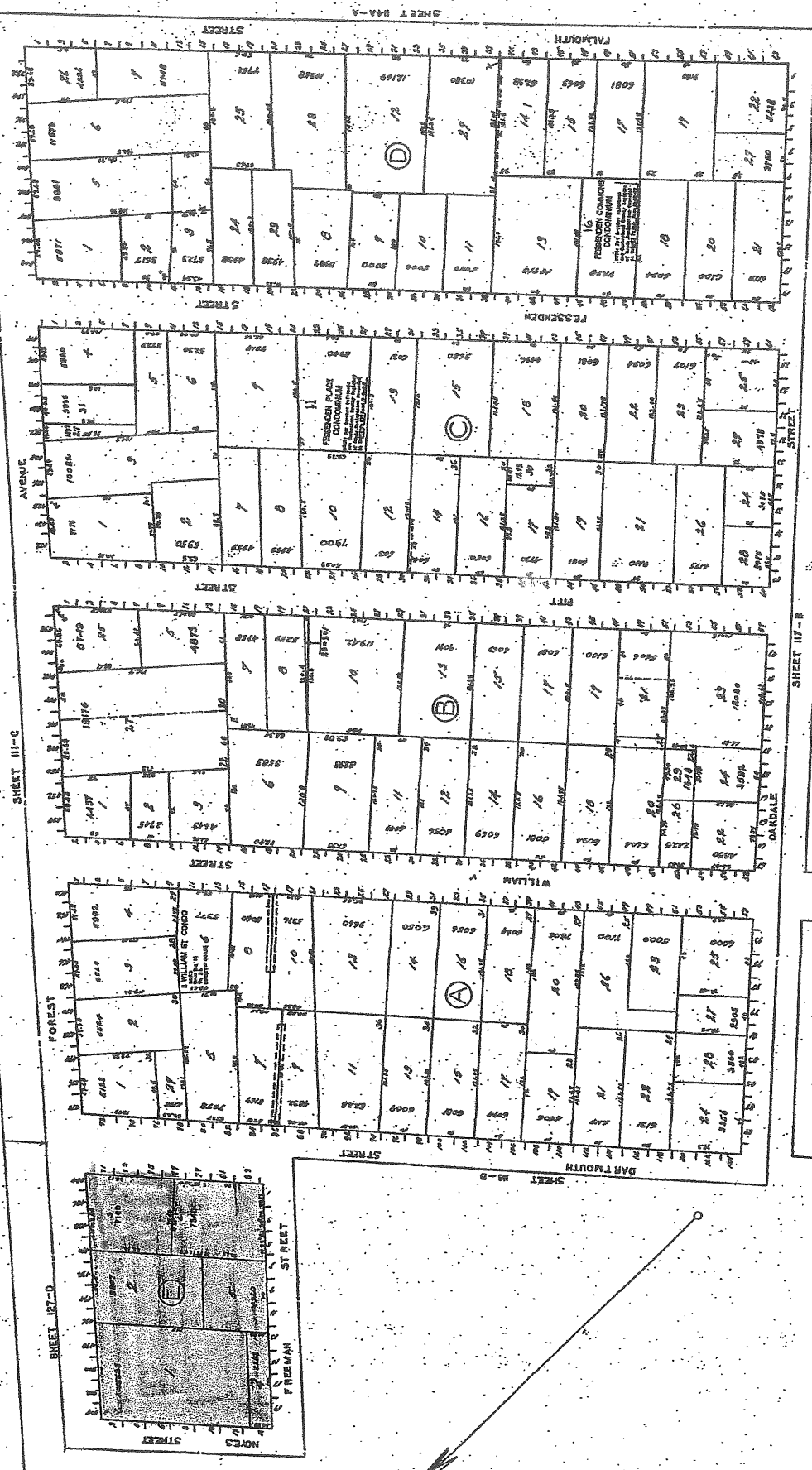
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NO 116



SHEET III-C

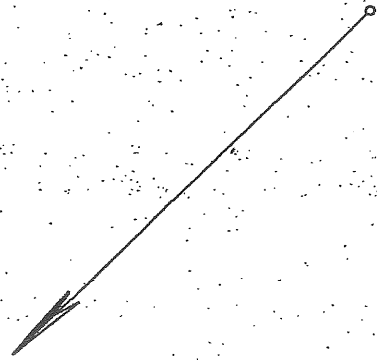
SHEET III-D

SHEET III-B

SHEET III-A

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 50'

RETRACED 3-30-87



← 80 →

Drive

Owners use.

∞

trees

2 PARKING SPOTS

* *

22'

Storage & Furnace Rest Room

office Cashier
diner.

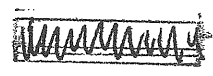
50'

2 BAYS

26'

10'

← 95 → chain link fence



SIGN

City

ENTRANCE

SIDEWALK

ENTRANCE

FOREST AVENUE

SIDE WALK

ENTRANCE

Subject Location Map



© 1988 DeLorme, Street Atlas USA

15.00

Nov 22 16:42 2005

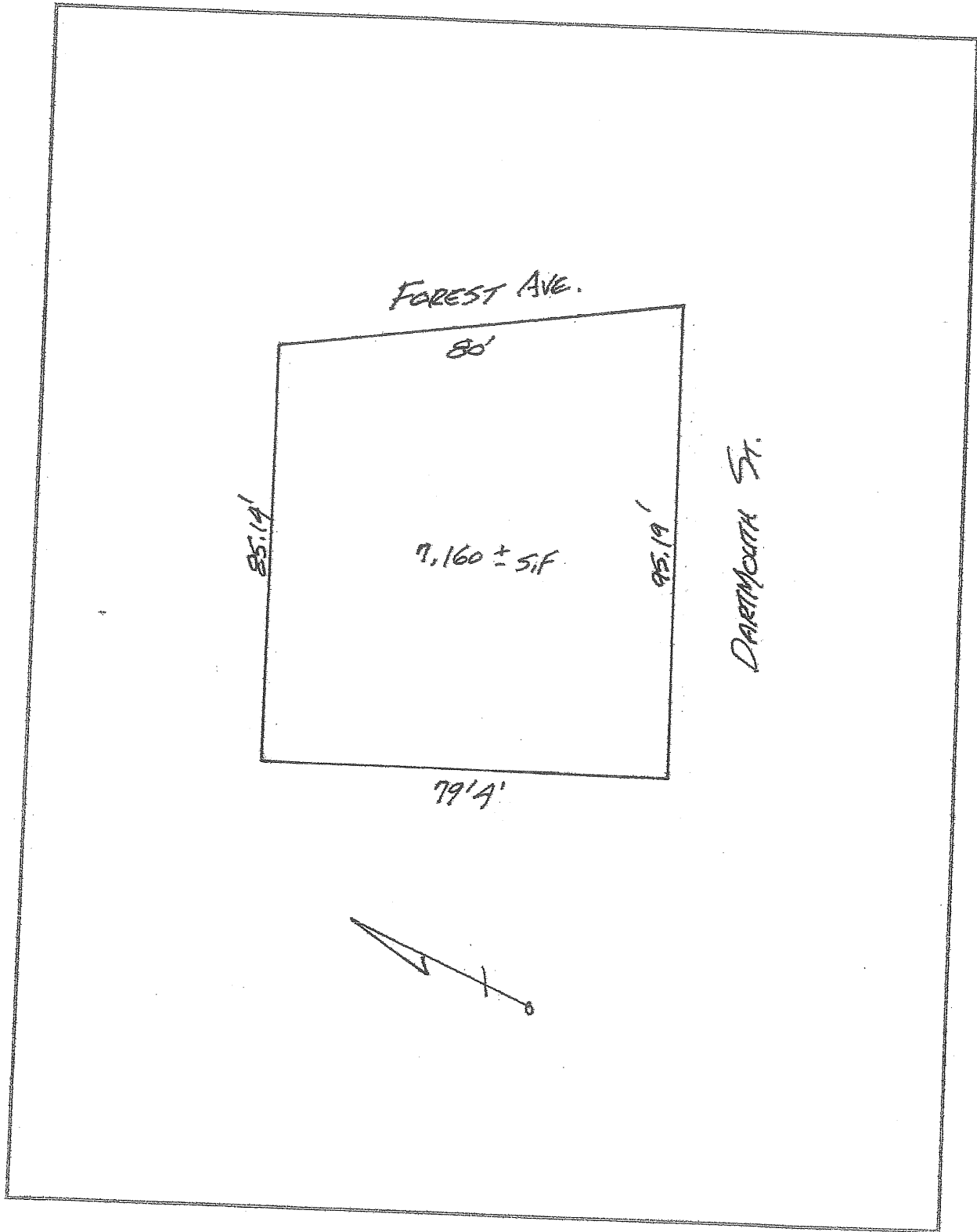
Scale 1:15,625 (at center)

30 Feet

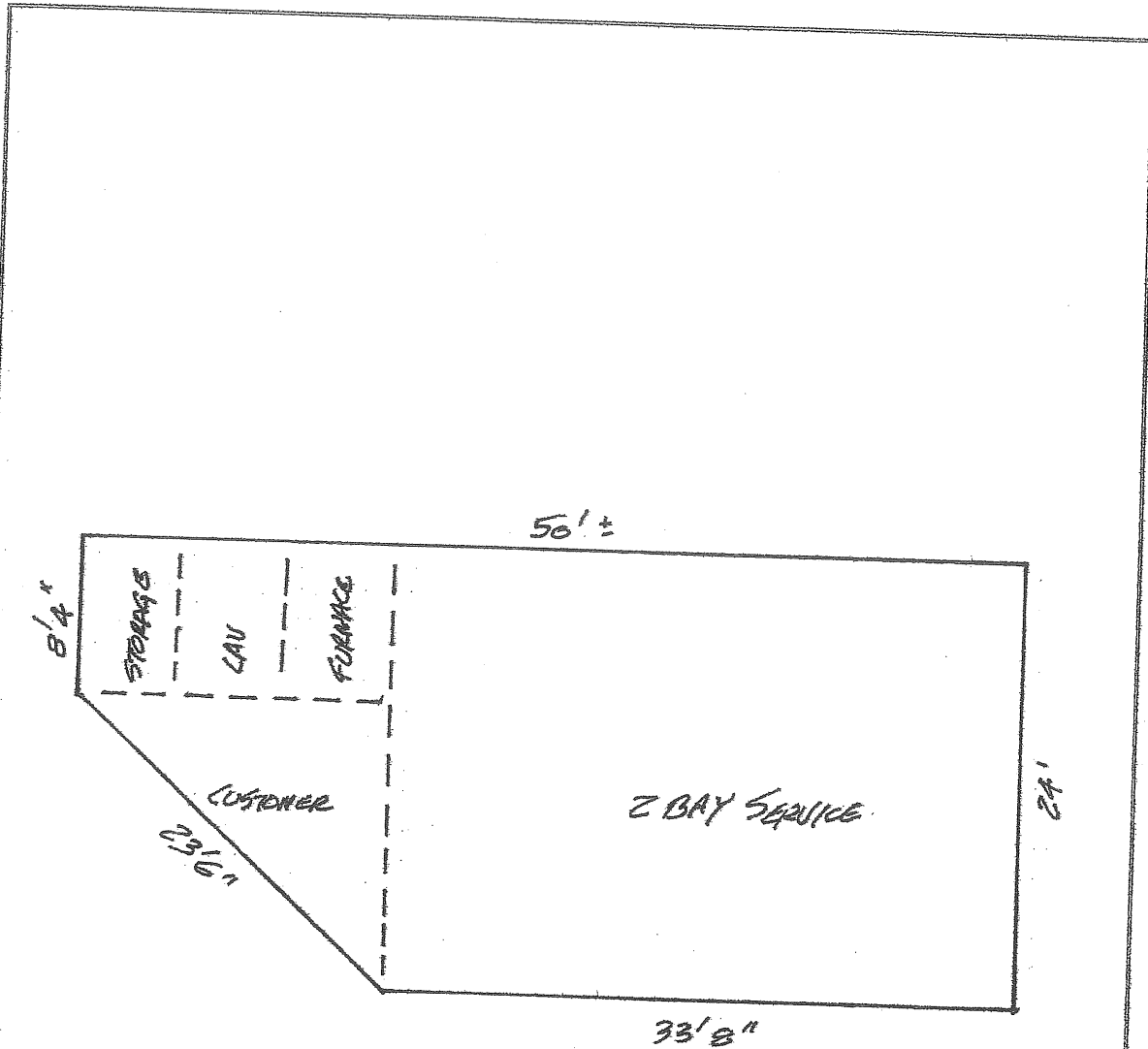
30 Meters

- | | | | |
|--|---------------------------|--|--------------------|
| | Local Road | | Point of Interest |
| | Major Connector | | Hospital |
| | State Route | | Park/Reservation |
| | Primary State Route | | Locale |
| | Interstate/Limited Access | | Water |
| | US Highway | | Woodland |
| | Exit | | Intermittent River |
| | Railroad | | City Park |

SITE SKETCH



BUILDING SKETCH



BUILDING AREA 1,072±S.F.

Requirements

Facilities and Personnel: Requirements are a display area for vehicles being handled, a repair department for the repair of two vehicles simultaneously, sufficient tools and equipment for servicing the vehicles, at least one mechanic and a suitable office in which business can be conducted.

Record of Vehicles: A dealer shall complete and maintain, for a period of not less than five years after the date of transaction, a record of the purchase or sale of a vehicle. The record must describe the vehicle, year, make, model, VIN, new or used, the name and address of the purchaser and name and address from whom he obtained the vehicle, current mileage, and any warrant or disclosure statement. All records must be available for inspection during the dealer business hours by the Secretary of State, the Office of the Attorney General, or authorized members of law enforcement agencies. A dealer shall maintain a current record of all sales representatives and full-time employees. All vehicles offered for sale must display a written vehicle history statement.

Dealer Licenses: Must specify the business locations occupied by the licensee in conducting business. The license must be displayed at each location and expires on December 31st of the year it was issued.

Vehicle and Equipment Dealer Plates: May be used for the direct purposes of buying, selling, testing adjusting, servicing, demonstrating or exchanging the vehicle, including use by a full time employee to attend schools and seminars designed to assist the employee in the testing, adjusting or servicing of vehicle. There may be no more than one dealer plate for the personal use of the manufacturer or dealer and one dealer plate for the personal use of the immediate family of the dealer. Plates may be used on a vehicle in a funeral or public parade when no charge is made for that use. Any full time sales representative, general manager, sales manager or service manager who is on the dealer's payroll may have personal use of a plate. Customers' demonstration use cannot exceed seven days. These plates carry a 10,000 pound weight limitation unless the vehicle, by design, exceeds 10,000 pounds without a load. A service vehicle plates may be issued to a dealer to be used only in direct connection with the licensee's business. A dealer may attach a service vehicle plate to a vehicle used for the service or repair of vehicles sold or being repaired by the dealer. A service vehicle plate cannot be used on a vehicle used to deliver parts to individuals or businesses that are not owned by the licensee. A dealer is not entitled to more than three service vehicle plates at each established place of business.

[Return to the Vehicle Services Division home page.](#)

[Return to the Bureau of Motor Vehicles home page.](#)

[Return to the Department of the Secretary of State home page.](#)

LEASE AGREEMENT

I, William Welch agree to lease to Marcus Moschetto/Florida North Auto , the use of a parcel of land and building thereon located at 486 Forest Avenue, Portland. This parcel consists of a lot, 7,160 +or- S. F. , of which two (2) parking spaces are designated for Florida North Auto, and a building, 1,072 +or- S.F. . This building consists of an office, 120 +or- S. F. ,and a repair area, 816 +or- S. F. .

Lessee shall pay to Lessor during the initial term rent of six thousand dollars (\$6000.) per year, payable in installments of five hundred dollars (\$500.) per month.

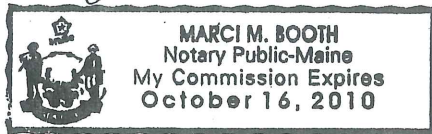
This lease will be valid for one (1) year from this date, July 15, 2006, and will be renewed yearly thereafter. This lease may not be terminated by either party without thirty (30) days written notice.

Marci M. Booth
Witness to Lessor

William B. Welch
Lessor

Marci M. Booth
Witness to Lessee

Marcus Moschetto
Lessee



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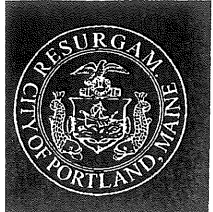
There are four parts under section 14-340 that I wish to address to explain how we have met those requirements. James Carmody, the Transportation Engineer, has inspected the site and did not find any traffic problems as there are ample driveways, with curb cuts redone by the city about ten years ago, 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.

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

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AH. 6



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Marcus Moschetto
205 Payne Road
Scarborough, ME 04074

August 10, 2006

Dear Mr. Moschetto,

Re: Site Plan Review: 486 Forest Avenue; Existing Building with additional proposed use of automobile dealership. Conditional Use Application # 997; CBL 116 E003001

As you have indicated, this property is located within a B-2b Business Zone which would require a conditional use and a site plan approval for an automobile dealership. The Planning Board substitutes for the Zoning Board in this matter but a Planning Board Workshop has not yet been scheduled.

There is a concern by staff that this site is currently tightly packed and to add an additional use of used automobile will be difficult. The various departments have reviewed the proposal and there are a number of issues that need to be addressed prior to consideration for a Planning Board Workshop:

1. Submit application for a site plan review.
2. Scale drawing of the property. The site plan needs to show the following:
 - i. Proposed and/or existing curb cuts
 - ii. Granite curbs are required
 - iii. Proposed and/or existing drives and walks (indicate materials)
 - iv. Proposed and/or existing grade
 - v. Proposed and/or existing off-site parking
 1. The applicant needs to show all dedicated parking spaces; how many of these spaces will be dedicated for the display cars and how many spaces will be used for customer parking. You will also need to show the designated parking spaces for the service bay (where do people leave cars to be maintenance?).

**Proposed Additional Use: Used Car Dealership
"Florida North Auto"
486 Forest Avenue**



Att. 8.

From: James Carmody
To: Wiar, Shukria
Date: 10/12/2006 3:54:51 PM
Subject: 486 Forest Avenue - Used Car Dealership

From a traffic perspective, 2 comments:

1. All vehicles on the site must be entirely within the property line. No vehicles are to encroach on the public sidewalks at any time.
2. Driveways to the property cannot be blocked by stationary vehicles. This would restrict access/egress to the the gas station impacting the adjacent streets, and could become a safety problem.

James Carmody
Transportation Engineer
City of Portland
207-874-8894
JPC@portlandmaine.gov

AH. 9

From: Jeff Tarling
To: Shukria Wiar
Date: 10/12/2006 4:16:49 PM
Subject: Re: 486 Forest Ave Used Car Dealership

Shulria -

I inspected the proposed 486 Forest Avenue project and found little room to add successful landscape plantings due to the existing curb cuts, utilities and existing pavement. The existing building is located in the corner of the lot with both overhead doors to service vehicles and pedestrian access door limiting potential planting space. One option might be to add a small planter box near the building.

I would be willing to work with the applicant to explore landscape options if needed.

Jeff Tarling
City Arborist

Att. 10

MEMORANDUM

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

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.

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

Att. 11

Appl. ID 2006-0199

Find

Property Lookup

Notices

Print Application

Charges

Invoicing

Taxes Due

Close

#Name?

#Name?

#Name?

16358

Appl. Date

10/11/2006

CBL 116 E003001

Appl. Status

Received

Project

Florida North Auto

Lot: Nbr

Site Address

486 to 486 Forest Ave

Subdivision

Address 2 Portland, Maine

Department	Status	Distribution Date	Ok'd	Status	Approved Date	
Planning	Pending		<input type="checkbox"/>	Pending		View/Add Info
DRC	Pending		<input type="checkbox"/>	Pending		View/Add Info
Public Works	Pending		<input type="checkbox"/>	Pending		View/Add Info
Fire	Not Applicable		<input type="checkbox"/>	Not Applicable	10/12/2006	View/Add Info
Zoning	Comments Submitted	10/11/2006	<input type="checkbox"/>	Comments Submitted		View/Add Info
Parks	Pending		<input type="checkbox"/>	Pending		View/Add Info

Create Date

10/11/2006

Created By

jmy

Last Updated

10/11/2006

Updated By

jmy

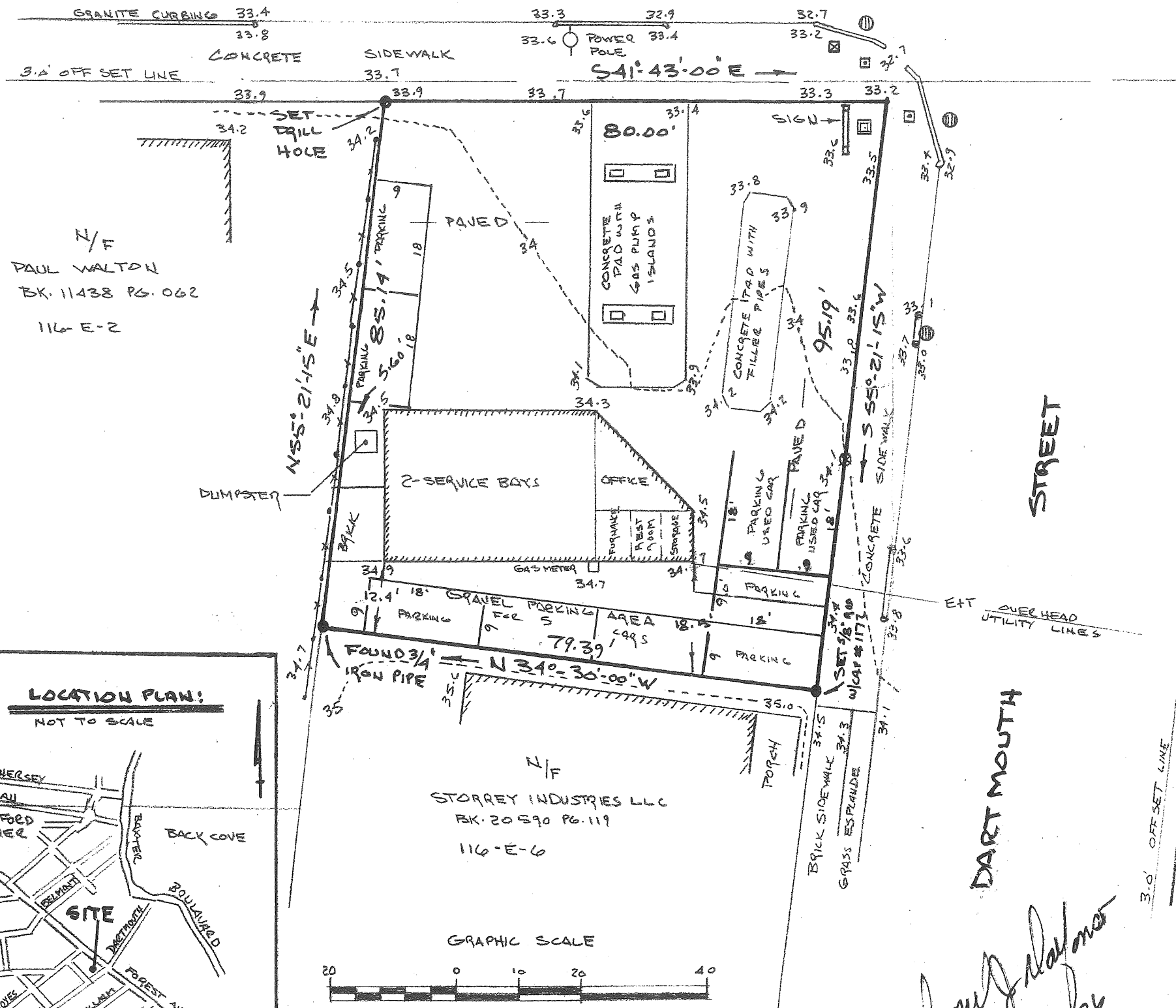
Proposed Additional Use: Used Car Dealer

"Florida North Auto"

486 Forest Avenue

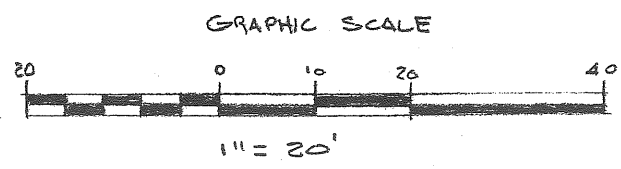


FOREST AVENUE



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

N/F
STORREY INDUSTRIES LLC
BK. 20590 PG. 119
116-E-6



BENCH MARK TOP OF
MONUMENT: 33.16'
CITY DATUM
FOUND 3/4" MONUMENT

NOTES:

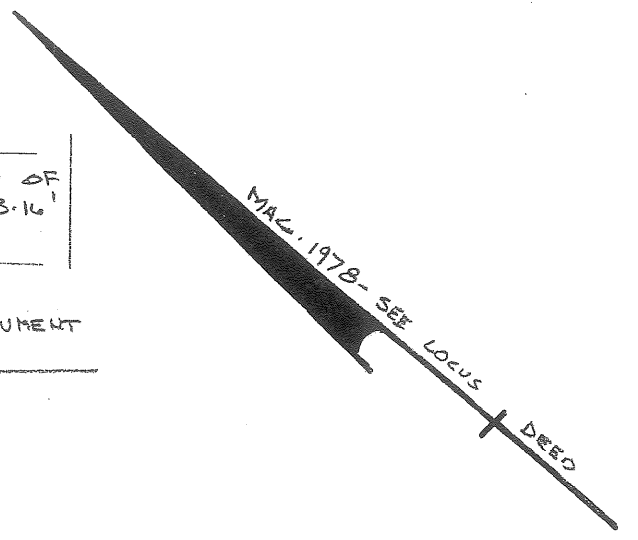
1. TOTAL AREA: 7157.7 SQ. FT.
2. TAX MAP 116 BLOCKE LOT 3
3. LOCUS DEED REFERENCE: BOOK 15085 PAGE 310
4. ZONE: BRB; COMMUNITY BUSINESS

RECORD OWNER:

WILLIAM P. WELCH PER DEED BOOK 15085
PAGE 310 07-31-99

LEGEND:

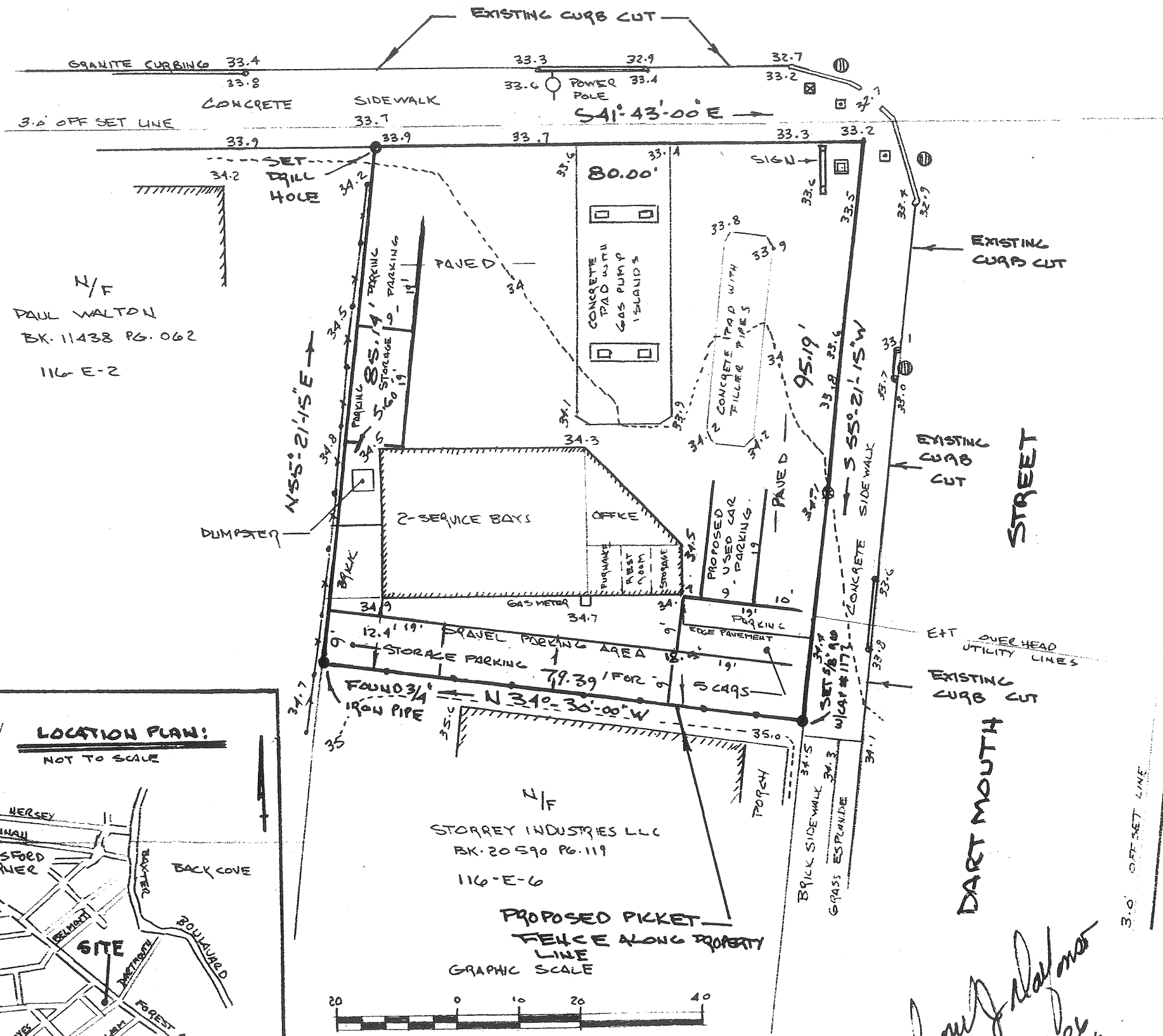
- ⊙ CATCH BASIN
- ⊗ WATER SHUTOFF
- ⊠ FIRE CALL BOX
- TRAFFIC LIGHT POLE
- ▣ CONCRETE PAD - RAISED 0.4'
- 33.3 SPOT ELEVATION (EXISTING)
- 34 ----- EXISTING CONTOUR LINE



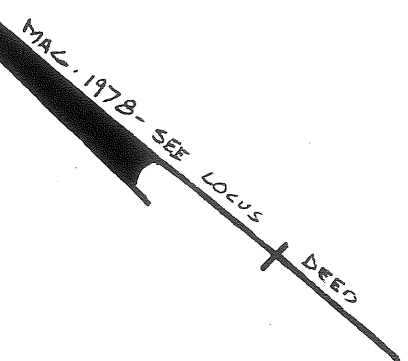
Daniel J. Dalfonso
09-29-06

PLAN SHOWING A STANDARD BOUNDARY SURVEY AND SITE SURVEY MADE FOR MARCUS MOSCHETTO OF PROPERTY LOCATED AT 486 FOREST AVENUE PORTLAND MAINE		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY
DATE: 09-29-06		REVISED
BY: DANIEL J. DALFONSO LLC LAND SURVEYOR 87A OCEAN STREET SUITE 202 SOUTH PORTLAND, MAINE 04106		207-799-0398
MARCUS MOSCHETTO 205 PAYNE ROAD SCARBOROUGH, MAINE 04074		DRAWING NUMBER 1141

FOREST AVENUE



BENCH MARK TOP OF MONUMENT: 33.16' CITY DATUM
FOUND 3/4\"/>



NOTES:

1. TOTAL AREA: 71577 SQ. FT.
2. TAX MAP 116 BLOCK E LOT 3
3. LOCUS DEED REFERENCE: BOOK 15085 PAGE 310
4. ZONE: B2b; COMMUNITY BUSINESS

RECORD OWNER:

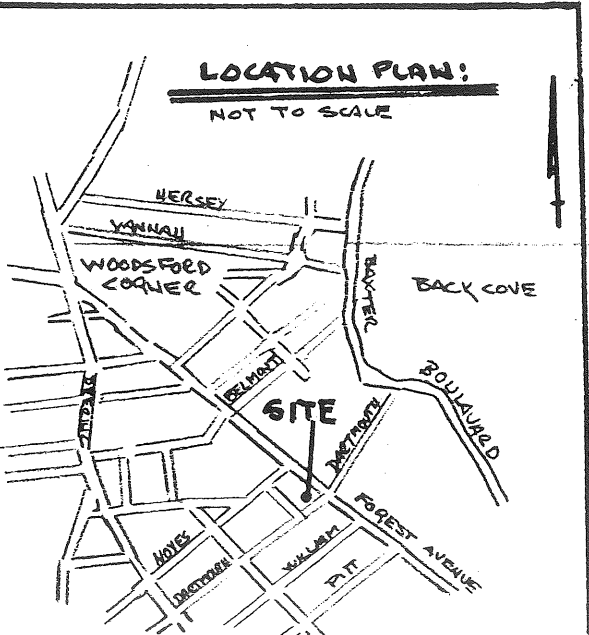
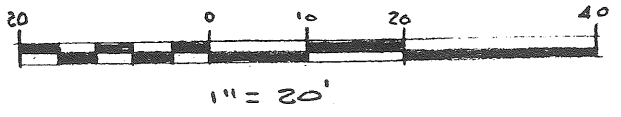
WILLIAM P. WELCH PER DEED BOOK 15085 PAGE 310 07-31-99

LEGEND:

- ⊙ CATCH BASIN
- ⊗ WATER SHUTOFF
- ⊠ FIRE CALL BOX
- ⊡ TRAFFIC LIGHT POLE
- ▣ CONCRETE PAD - RAISED 0.4'
- 33.3 SPOT ELEVATION (EXISTING)
- 34 --- EXISTING CONTOUR LINE
- ▬ EXISTING GRANITE CURB

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

N/F
STORREY INDUSTRIES LLC
BK. 20590 PG. 119
116 E-6
PROPOSED PICKET FENCE ALONG PROPERTY LINE GRAPHIC SCALE



Daniel J. Dalfonso
09-29-06
10-19-06

PLAN SHOWING A STANDARD BOUNDARY SURVEY AND SITE SURVEY MADE FOR MARCUS MOSCHETTO OF PROPERTY LOCATED AT 486 FOREST AVENUE PORTLAND MAINE		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY
DATE: 09-29-06		REVISED 10-19-06
BY: DANIEL J. DALFONSO LLC LAND SURVEYOR 87A OCEAN STREET SUITE 202 SOUTH PORTLAND, MAINE 04106		
207-799-0398		DRAWING NUMBER
MARCUS MOSCHETTO 205 PAYNE ROAD SCARBOROUGH, MAINE 04074		1141-A